

AN
IMPARTIAL REPORT

OF THE
DEBATES

IN THE
TWO HOUSES OF PARLIAMENT,

DURING THE
FIFTH SESSION OF THE FIFTH PARLIAMENT

OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET AT WESTMINSTER,
ON TUESDAY THE 28TH DAY OF JANUARY, 1817,

IN THE
56TH YEAR OF THE REIGN OF HIS MAJESTY KING GEORGE THE THIRD;

INCLUDING
AUTHENTIC COPIES OF ROYAL SPEECHES AND MESSAGES;
ADDRESSES, PETITIONS, REPORTS;

THE
ANNUAL FINANCE ACCOUNTS, AND OTHER IMPORTANT PARLIAMENTARY PAPERS,

TOGETHER WITH
A LIST OF ALL PUBLIC ACTS PASSED DURING THE SESSION,
AN ANALYTICAL TABLE OF CONTENTS, AND COMPLETE ALPHABETICAL
INDEXES.

BY **ROBERT HARDING EVANS.**

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PREFACE.



In submitting the following work to the notice of the Public, the Editor thinks it necessary, in the first place, to apologize for the lateness of its appearance. The delay has been occasioned, in a great degree, by the difficulties inseparable from a first undertaking of this nature, and his anxiety to render it as accurate and as full as his exertions, and the limits to which he had confined himself, would allow. In this latter view, he ventures to hope that some benefits have arisen from retarding the publication. By deferring it till this time, he has been enabled to complete the history of many interesting transactions, and to annex some useful documents which could not have been otherwise incorporated with the work. The reader is now furnished with a faithful account of the trial of Andrew M'Kinlay, for administering unlawful oaths, at Glasgow; and with the result of the proceedings for High Treason at Manchester and Derby; so that he will have before him, at once, the principal facts upon which some of the most important legislative measures of the Session were founded. The Finance accounts also are brought down to the latest period; and such notes and observations are annexed to the body of the work, as may tend to render the immediate subject of debate more clear, and to save the trouble of referring to other authorities.

In the next place, the Editor feels it his duty to mention the sources from which his Reports have been derived. A constant attendance on his part in one or other of the Houses, during the whole of the Session—a careful investigation of the printed debates in the public journals—a regular inspection of the Votes and proceedings of the House of Commons, and a minute comparison of his notes with the corrected speeches of Members, constitute the grounds on which the Editor ventures to invite attention to this new publication. The utmost impartiality has been scrupulously adhered to, and nothing is omitted, or super-added, to place any subject in a different view from that in which it appeared at the time of discussion. In the next Session, should the present undertaking be favourably received, the Editor will be happy to avail himself of a more particular communication with the Members, for the purpose of correcting their speeches on important occasions; but he begs leave most respectfully to observe, that, in every such instance, he shall consider himself bound to adhere to what was actually spoken; and not, for the sake of perfecting the speech, to extend the line of argument. Speeches have been occasionally published by Members

themselves, which have gone more fully into the subject than what they spoke on the occasion, whilst particular passages, which produced an impression on one side or other of the House, have been wholly omitted. The Editor has now before him a corrected speech of an honourable Member, in the preface to which it is stated, that the licence of publishing more than was spoken is *usual*. That it has been usual, the Editor is perfectly aware; but it seems to him, with all due deference, that the propriety of the practice is extremely questionable. In a series of debates, it certainly ought not to exist; as it would not only impose on the confidence of the reader, but be very unfair towards those who succeed in the discussion, who, from any thing that appears, must be supposed incapable of furnishing any reply to the arguments of the previous speaker. The Editor hopes that this view of the subject will be considered a sufficient apology for the remark which he has taken the liberty of making.

At the beginning of the work, will be found an analytical table of the debates in both Houses; and alphabetical indexes, both of the Speakers, and of the Debates, are placed at the end. In the latter, some heads are set down which were not the immediate subject of discussion; but the Editor conceived that this mode of bringing them into view would not be unacceptable to the reader, as it may frequently save him the trouble and fatigue of research. No difficulty can arise in distinguishing the points which formed the direct object of inquiry from those which were only incidentally mentioned.

A list of all the Public (General) Acts passed during the Session is inserted at the end of the Appendix; and to facilitate the search for any particular act, the Editor has arranged the whole of them under different heads, according to the nature of the subject to which they relate.

For the rest, he has only to express a hope that no material errors will be discovered in the work: if any inadvertencies occur, they are, he trusts, so slight, that they will be obvious to the reader, who will no doubt excuse them. Should his efforts on the present occasion be honoured with the patronage of the public, no endeavour shall be wanting, on his part, to render the Reports of the ensuing Session more perfect, and to complete them at an earlier period.

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XI. INDEX TO THE DEBATES IN THE HOUSE OF COMMONS.

LIST OF
HIS MAJESTY'S MINISTERS,
DURING THE FIFTH SESSION OF THE FIFTH PARLIAMENT
OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.
1817.

CABINET MINISTERS.

Lord President of the Council	Earl of Harrowby.
Lord High Chancellor	Lord Eldon.
Lord Privy Seal.....	Earl of Westmoreland.
First Lord of the Treasury	Earl of Liverpool.
First Lord of the Admiralty	Viscount Melville.
Master-General of the Ordnance	Earl of Mulgrave.
Secretary of State for Foreign Affairs	Viscount Castlereagh.
Secretary of State for War and Colonies	Earl Bathurst.
Secretary of State for the Home Department	Viscount Sidmouth.
Chancellor of the Exchequer	Right Hon. Nicholas Vansittart.
Chancellor of the Duchy of Lancaster.....	Right Hon. Charles Bragge Bathurst.
President of the Board of Control	Right Hon. George Canning.
Master of the Mint	Right Hon. William Wellesley Pole.

NOT OF THE CABINET.

Secretary at War	Viscount Palmerston.
Treasurer of the Navy.....	Right Hon. George Rose.
Paymasters of the Forces	{ Right Hon. Charles Long.
	{ Right Hon. Frederick Robinson.
President of the Board of Trade	Lord Clancarty.
Vice-President	Right Hon. John Frederick Robinson.
Master of the Horse	Duke of Montrose.
Secretaries to the Treasury.....	{ Right Hon. Charles Arbuthnot.
	{ Stephen Rumbold Lushington, Esq.
Secretary to the Admiralty	John Wilson Croker, Esq.
Attorney-General—till the 7th of May	Sir William Garrow.
Solicitor-General—till the 7th of May	Sir Samuel Shepherd.
Attorney-General—from the 19th of May	Sir Samuel Shepherd.
Solicitor-General—from the 19th of May	Sir Robert Gifford.

IRELAND.

Lord Lieutenant	Earl Whitworth.
Lord High Chancellor	Lord Manners.
Secretary of State	Right Hon. Robert Peel.
Chancellor of the Exchequer*	Right Hon. Vesey Fitzgerald.

SCOTLAND.

Lord Advocate	Alexander Maconochie, Esq.
Speaker of the House of Commons—till the 30th of May	Right Hon. Charles Abbot.
..... from the 2nd of June	Right Hon. Manners Sutton.

* An Office now consolidated with the English Chancellorship of the Exchequer.

DURATION OF PARLIAMENTS, FROM THE FIRST OF HENRY VIII.

(When long Parliaments were first introduced)

TO THE PRESENT TIME.

Met.		Dissolved.		Existed.	
REIGN OF HENRY VIII.					
	Y.	M.	D.		
21 Jan. 1510	23 Feb. 1510	0	1	2	
4 Feb. 1511	4 Mar. 1513	2	1	0	
5 Feb. 1514	22 Dec. 1515	1	10	17	
15 Apr. 1523	13 Aug. 1523	0	3	29	
3 Nov. 1530	4 Apr. 1536	5	5	1	
8 June 1536	18 July 1536	0	1	10	
28 Apr. 1539	24 July 1540	1	2	26	
16 Jan. 1541	29 Mar. 1544	3	2	13	
23 Nov. 1545	31 Jan. 1547	1	2	8	

EDWARD VI.

4 Nov. 1547	15 Apr. 1552	4	5	11
1 Mar. 1553	31 Mar. 1553	0	1	0

MARY.

5 Oct. 1553	6 Dec. 1553	0	2	1
2 Apr. 1554	5 May 1554	0	1	3
12 Nov. 1554	16 Jan. 1555	0	2	4
21 Oct. 1555	9 Dec. 1555	0	1	18
20 Jan. 1557	17 Nov. 1557	0	9	28

ELIZABETH.

23 Jan. 1558	8 May 1558	0	3	16
11 Jan. 1562	2 Jan. 1567	4	11	22
2 April 1571	29 May 1571	0	1	27
8 May 1572	18 Mar. 1580	7	10	10
23 Nov. 1585	14 Sept. 1586	0	9	21
29 Oct. 1586	23 Mar. 1587	0	4	23
4 Feb. 1588	29 Mar. 1588	0	1	25
19 Nov. 1592	10 Apr. 1593	0	4	22
24 Oct. 1597	9 Feb. 1598	2	3	16
7 Oct. 1601	29 Dec. 1601	0	2	22

JAMES I.

19 Mar. 1603	9 Feb. 1611	7	10	21
5 April 1614	7 June 1614	0	2	2
30 Jan. 1620	8 Feb. 1621	1	0	9
19 Feb. 1623	21 Mar. 1625	2	1	5

CHARLES I.

17 May 1625	12 Aug. 1625	0	2	26
6 Feb. 1626	15 June 1626	0	4	9
17 Mar. 1627	10 Mar. 1628	0	11	23
13 April 1640	3 May 1640	0	0	22
3 Nov. 1640	20 Apr. 1653	12	5	17

CHARLES. II.

25 Apr. 1660	29 Dec. 1660	0	8	4
8 May 1661	24 Jan. 1678	16	8	16
6 Mar. 1679	12 July 1679	0	4	6
17 Oct. 1679	18 Jan. 1681	1	3	1
21 Mar. 1681	28 Mar. 1681	0	0	7

Met.		Dissolved.		Existed.	
REIGN OF JAMES II.					
	Y.	M.	D.		
12 Mar. 1685	28 July 1687	2	4	16	
22 Jan. 1688	26 Feb. 1689	1	1	4	

WILLIAM III.

20 Mar. 1689	11 Oct. 1695	6	6	22
27 Nov. 1695*	7 July 1698	2	7	10
24 Aug. 1698	19 Dec. 1700	2	3	26
26 Feb. 1700	11 Nov. 1701	1	8	5
30 Dec. 1701	7 July 1702	0	6	2

ANNE.

20 Aug. 1702	5 Apr. 1705	2	7	16
14 June 1705	15 Apr. 1708†	2	10	1
8 July 1703	21 Sept. 1710	2	2	13
25 Nov. 1710	8 Aug. 1713	2	8	14
12 Nov. 1713	15 Jan. 1715	1	2	2

GEORGE I.

17 Mar. 1715‡	10 Mar. 1721	5	11	21
10 May 1722	5 Aug. 1727	5	2	26

GEORGE II.

28 Nov. 1727	18 Apr. 1734	6	4	21
13 June 1734	28 Apr. 1741	6	10	15
25 June 1741	18 June 1747	5	11	24
13 Aug. 1747	8 Apr. 1754	6	7	26
31 May 1754	20 Mar. 1761	6	9	20

GEORGE III.

19 May 1761	11 Mar. 1768	6	9	22
16 May 1768	30 Sept. 1774	6	4	21
29 Nov. 1774	1 Sept. 1780	5	9	4
31 Oct. 1780	25 Mar. 1784	3	4	26
18 May 1784	11 June 1790	6	0	25
10 Aug. 1790	29 May 1796	5	11	3
12 July 1796	31 Dec. 1800	5	11	18
United Kingdom, G. B. & I.				
22 Jan. 1801	29 Jan. 1802			
31 Aug. 1802	24 Oct. 1806			
15 Dec. 1806	29 Apr. 1807	0	4	15
22 June 1807	29 Sept. 1812	5	3	7
24 Nov. 1812				

* The Triennial Act passed 6 W. and M. c. 2.

† The Union with Scotland took place May 1, 1707.

‡ The Septennial Act passed 1 Geo. I. st. 2. c. 38.

PARLIAMENTARY REPORTS

During the FIFTH SESSION of the FIFTH PARLIAMENT of the United Kingdom of GREAT BRITAIN and IRELAND, appointed to meet at Westminster, the Twenty-eighth day of January, One thousand eight hundred and seventeen, in the Fifty-sixth year of the reign of His Majesty King GEORGE the THIRD.

HOUSE OF LORDS.

Tuesday, January 28, 1817.

THIS day being appointed for opening the session, the Prince Regent came down to the House at two o'clock, with the usual state, and took his seat upon the throne. Shortly afterwards, the Commons being in attendance, his Royal Highness delivered the following speech :

“ My Lords and Gentlemen,

“ It is with deep regret that I am again obliged to announce to you that no alteration has occurred in the state of his Majesty's lamented indisposition.

“ I continue to receive from Foreign Powers the strongest assurances of their friendly disposition towards this country, and of their earnest desire to maintain the general tranquillity.

“ The hostilities to which I was compelled to resort, in vindication of the honour of the country, against the Government of Algiers, have been attended with the most complete success. The splendid achievement of his Majesty's fleet, in conjunction with a squadron of the King of the Netherlands, under the gallant and able conduct of Admiral Viscount Exmouth, led to the immediate and unconditional liberation of all Christian captives then within the territory of Algiers, and to the renunciation by its Government of the practice of Christian slavery. I am persuaded that you will be duly sensible of the importance of an arrangement so interesting to humanity, and reflecting, from the manner in which it has been accomplished, such signal honour on the British nation.

“ In India, the refusal of the Government of Nepal to ratify a treaty of peace which had been signed by its Plenipotentiaries, occasioned a renewal of military operations. The judicious arrangements of the Governor General, seconded by the bravery and perseverance of his Majesty's forces, and of those of the East India Company, brought the campaign to a speedy and successful issue; and peace has been finally established upon the just and honourable terms of the original treaty.

VOL. I.

“ Gentlemen of the House of Commons,

“ I have directed the estimates for the current year to be laid before you. They have been formed upon a full consideration of all the present circumstances of the country, with an anxious desire to make every reduction in our establishments which the safety of the empire and sound policy allow. I recommend the state of the public income and expenditure to your early and serious attention. I regret to be under the necessity of informing you that there has been a deficiency in the produce of the revenue in the last year; but I trust that it is to be ascribed to temporary causes; and I have the consolation to believe that you will find it practicable to provide for the public service of the year without making any addition to the burdens of the people, and without adopting any measure injurious to that system by which the public credit of the country has been hitherto sustained.

“ My Lords and Gentlemen,

“ I have the satisfaction of informing you, that the arrangements which were made in the last Session of Parliament, with a view to a new silver coinage, have been completed with unprecedented expedition. I have given directions for the immediate issue of the new coin, and I trust that this measure will be productive of considerable advantages to the trade and internal transactions of the country.

“ The distresses consequent upon the termination of a war of such unusual extent and duration, have been felt, with greater or less severity, throughout all the nations of Europe, and have been considerably aggravated by the unfavourable state of the season. Deeply as I lament the pressure of these evils upon this country, I am sensible that they are of a nature not to admit of an immediate remedy; but whilst I observe with peculiar satisfaction the fortitude with which so many privations have been borne, and the active benevolence which has been employed to mitigate them, I am persuaded that the great sources of our national prosperity are essentially unimpaired, and I entertain a confident expectation that the native energy of the

B

country will at no distant period surmount all the difficulties in which we are involved.

"In considering our internal situation you will, I doubt not, feel a just indignation at the attempts which have been made to take advantage of the distresses of the country, for the purpose of exciting a spirit of sedition and violence. I am too well convinced of the loyalty and good sense of the great body of his Majesty's subjects to believe them capable of being perverted by the arts which are employed to seduce them; but I am determined to omit no precautions for preserving the public peace, and for counteracting the designs of the disaffected: and I rely with the utmost confidence on your cordial support and co-operation, in upholding a system of law and government, from which we have derived inestimable advantages, which has enabled us to conclude with unexampled glory, a contest whereon depended the best interests of mankind, and which has been hitherto felt by ourselves, as it is acknowledged by other nations, to be the most perfect that has ever fallen to the lot of any people."

The Prince Regent then withdrew, and the House adjourned till five o'clock. At that hour Lord *Sidmouth* intimated that, previous to their Lordships taking into consideration an Address in answer to the Prince Regent's Speech, he had a communication to make on a subject of the highest importance; and, on his lordship's motion, strangers were ordered to withdraw. Lord *Sidmouth* then apprized their lordships, that as the Prince Regent was returning through the Park, at the back of the garden at Carlton House, the glass of the carriage window had been broken either by stones, or by two bullets fired from an air-gun, which appeared to have been aimed at his Royal Highness. Lord James Murray was then examined as to the particulars of this outrage; and their lordships unanimously agreed to the following Address to the Prince Regent:—

"We, his Majesty's most dutiful and loyal subjects, the lords spiritual and temporal, ———, in Parliament assembled, beg leave to approach your Royal Highness, humbly to express to your Royal Highness our abhorrence of the outrage offered this day to your Royal Highness, in your Royal Highness's passage from Parliament. We cannot reflect, without the deepest concern and indignation, that there should be found within his Majesty's dominions any persons capable of an attack so daring and flagitious upon your Royal Highness's person; and we beg leave humbly to lay before your Royal Highness the earnest wishes of his Majesty's faithful Lords ———, in which we are confident we shall be joined by all descriptions of his Majesty's subjects, that your Royal Highness will be graciously pleased to direct the most effectual measures to be taken without delay, to discover the authors and abettors of this proceeding."

A message was then sent to the Commons by

the two Clerks (none of the Masters in Chancery being present) to desire a conference in the Painted Chamber. At the conference the managers for the Lords, among whom were Lords Liverpool, Sidmouth, Grenville, Grey, &c. communicated to those for the Commons the Address just agreed to by their Lordships, and the proceedings preliminary thereto. On the return of the managers, the consideration of the Prince Regent's Speech was postponed until to-morrow, and the House adjourned.

HOUSE OF COMMONS.

Tuesday, January 28, 1817.

The House assembled at two o'clock, and on a message from the Lords, the Speaker and several Members attended to hear the Speech from the Throne. The House then adjourned till five o'clock, when the Speaker took the chair.

PARLIAMENTARY REFORM.] Sir *Francis Burdett* gave notice, that, on this day month, he would submit a motion to the House upon this subject.

THE REGENT'S SPEECH.] The *Speaker* stated, that his Royal Highness the Prince Regent had delivered a gracious Speech from the Throne, which, with the leave of the House, he would read. The Speech being accordingly read, (for which see p. 1.)

Lord *Valletort* rose to move the Address. After expressing his entire concurrence in the sentiments of his Royal Highness, he proceeded to state the grounds upon which those sentiments met his approbation. It was indeed peculiarly grateful to reflect, that the great object of the war had been fully attained; that the powerful military despotism which had so long desolated Europe and threatened our own overthrow, was completely overwhelmed; that order and tranquillity were universally restored; that the people of all nations were allowed to enjoy that peace, the preservation of which was become, in fact, a part of our religion, which all the dynasties of Europe were pledged to maintain inviolate; and that the doctrine of legitimacy, which was so essential to the happiness, the repose, and the security of all nations, had been established. With regard to the victory which distinguished our fleet at Algiers, he conceived that to form a great source of unmixed congratulation; for whether viewed with reference to the motives which led to the undertaking, or the consequences which marked the result, it was most honourable to our national character, and must conduce to our solid and permanent interest. As to the Nepal war, it was notorious that this contest was forced upon us by the repeated and long continued outrages of the Nepaulese upon the population of all the adjoining provinces, whom we were bound to protect, and that hostilities were not resorted to until the remonstrances of our Government in India were found utterly unavailing.

The conduct of our Government was indeed highly meritorious. With that spirit of moderation which characterized real wisdom, and which always signalized the principles of Lord Hastings, that distinguished nobleman endeavoured, by all the means the resources of his great mind could devise, to conciliate the Government of Nepal before he had recourse to war. It was only when those means were found totally ineffectual, that hostilities were commenced, and the result of this war was such as to form a legitimate cause of triumph in the Speech from the Throne. That Speech was satisfactory in a peculiar degree, in the prospect it held out of every practicable retrenchment in the scale of our public expenditure. But while he felt assured that every possible reduction would be made in the public burthens, the people would be sensible that the dignity, the power, and the character of our Government must be duly maintained. To preserve order, to ensure security, was manifestly essential not only to the interests of our manufactures and commerce, but to the maintenance of our proper station among the nations of Europe. In this view it must be felt that nothing could be so expensive as weakness, nothing so prodigal as insecurity. The recommendation of His Royal Highness fully to consider our financial circumstances, would, no doubt, be duly attended to, and such a system be adopted, as was best calculated to preserve our national safety, and to maintain inviolate our great national credit. It was true, there had been a material deficiency in the revenue, but yet not such as to create any degree of despondency. The receipts last winter were greater than ever; since that time they had fallen off; but were we, from the events of the last nine months alone, to predict eternal and irretrievable bankruptcy? If we give a loose to despair, and spread despondency on every side, should we not in every way increase our embarrassments? But if we bore up with fortitude, and strove to our utmost against the pressure of the time, our exertions must ultimately be crowned with success. The present distress of the community was sufficiently to be accounted for from temporary causes: he should not at present dilate on them, because they would doubtless be sufficiently canvassed at future opportunities; but he should venture to point out a few of the more immediate causes of this distress. The sudden transition from a state of war to a state of peace, the cessation of an immense war expenditure, and the sudden reduction to one comparatively small, must have affected the demands for the various products of industry. The expenditure during the last year of the war, among the labouring classes, amounted to 130 millions; in the year after it was only 70 millions: this, joined to the great discharge of soldiers and sailors, and others removed from various departments of the State, must necessarily give rise to considerable distress. Then, the monopoly of commerce, which we had enjoyed

during the whole of the war, fell off at once, and the markets were opened to other competitors; the great improvements in agriculture, and the consequent increase of agricultural produce, were followed by an unpropitious season, so that scarcity and high prices were unavoidably added to the dearth of employment. We were now, however, gradually recovering from the general depression; and we should be false to ourselves, false to the country, if we were now to give up its best interests in despair. We had seen a most mischievous spirit diffused among the poorer classes of the community. He hoped, however, the House would do their utmost to maintain that constitution we had so long enjoyed; a constitution which, in spite of clamour, was still unrivalled, and acknowledged to be the most perfect that had fallen to the lot of any people. The noble lord concluded by moving an address, which was in effect an echo of the speech.

Mr. *Dawson*, in rising to second the motion, observed, that whatever might be the distress of the times, it could not be relieved by despair or irresolution. His Royal Highness had not been insensible to the many difficulties of our situation; and it was at least satisfactory to hear, that the object for which so much blood had been spilt, and so much treasure expended, was at length securely attained. Our victory over the Dey of Algiers had proved that our arms were not wanting to protect the unfortunate, and that no other claim was requisite to ensure our assistance, but the knowledge of distress and oppression. But, whatever might be thought of that victory, there could be but one feeling of congratulation at the prospect of a lessened expenditure. It was true that the nation did labour under calamities—but we had the best grounds for not sinking into despondency; and he could not but admire the manly openness with which we were told of the deficiency in our revenue, and encourage the spirit of fortitude with which we were called on to meet it. When the pressure of the moment was past, our commerce could not but revive, and under these circumstances, he saw no reason for alarm; it was, no doubt, a cause of sorrow to see the distresses of every class of the community—distresses produced by unavoidable events, but which, he believed, would be of short duration. And what was our situation compared with that of every nation on the continent, whose fields had been ravaged, whose cities desolated, and whose governments had been overthrown? But the House must participate with His Royal Highness in the sorrow expressed at the lamentable scenes of domestic violence and disturbance which had occurred: the feelings of the people had been inflamed, and the poorer classes harangued on subjects they were unable to comprehend. He must lament that factious men had called them together under pretence of public discussion, when they were actuated only with a view to their own private interest. The House must join in the indignation expressed by

his Royal Highness towards these baneful disturbers of the public peace; and though there might be no danger in this country, where sense and loyalty went hand in hand, yet this was the time to prove the firmness and wisdom of Parliament, and that "*non civium ardor prava jubentium*" could shake them from their steady purpose of preserving the rights and tranquillity of the nation. Under these considerations he had the greatest satisfaction in seconding the motion of the noble lord.

Mr. Ponsonby rose.—He began by expressing his entire concurrence with many of those observations which had been so eloquently made by the Mover and Seconder of the Address, and like them, professed himself not in the smallest degree disposed to exaggerate the existing distresses of the country, or to add to the present feelings of despondency. He agreed with them, that the fate of the country was at all times, but now most particularly, placed in the hands of Parliament; and that on the conduct of this House in particular, during this session, depended very much the welfare and happiness of the people. The first paragraph of the Speech entirely coincided with his own views, namely, that part of it which related to the late conflict with the Dey of Algiers. With respect to the second, that which related to the War in India, he should not at present make any remarks, though he by no means gave any pledge respecting what he should do when the question should hereafter come before them. The rest of the Speech referred principally to the Revenue, and to the State of the Country. He must, of course, consider it as a speech advised by Ministers, and not as one proceeding from the Sovereign personally. He merely stated this, because he now intended to submit some remarks on the Speech delivered at the beginning of last Session by the Commissioners, and on that which had this day been delivered by the Prince Regent. Previous, however, to doing so, he would wish a paragraph in the former to be read by the Clerk, (which was accordingly read as follows.) "His Royal Highness is happy to inform you, that the manufactures, commerce, and revenue of the United Kingdom, are in a flourishing condition. The Prince Regent laments the heavy picture upon the country which its great exertions could not fail to produce, and his Royal Highness has commanded us to assure you, that you may rely on every disposition on his part to concur in such measures of economy as may be found consistent with the security of the country, and with that station which we occupy in Europe." The House had now heard the professions of economy made by Ministers at the opening of last Session, and they were able to judge, and the country could judge, how far they were to be credited. They had last year advised his Royal Highness to tell both Houses of Parliament, that the country was in a flourishing condition, but in no one instance had that been proved to be true. They had also said they would adopt

measures of economy. It was in the recollection of the House what measures had been proposed last Session,—measures that tended to abolish many kinds of unnecessary expenditure, and to introduce economy; but how had they been received by Ministers? Was it not an indisputable fact that they had on every occasion resisted them? What ground had the country now to believe, that they were more sincere than they were before, or that their conduct would be marked with more anxiety for the public welfare? It was said, that the causes of our distresses were merely temporary. He was willing to hope, that this, to a certain extent, was true; but he denied that it was wholly so. Last Session we were told by the Chancellor of the Exchequer, that sufficient provision had been made to meet the exigencies of the year. It was worth while to notice how that provision had been made up, and he would therefore do so, taking it in round numbers. There were three millions on one account with the Bank, six on another, five millions and six hundred thousand the surplus unapplied of the grants for the year 1815, and three millions which the Right Honourable Gentleman assumed would be the surplus of the Consolidated Fund. But, he contended, there was no surplus whatever now, nay, were it necessary, he might carry the point a great way further, and say more. Much had been stated respecting the propriety of keeping the public faith, and no man could be more anxious that this should be done than he was. When we spoke of a Sinking Fund, we obviously and unquestionably meant that it was something by which a debtor was enabled to lessen his debt. Surely then, the Sinking Fund, which instead of reducing our debt, left it where it found it, deserved no such name. The revenue had now totally failed, and were they to take the whole of the Sinking Fund in its room, they would still be obliged to borrow a considerable sum. It was obvious to the plainest understanding, that no benefit whatever could result to the country from ten millions being taken from the public debt on one side of the account by the operation of the Sinking Fund, while the same sum was added to it on the other. While such was the real nature of the case, how was it possible for Ministers to assert, as they had done last year, that the revenue of the country was in a flourishing condition; and now, when they saw the total destruction of the revenue, how could they declare it had arisen from merely temporary causes? The war undoubtedly had been long, and had been attended with unparalleled expense. Still, no man who dispassionately viewed the subject could admit, that the return of peace had at once produced this dreadful mass of evils. It was equally worthy of remark, that at the time this Speech was delivered by the Commissioners, the country was in a state of profound peace, and was so still. On the one occasion our revenue was described as flourishing, and on the other as having greatly failed. Now, were the

cause of the calamity a mere transition from war to peace, why had the calamity not been in some degree alleviated before the present period? Twelve months had elapsed since the first speech was delivered, and instead of amelioration, the country was a thousand times worse. The real causes of the distress were, the immense debt and taxation of the country. When therefore, we presumed to exhort the people to exercise fortitude under the trials they were called to endure, and to be patient while they made so many sacrifices, it was surely the duty of the House to speak the truth to them, and not to attempt to blind or delude them by a false statement of the grounds of their calamity. Much had been said respecting the attempts made by some individuals to inflame the public mind, by stating circumstances in aggravation of the present distresses, which had no connection with the real causes. For himself, he felt confident that no man could rationally charge him with having ever in the smallest degree, directly or indirectly, given any countenance to such inflammatory designs, and he trusted he never should; but this he knew, that if the House wished to give the people any confidence in what they did, it was only by shewing their determination to do their duty. It was only by shewing that they would trust to no class of Ministers, of whatever party those Ministers might be, but would themselves, with all that attention, anxiety, impartiality, and love of justice, which as the representatives of a mighty empire they owed to their constituents, examine into and correct every abuse that existed in the public government of the country. (*hear, hear!*) And indeed it was impossible that, as representatives, they could be true to themselves or their country, unless they manifested a constitutional jealousy over every Ministry which might exist in the country. Nay, he would not hesitate to declare, that they were bound to act so, if they had any wish to preserve the people in due subordination. The people naturally looked up to the wisdom and energy of Parliament, and it would be painful in the extreme that the good they expected from that wisdom and energy should be withheld from them. In looking still further into the argument respecting the temporary nature of our calamities, one might naturally suppose from their being called temporary, that Ministers had strong expectations of some relief. Now, where were the resources from which such relief was to come? Was it from the manufacturing interests? Alas! the painful experience of thousands demonstrated the ruin of those interests. Was it from commerce? There were in the House many commercial men, but was there one of them who would say, that he entertained the smallest hope of an improved state? Looking around, the prospect was equally gloomy in every direction. No improvement was to be hoped for, unless the House did their duty by feeling sincerely for the people, and

carrying that feeling into practice. He was at a loss to know why Parliament had not been sooner assembled. Ministers must have known that the early meeting of Parliament was the general wish of the country, and that no inconvenience could have been sustained by the gratification of that wish. But he imagined, that whatever advantages he and those Gentlemen who were of his opinion might see in the speedy assembling of Parliament, Ministers saw the great inconveniences they should be exposed to, and therefore resolved to postpone it as long as they possibly could. The debates of last Session seem to have given them some alarm, and they therefore prevented the trouble of debate as long as they could. Feeling these things very strongly, and feeling the absolute necessity of the House endeavouring by every exertion to secure the confidence of the people, he had prepared an Amendment that contained no language of despondency or exaggeration, but a plain honest statement of facts, and a declaration by which the House, should it adopt the Amendment, would come to a determination to shew itself ready without delay to go into the state of the country, and make that investigation which the urgency of the case required. Before he read that amendment, he called on them to consider the situation in which they were now particularly placed, and the duty they had to discharge to the public. The nation was at this moment looking up to them with an awful and indescribable anxiety. Every eye was directed to their proceedings. By discharging their duty in the manner which they ought, they would secure the love and affection of the people; but were they to act in a different manner—were they to shew the country that they still wished the delusion to be continued, then indeed would every claim to public confidence be lost—despondency and discontent succeed—and, to say the least, that want of union between the Representatives and their Constituents would take place, which would be productive of the most unpleasant effects. Should his Amendment be unfortunately negatived, he trusted that a noble friend of his, who had last year made a motion for a Committee to inquire into the National Expenditure, would again revive that motion. The right hon. gentleman then concluded by moving, that the following Amendment be adopted in that part of the Address which related to the finances and distress of the country:

“That we have seen with the deepest concern the continued embarrassments of our agriculture, manufactures, and commerce; the alarming deficiency of the revenue, and the unexampled and increasing distresses of all classes of his Majesty’s faithful subjects:

“That we are willing to indulge the hope that these distresses may be found, in part, to have originated from circumstances of a temporary nature, and that some alleviation of them may be produced by the continuance of peace; but that we should ill discharge our duty to his

Royal Highness, and be guilty of countenancing a most dangerous delusion, were we to conceal from him our opinion that the pressure which now weighs so heavily on the resources of the country, is much more extensive in its operation, more severe in its effects, more deep and general in its causes, and more difficult to be removed than that which has prevailed at the termination of any former war.

"That we are firmly persuaded that the same exemplary patience and fortitude with which all ranks have hitherto borne the difficulties under which they labour, will continue to support them under such burthens as may be found indispensably necessary for the unavoidable exigencies of the public service; but that to maintain this disposition, it is incumbent on this House, by a severe and vigilant exercise of its powers, to prove to their fellow subjects, that the sacrifices which it may be their painful duty to make, are strictly limited to the real necessities of the State.

"That while we acknowledge the gracious dispositions announced in his Royal Highness's Speech from the Throne, we cannot help expressing our regret that his Royal Highness should not have been sooner advised to adopt measures of the most rigid economy and retrenchment, particularly with respect to our Military Establishments: that to a prompt and effectual reduction in this and every other branch of our expenditure, his Majesty's faithful Commons most naturally look as the first step to relieve the sufferings and redress the grievances of which the people so justly complain; and that to enable themselves to assist his Royal Highness by their advice in the performance of a duty so imperiously called for by the present situation of the country, they will lose no time in instituting a strict inquiry into the state of the nation."

Mr. B. Bathurst observed, that the arguments on the speech of last year were not strictly applicable in the present instance. At that time our commerce was truly stated as flourishing: and it did not appear that Ministers made any specific propositions, but that considerable reductions, suited to the circumstances of the country, should be made in the large branches of the public expenditure. But now they had advised his Royal Highness to make the statements contained in his speech, and to notice the deficiency. Could these measures have been recommended by them, unless they were sincerely disposed and prepared to act upon them, and to submit propositions to Parliament, that the House might really take upon themselves to consider the situation of public affairs? Nearly the whole of the right hon. member's speech was concerning financial difficulties and retrenchments: but the speech from the throne would not have been so worded, had not his right hon. friend the Chancellor of the Exchequer intended at an early and convenient time to propose a committee of inquiry. It was intimated

that Parliament was not called sooner, because Ministers might have thought it would derange their plans. But no proper plan could be discussed affecting the revenue until the estimates were prepared, which would very soon be laid before the House, and thus the whole subject would be fairly considered. He was afraid, indeed, that the situation of the country would be required to be looked into much more fully and carefully than he could at the present time attempt to enter into it. The particular circumstances connected with our commerce and manufactures would require much investigation. The internal state of things had rendered it very desirable that gentlemen should be able to attend as much as possible to their duties as country magistrates in different parts of the kingdom. He could not agree with the right honourable member in talking of revenue as if it was entirely to be a clear surplus; nor in his views, by which the whole revenue might be considered deficient. We were not now increasing our debt, and he must regard the utility of the Sinking Fund. The House had not yet seen what Government had already done, nor were they yet acquainted with what it intended to propose. The right honourable member had scarcely adverted to the present distressed situation of the agricultural interest, which would yet demand attention. In this and last year, from various and different causes, there was a diminution in the amount of articles consumed, owing to the privations of the agriculturists. It was not possible for the farmer at present to purchase so many commodities as he had been accustomed to do. That was an important circumstance; and we ought also to look at what the season itself had been. The crops in many cases, too, had suffered by not being housed earlier. Something more, it was said, was wanted to add to the commercial interests of the country; but he thought, that what was most to be desired was not new things, but the preservation and support of our existing commercial interests. When the exports varied, by foreign customers purchasing fewer of our commodities, a stagnation naturally occurred. Looking at measures that might be adopted, and at the internal wealth of the country, with the alterations that might take place in Europe, he felt disposed to view the future with hope and confidence. It had not been possible to arrange matters earlier; he must therefore trust the House would think they had gone far enough by voting the address as originally proposed by the noble lord, without amendment.

The Honourable Mr. Lambé said, that the war, and the war alone, had occasioned all our difficulties. If it was undertaken without cause or against justice, or for unworthy objects; if opportunities occurred of terminating it with advantage, and those opportunities were neglected; if it had thus been pertinaciously persevered in, or impolitically commenced, the distress which was the consequence of it was to be attributed to the Ministers who began and conducted it.

If, on the other hand, it was at first unavoidable, and had been carried on no longer than it could have been terminated with honour and security, then no one was to blame for its results but the enemy who forced it upon us; but still in both cases it must be stated as the cause of our present embarrassments. Our calamities were produced by the war, though their complete pressure was not felt till the arrival of peace; they were thus connected with the peace in point of time, but they could not be traced to the peace as their cause. In this situation the great object for us to pursue was, not to propagate a delusion with respect to the cause of our distress, but to take every means of alleviating it, or preventing its extension, by supporting and maintaining public credit. He stated this opinion, not from any fear that the recommendations of those who attempted to justify a breach of national faith would be attended to, but from a firm conviction, that breaking faith with the national creditor, would bring no relief to the people, nor tend to remove, in any degree, the embarrassments of the country. On the contrary, he was convinced that such conduct on the part of the legislature would aggravate and extend them. If we were to trust the dictates of experience, we had it in support of this opinion. Some time ago the complaints against the landholder were as loud as they now were against the fundholder; these complaints were now heard no more, for there was no reason for them. Rents had been reduced, the landed interest were straitened in their incomes, but who had benefited by the change? The distresses of the manufacturing and labouring classes, instead of being alleviated, had been increased; they had been deprived of employment by the reduced circumstances of those who employed them, and found no advantage in the diminution of the income of those against whose wealth they clamoured. Our situation should be supported with that firmness and patience that could alleviate every calamity, instead of leading us to attempt plans and expedients which might aggravate temporary sufferings into irretrievable ruin, by destroying entirely public confidence and national credit. But how were we to support public credit, if we did not resort to such expedients? He would answer—by economy and retrenchment. (*Hear, hear.*) Parliament, he hoped, was prepared for entering into economical reductions; Ministers, he hoped, were prepared for the task; and the country, he hoped, was likewise prepared. He said, he hoped the country was prepared for it; for, although he meant no reflection against any particular individuals, he could not refrain from observing, that many who now called for economy and retrenchment would be sorry that they were adopted. A strict and rigorous attention to economy, and a reduction of all our establishments to the lowest possible scale, must be productive of evils to certain individuals, and he was not disposed to under-rate their sufferings, but the national good and the public security

were paramount to all other considerations. The right hon. gentleman who spoke last had contended, that there was no necessity for the amendment of his right hon. friend, because the address pledged the House to the same course of conduct as the amendment. This he by no means admitted. The address pledged the House only to take "into consideration the state of the public income and expenditure;" whereas the amendment went much further, and embraced an inquiry into the state of the nation in all its interests, financial, commercial, political, and colonial, its extension of colonial territory, which was made the ground or the excuse of extending its military and civil establishments; and in short, its expenditure at home and abroad. Our commercial situation and system deserved and required revision, after such a violent change as it had lately undergone by the political circumstances of the world. There was one subject which pressed upon the attention of all, and which would be embraced in the inquiry that the amendment of his right hon. friend proposed—he meant the Poor Laws. The sum raised for the support of the poor, in the shape of rates, now amounted to a tax almost as great, and on certain classes of the community certainly more oppressive than the property-tax. It was impossible that eight millions a-year could be collected or administered in the manner, and for the purpose, in which this tax was collected and administered, without the greatest oppression to the landed interest, and the ultimate diminution of the industry and resources of the country. Not only this, but many other subjects, demanded an inquiry which might lead to amendments in our laws, institutions, and establishments, mild and moderate in their operation, and certain in their results upon public prosperity and happiness. Nor ought the House to be deterred from its duty in adopting improvements and economical reforms by the rumours or the fears of any disturbances or breaches of the peace which they had heard, or with which they were threatened. His opinion on this subject was always the same; it had always remained unaltered, and he believed would do so. He allowed in their fullest extent, the rights of the people to petition for any lawful object that they thought connected with their interests, privileges, or well-being; he revered popular meetings, which were regularly and quietly conducted (*hear, hear*); he revered the rights and the privileges which they exercised, and was disposed to attend to their representations as much as any man; but when such assemblies proceeded to violence, when they led to breaches of the peace, he was for vigorous and immediate repression. (*Hear, hear.*) This conduct he would recommend, not only from motives of public security, but from motives of tenderness and mercy to the deluded persons themselves. He deprecated all breaches of the peace, disturbance, and riot, not only for their immediate effects, but for their

ultimate consequences. Tumult for liberty and right was not only dangerous and destructive, but was a liar, and never kept its promises. It led, in the end, through scenes of anarchy and blood to a political tyranny, or military despotism; the more fatal in its nature, and the more hopeless in its consequences, from the circumstance, that the people were taught to take refuge under its protection from the more appalling evils of insecurity and confusion. The hon. gentleman supported the amendment.

Mr. C. Grant said, that as far as he understood the Speech of his Royal Highness, it included nearly all those topics in its recommendation to Parliament which were embraced in the Amendment of the right hon. gentleman; and those which were not included would necessarily enter into the discussions of the Committee that had been mentioned. In that Committee the propriety of our Colonial Policy, and of our Commercial System, would be taken into consideration. With respect to the Poor Laws, that subject was brought before the House last year, and a full examination of it deferred to the present Session. He agreed with the hon. gentleman, that it would form a most important branch of that inquiry which the House would have to institute. He agreed also, that it would be their duty to support the public credit, which, with our agricultural prosperity, formed the two great sources of our national wealth. Nor was he disposed to question the truth of the assertion, that our present distresses were attributable to the war in some respect. But he was, at the same time, of opinion, that all the varying circumstances of our fortune during the last five and twenty years, had a more radical foundation than merely the continuance of that war. He should explain the matter upon a different principle. He would say that it was not simply a transition from a state of war to a state of peace, which had caused our distresses, but a transition of the country from a state in which it had been compelled to rely upon its own resources for food, to a state in which foreign supplies could be obtained. When the war took place we were an importing country to a considerable extent. The continuance of the war, however, necessarily increased the price of what we imported, from the war charges, and the high rate of insurance required. An impulse was consequently given to our own agricultural system, which continued through the whole of the war. The effect of this upon the home market was immediately felt, for it gave the middling and the lower classes of society a greater power of demand for articles provided by our manufacturers. In the prosperity of our agriculture was found the prosperity of the whole kingdom; but the return of peace shook that internal system of demand and supply to its foundation. The Corn Bill did much towards bringing it, and, from its gradual operation, might expect an improvement in all our

manufactures, and in every branch of our trade. With regard to the disturbances that had occurred, he trusted there was but one opinion in that House upon the subject. There was a spirit at work throughout the country, of a most malignant and daring character, which attempted to pervert our distresses into an instrument of disloyalty and sedition. The effect of its machinations, if indulged, would be the subversion of the Constitution. He was far from confounding with those incendiaries, the individuals who, from motives which he believed to be sincere and honourable, however much he might differ from them, sought a Constitutional Reform. But the history of all ages proved, that the most wise and virtuous, in the attainment of their object, had sometimes employed as auxiliaries, instruments who ultimately became their masters and their tyrants, and therefore the danger was to be guarded against. He trusted, however, that the firmness of that House would preserve this country from such dangers.

The hon. member was proceeding, when he was interrupted by the annunciation of a message from the Lords.

Attack on the Regent.

The messengers were admitted, and the message was read to the following effect:—"That the lords request a present conference with the house in the painted chamber, on a subject deeply affecting the safety of his Royal Highness the Prince Regent, and the honour and dignity of Parliament." The message added, that "owing to the absence of the usual messengers, and the urgent nature of the business, the Lords were obliged to send this message by their Clerk-Assistant, and their Reading-Clerk."

The messengers withdrew, when

The *Speaker* observed, that as the usual method of communicating with the House had not been observed on the present occasion, it was necessary to mark the departure from established precedent. He therefore suggested, that it would be proper to call in the messengers of the lords, and inform them, that the House had received their message, and would return an answer by a messenger of their own.

The messengers were accordingly called in and informed, that an answer would be returned to the communication of the Lords by a messenger of the House of Commons.

As soon as they had withdrawn,

The *Chancellor of the Exchequer* moved, that in consequence of the importance of the occasion, that House acquiesced in the reasons assigned by the House of Lords for sending their Clerk-Assistant and Reading-Clerk, trusting, however, that it would not be drawn into precedent on future occasions.—This motion was unanimously agreed to.

The *Chancellor of the Exchequer* then moved, that the House do agree to a conference with their lordships, and that a message be sent to their lordships acquainting them therewith.

This motion was also carried, and Lord Binning was sent to communicate it to their Lordships. Upon his return,

The *Speaker* said, the next step was to appoint the Managers of the conference, when the Chancellor of the Exchequer, Mr. Canning, Mr. Ponsonby, Mr. Tierney, Sir S. Romilly, Lord A. Hamilton, Lord Lascelles, Mr. Fremantle, Mr. Brand, Mr. C. W. Wynn, Mr. B. Bathurst, and others were named, who repaired to the Painted Chamber.—After a short interval they returned to the house, when

The *Chancellor of the Exchequer* reported, that the lords had communicated to them that a daring outrage had been offered to the person of his Royal Highness the Prince Regent, on his return from Parliament this day; that they had agreed to an address to his Royal Highness thereupon, and requested the concurrence of the Commons in the same. The lords had likewise informed them, that they had received the evidence of a witness on these proceedings, and that the name of this witness was the Right Hon. James Murray, commonly called Lord James Murray.

The *Chancellor of the Exchequer* then moved, that their lordships' message should be taken into consideration.

Mr. C. W. Wynn suggested, that it would be proper to decide immediately upon the course which the House should adopt. Considering the extreme urgency of the subject then before them, he submitted, whether the debate on the address should not be adjourned.

The *Chancellor of the Exchequer* thought, that as the communication which the House had received from their lordships was so extraordinary and alarming, and considering the respect which they owed to the Crown, they ought not to proceed on any other business that day.

The *Speaker* said, that whatever might be the determination of the House, it would be better that the course of proceeding should be known and decided.

The *Chancellor of the Exchequer* then moved, that the further consideration of the debate on the address should be adjourned till to-morrow.

This being agreed to, the right hon. gentleman moved that the message of the lords be now taken into consideration.

The communication was accordingly read again, together with the address agreed to by their lordships, (for which see page 3.)

The *Chancellor of the Exchequer* then moved, that Lord James Murray be called in, and examined; which was unanimously agreed to.

His lordship accordingly appeared at the bar, when the Chancellor of the Exchequer proceeded to put the following questions, which were repeated by the *Speaker*:—

The noble lord is desired to state what situation he holds in his Royal Highness the Prince Regent's household?—I am a lord of the bed-chamber.

Was the noble lord in attendance on his

Royal Highness on his coming to the House of Parliament this day?—I was.

Was the noble lord in the carriage with his Royal Highness the Prince Regent when he returned from the House?—Yes, I was.

The noble lord will be pleased to state what happened in his own sight on that occasion?—On the return of his Royal Highness from the House of Parliament, when the carriage had arrived between Carlton-house and Spring-gardens, the glass of the carriage on the left side was fractured.

In what manner was that fracture produced?—The glass appeared to have been fractured by two bullets of a small size, a quarter of an inch apart.

The noble lord will be pleased to state, whether he conceives that the glass was fractured by bullets, or by some other substance thrown with great violence?—I have not the least doubt, in my own mind, that it was fractured by bullets.

Did the noble lord make any other observations with respect to the proceedings on this occasion?—About a minute after the glass was first broken, a large stone was thrown against the window of the carriage; then three or four others.

Was it the same window that the bullets had fractured?—Yes, it was.

Had the noble lord any opportunity of observing the glass between the first fracture and the time of its being finally broken by the stones?—I observed the first fracture very minutely in the interval.

Did the noble lord observe whether there were such a number of persons near the carriage at that time, that a pistol might have been fired by any person without his being immediately recognized?—The crowd not being near the carriage at the time, if a pistol had been fired, the person might have been observed.

Does the noble lord conclude, that the bullets were fired by any other instrument than a pistol, such as an air-gun?—I conclude, as I heard no report, that they were fired by an air-gun, without the aid of gunpowder.

The *Speaker* then asked, whether any other hon. member would wish to put any questions to the noble lord.

Sir Benjamin Hobhouse.—Will the noble lord have the goodness to state, whether any bullets have been found in the carriage?—(Hear, hear.) I have not heard that any bullets have been found in the carriage; I should observe, that I conceived, from the manner of the fracture, that the bullets must have come from some height, perhaps from one of the trees, of which there are many in that part of the Park, in which were several persons.

A Member.—Did the noble lord hear any noise to induce him to suppose that the bullets passed through the carriage?—I heard no noise but that produced by the fracture of the glass.

Mr. C. W. Wynn.—Will the noble lord be pleased to answer, whether the opposite glass was up or down?—It was up.

Mr. *Brougham*.—Will the noble lord state whether he observed two similar holes in the opposite glass?—The opposite glass was not broken at all. The reason I supposed the bullets to have come from a height was, that splinters of the glass were thrown violently to the lower part of the opposite side of the carriage.

Mr. *Brougham*.—The noble lord will be pleased to say, whether any bullets, or similar substances, were found at the bottom of the carriage?—I had no opportunity of ascertaining this, as I left the carriage immediately after the Prince Regent.

A *Member*.—Did his Royal Highness the Prince Regent give any instructions afterwards to search the carriage?—Not to my own knowledge.

Mr. *Brougham*.—Will the noble lord state who were the other persons in the carriage besides the Prince Regent and himself?—The duke of Montrose, who is master of the horse: he sat on the same side of the carriage on which the window was broken.

Mr. *Brougham*.—The noble lord is requested to answer, whether the bottom of the carriage was struck with any thing else than the splinter of glass?—I only observed that a splinter of glass struck the bottom of the opposite door.

Mr. *Brougham*.—Will the noble lord say, whether the stone or stones which broke the window did enter the carriage?—No, it did not: the glass being very thick, it rebounded.

Lord *Cochrane*.—Will the noble lord state, whether the window that was broken, was next to his Royal Highness?—His Royal Highness sat in the middle of the carriage.

Lord *Milton*.—The noble lord is requested to say, whether the stone or stones that were thrown after the bullets, actually smashed the window, or merely starred the glass?—It not only smashed the window, but also pounded the glass.

Mr. *C. W. Wynn*.—Will the noble lord say, whether the glass was not of an unusual thickness?—The glass was remarkably thick.

Sir *Robert Heron*.—Will the noble lord state, who were the persons on the outside of the carriage, nearest to the window that was struck? Were they soldiers or others?—There was a footman on the side of the door, and one of the life-guards immediately behind, but no soldier opposite the window.

A *Member*.—Will the noble lord say, whether he supposes the bullets perforated any other part of the carriage at all?—Whether they perforated any other part of the carriage I do not know, but I suppose they did.

Here the examination closed, and his lordship was ordered to withdraw, when the Chancellor of the Exchequer rose, and said, that the house being heard from the mouth of the noble lord, the particulars of this daring and flagitious outrage, he trusted that they would support the address, by concurring with the House of Lords who had expressed their abhorrence of such

proceedings, committed on the person of his Royal Highness, whilst he was returning from the exercise of the Royal Prerogative in opening the session.

Mr. *Ponsonby* moved, that the address be read a second time.

This being done, the right hon. member rose again and said, that every body must agree to the propriety of the address. Whether the outrage on the person of his Royal Highness the Prince Regent had been committed by bullets or by stones, they had not decisive evidence before them; and, indeed, it was quite immaterial, except with regard to the guilt of the person, and could not in the least degree influence the decision of the House. In delivering this opinion, he was sure that he only expressed the unanimous sense of the House. (*Hear, hear.*)

The question was then put from the chair, and the address was agreed to *nemine contradicente*, by filling up the blanks left by their lordships with the words, "and Commons."

The *Chancellor of the Exchequer* next moved, that such members as were of the Privy Council should wait upon his Royal Highness to know when he would be pleased to receive the address. This was agreed to, and the members were named.

HOUSE OF LORDS.

Wednesday, January 29.

PRIVILEGE.] A Message from the Commons, brought up by Mr. *William Dundas* and other Members, expressed their acquiescence in the reasons which induced their lordships to send a Message yesterday by their Clerks, instead of the usual Messengers, but desired that it might not be drawn into precedent.

ANSWER TO THE ADDRESS.] The *Lord Chancellor* informed their lordships, that both Houses had this day presented an humble Address to the Prince Regent, to which his Royal Highness had returned the following gracious answer:—

"My Lords and Gentlemen,

"This additional proof of the strong feelings of duty and loyalty which animate the two Houses of Parliament affords me the highest satisfaction.

"Relying with the utmost confidence on the steady attachment of his Majesty's subjects, I have nothing to regret on this occasion, but a flagrant violation of the laws and constitution.

I shall cause such steps to be immediately taken, as may be the best calculated to bring to justice and punishment, the persons concerned in an offence so dangerous to the public peace, and so injurious to the best interests of the country."

SPEECH FROM THE THRONE.] The Speech of his Royal Highness having been read by the Clerk at the table,

The Earl of *Dartmouth* rose to move the Address. He sincerely wished that it were in his

power to congratulate their lordships and the country on the present aspect of affairs; but though he could not offer unmixed congratulation, he could at least call their attention to the consideration of many circumstances stated in the Speech, which afforded much consolation. It was a satisfaction to learn, that no interruption was likely to occur to that repose and tranquillity of which this country so much stood in need. It was this that tended to the advancement of civilization, and to the promotion of general prosperity. The depredations and insults of the Barbary Corsairs, had made it absolutely necessary for this Government to put a stop to Christian slavery. A war was accordingly commenced, and the combined fleet was entrusted to the command of Lord Exmouth, who had proved himself not only most brave and skilful, but most zealous in the cause in which he was employed. The Dey of Algiers treated with contempt the just demand of the British forces, and trusted to the strength of his own fortifications; but neither the strength of his towers, nor the obstinate bravery of his troops, could effectually resist the valour and intrepidity of British officers and British seamen. The Al-

gerine fleet was destroyed, and the Dey was ultimately obliged to accede to those terms which the British Government chose to impose. The Christian captives were set at liberty, and all the objects of the war were finally achieved. In the East his Majesty's land forces had been no less successful; and, seconded by the judicious arrangements of the Governor-General, the British Government had been enabled to bring to an honourable termination a war which had been unavoidably undertaken. Thus did the whole of the British Empire, even to the most distant parts, enjoy a profound and happy peace. In looking to the internal state of the kingdom, some circumstances had occurred which called for feelings of a less grateful nature. The disloyal and disaffected had taken advantage of the present calamitous state of the country, and had endeavoured to create insubordination and disturbance; but it was evident to all who had inquired into the subject, that the existing distresses could only be ascribed to the sudden transition from war to peace, and that, heavy as they pressed upon the poorer classes of the community, they were only temporary evils. Some symptoms of the revival of commerce had already appeared; and, to remedy the present difficulties, pecuniary aid had been given by those who were able, to supply the wants of the poor. The attempts which had been made to destroy this benevolent spirit, by exciting sedition and disaffection, had been checked, in a great measure, by the activity and firmness of the magistrates, and by those who were aware that such outrages only served to increase the general distress; but the same feeling of abhorrence which had induced their lordships yesterday to express their indignation at the outrageous insults offered to his Royal Highness, while per-

forming the most important duties of his office, would equally induce them to express their abhorrence at the attempts made to excite the people to the most wicked and daring acts of violence. It was owing to the wisdom of Government, inspired by the constitution, that this country had been enabled so gloriously to obtain tranquillity abroad, and by the same means peace and happiness would be restored at home. His Lordship concluded by moving an Address, which, as usual, was an echo of the Speech.

Lord *Rothes*, in seconding the Address, conceived it unnecessary for him to detain their lordships at any length. No doubt, very great satisfaction would be derived from the communication which his Royal Highness had been graciously pleased to make of the assurances he had received from all the foreign powers of continued amity and friendship. It was a communication gratifying at all times, but peculiarly so at the present moment. In the complete and glorious success of the expedition under Lord Exmouth at Algiers, their lordships would find great cause for exultation. It had added fresh lustre to the British arms, and had

He would not enter into any detail of the causes of the distresses alluded to in the Speech; every thinking man, however, must be satisfied, that they were occasioned in a great degree by the sudden transition from a long war to a profound peace. But it would afford great satisfaction to all classes of the community, that in the midst of these calamities, it would be unnecessary to have recourse to new burdens upon the people, or to infringe on any stipulations or engagements made with the public. Their lordships would no doubt feel, in common with himself, great indignation and abhorrence at the frequent and daring attempts made to excite sedition and riot among the lower classes; but when he promised himself yesterday the honour of addressing their lordships upon this subject, he little expected to have been under the painful necessity of adding to the catalogue that dreadful outrage which yesterday had occurred. In a country where the greatest liberty existed, the first of his Majesty's subjects, in the exercise of the most sacred functions, was most daringly and grossly insulted; insulted—nay, more—that great personage was assaulted, and his life perhaps endangered. (*Hear, hear, hear.*) He most sincerely wished that he possessed the eloquence of some noble lords, to express his feelings upon this lamentable occasion; but he must simply confine himself to an expression of sanguine hope, that their lordships and the community at large, would exert themselves to the utmost in endeavouring to wipe off that foul stain which had, for a second time, unhappily fallen upon the country. He was satisfied, however, that the great mass of the people were firmly attached to their sovereign. The people were in general of a cool and temperate character; and with the hope of a speedy return of happiness and comfort, they would bear their

present sufferings with fortitude and patience. He would answer for them, and he felt persuaded that he might do it safely, that they were most grateful to the higher classes, who, although suffering inconveniences themselves, had come forward, and some of them even from scanty purses, had relieved the distresses of their fellow-creatures. No one could witness these scenes without expressing his admiration, and acknowledging that the universal benevolence which pervaded this country was one of its greatest ornaments.

Earl Grey.—Before he proceeded to observe on those parts of the speech of the Ministers delivered by his Royal Highness, and those parts of the speeches of the noble lords who moved and seconded the address, with respect to which it would be his painful duty to dissent from their sentiments, he would briefly advert to those parts of these speeches as to which there could be no difference of opinion. First, then, no one could more heartily than he did join the noble mover and the noble seconder of the address, in paying the highest tribute of praise to the skill, enterprise, perseverance, and courage, of the noble and gallant admiral who commanded the fleet in the attack upon Algiers; no one could more cordially join in that just tribute of applause paid to the courage, resolution, and exemplary valour of the officers and seamen under his command; rejoicing, as he did, in this new accession of glory to the British arms, and particularly to that branch of our defensive force which ought always to be looked upon with favour, as the best and most natural protection of this country. But while he concurred in these just and well-deserved praises, he could not help expressing his regret, considering the heavy pressure under which the country laboured, that any necessity should have arisen for adding even the expense of that expedition to our already almost intolerable burdens; and while he expressed that regret, he could not help adding some doubt, whether the security and good effects which many expected to result from this enterprise, would be of so permanent a nature as some were sanguine enough to believe they would be: but while he suggested that doubt, he wished most anxiously to guard himself against being understood as having any desire to detract, in the slightest degree, from the merits of those who were employed in the execution. Another topic introduced into the Prince Regent's speech, and into the speeches of the noble lords, was the Nepaul War. Here, again, he most cordially concurred in the tribute of applause paid to the officers and men employed in the prosecution and conduct of that war: but it would be too much to ask at present for any opinion of the House as to the causes and necessity of the war, since on that head no information had, as far as he knew, been communicated to their lordships. There was one thing, however, which he must remark upon, and which he had observed with very consider-

able surprise—he alluded to the terms in which the termination of this Nepaul war was introduced into the speech. It was introduced in similar terms to those in which the conclusion of that most important war was mentioned which terminated with the capture of Seringapatam and the destruction of the Mysore power—the most formidable, dangerous, and most inveterately hostile to the British authority in India. But leaving that topic, he came to another point in the speech, in which he had the good fortune to agree with the noble lords. They rejoiced at the assurances given in the speech of the prospect of a long continuation of peace, and congratulated the House and the Country on that satisfactory prospect. No one could more sincerely rejoice than he did at any well-founded hopes, if such could be entertained, of the long continuation of peace; but he must at the same time observe, that he had great doubts as to the policy of those arrangements made by ministers at the close of the war, and yet it was on the soundness of the policy which dictated these arrangements that any well-founded hopes of a long interval of peace must essentially depend. The subject was much too large for full consideration at this time; but it was by far too important, too deeply interesting, to be passed over without the fullest examination and discussion when the proper period should arrive: and a communication would probably soon be made to the House with respect to some modifications and alterations in these arrangements, which must bring the subject under their lordships' consideration. But if he might, even now, merely state his opinion, he would say, that he was not without very strong apprehensions that the system of policy on which the arrangements had been formed, was highly dangerous to the security and constitution of this country, and to the peace and prosperity of Europe. These arrangements were, in his opinion, adverse to the independence of nations, alien to every view of sound policy and justice, subversive of every principle on which the balance of Europe had been held to depend, and destructive of every principle on which our own security and the peace and prosperity of the country were founded; dangerous to the character of the army employed in the support of the present government of France, and most dangerous to the constitution of this country. Without securing one great object of British interest in return, Ministers had assisted in transferring the minor states of Europe from government to government, while those who were at the head of these governments, at the moment they were aggrandizing their power by our assistance, hated us for our commercial eminence, hated us for our prosperity, and made war upon us by adverse regulations, with as much inveteracy and detestation as ever Napoleon himself had shewn against us. The noble lord (Earl of Liverpool) might smile, but the day would come for a more ample and particular discussion of that topic. That, however was

his view of the subject. If the governors disliked us, the people answered with a corresponding hatred, while they ascribed to this country the sacrifice of the rights and independence of nations. We called upon them to rise in defence of their own rights and independence, in opposition to France; the call was obeyed, and Europe was relieved from the power of France; and then, when their aid was no longer required, they found their rights and independence violated by those to whom they had been taught to look for the support of both. The discontents produced by these proceedings were murmured in secret, and directed chiefly against this country, by which they considered themselves as having been most unjustly deceived. This was the character of the policy which produced these arrangements; a policy which in France appeared already to threaten the most disastrous consequences. With respect to that country, one of two systems might have been adopted; we might have conciliated the population, by not interfering in their internal concerns, after having overturned that government against which alone, as was professed, our hostility was directed. This was what he would have preferred. If that, however, had been forbidden by the disordered state of that unhappy country, when we had unsheathed the sword and conquered, ministers ought, if that course was open to them, to have assumed that right of conquest which their arms had given them, to have demanded the utmost that they could think necessary for our security, and to have reduced the power of France in such a degree, that whatever might be the feelings of the population of that country, we might have looked on without fear or apprehension of the consequences. Neither of these plans, however, did they pursue; but adopted a third course, which had the disadvantages of both the others, without the advantages of either. Without having reduced the power of France, so as to deprive her of the means of endangering our security, British troops were kept there to maintain the present family on the throne; we thus increased her enmity without sufficiently diminishing her strength; and the time, he was greatly apprehensive, might not be very distant, when, in order to gratify the general feeling of hostility, the government of France would find it necessary to go to war with this country, and employ against it that power which we ourselves had created. He could hardly have had very sanguine hopes of a long continuation of peace under any arrangement that could have been made with France; but if there was any arrangement which was of all others calculated to render the long continuation of peace almost impossible, it was precisely that which had been adopted. Their lordships, however, would have an opportunity of considering and discussing that topic when the communication as to the change of the terms on which our troops were to remain in France should be made to them: and the subject would

deserve their lordships' most particular attention, if it should appear that the changes and modifications were such, that any part of the expense of maintaining these troops in France was to be borne by this already overburthened country. Having thus stated his opinion as to the first part of the Prince Regent's speech, and of the address in answer to it, he now came to that part of it which, in point of interest and importance, far surpassed all the other topics which it contained—he alluded to the internal state of the country; a state which the noble lords acknowledged to be one of great distress, and which he considered as altogether unparalleled in the annals of this country. Ministers held out to us, as they had always done, that they hoped the distress was but temporary, and that the present pressure would soon be succeeded by a new era of increasing prosperity. That was a hope so congenial to the feelings of every man, whether considered as an individual, or as a member of a great community, that all must wish that the hope were well founded. But their lordships would ill discharge their duty, if they were to rely with implicit confidence on the hopes of Ministers, or of the noble lords who had concurred with them in such flattering expectations, without some examination of the grounds on which these hopes rested. If it was desirable that the belief should prevail among the people, that their distresses were but of a temporary duration, in order to encourage them to bear with patience and fortitude the pressure to which they were for the present exposed, that belief could operate only so far as the conviction went, that the expectations of a speedy termination of their distresses were not without foundation. In that view of the subject, if the hopes held out were well founded, examination could do nothing but good. If, on the other hand, as he greatly feared was the case, the evil was more deeply rooted, and of a more permanent nature and character, then examination was imperiously required, in order to save the country from that destruction with which a dereliction of that most important duty would overwhelm us. Such derangement of property, such universal disorder and confusion in agricultural, commercial, and manufacturing concerns, had never before existed in this Country. That the causes of this unparalleled distress were partly temporary, and that some alleviation of the pressure might be expected from the continuation of peace, he was not only not disposed to deny, but most anxiously desirous to believe: for, otherwise, the prospect must be neither more nor less than absolute despair. But he was at the same time of opinion, that the causes of the evil were more deeply rooted, and more permanent in their nature, than some noble lords seemed willing to allow; and that the difficulties and distresses were such as had never before existed in this country. He had heard it stated on some occasions, that the country had been in a similar state of distress at the close of the

American war; and it had been held out to us that, as an era of extraordinary prosperity had then succeeded, we might reasonably expect a similar termination to our present difficulties. He was not then of an age to have a share in the deliberative councils of the country; but it did not appear to him, that either in degree, in extent, in character, in symptoms, or means of cure, the situation of the country was at all similar to that under which it at present laboured. Was the general mass of the population of the country in such a state then as it was now? Were the prisons and workhouses of the country filled with the victims of overwhelming calamity? Was the manufacturing interest in such a state of depression and distress? Was the amount of taxation and expenditure equal to what it was at present? There was a deficiency, it was said, in the produce of the revenue as compared with the expenditure even at that time: but the amount of taxation then was about 12 millions; and was it the same thing, a deficiency on 12 millions, and a deficiency in a revenue of five times that amount? It might as well be said, that as the country advanced in taxation, it was so much the better able to bear the weight of additional taxes; that the addition of the weight of one pound to the load of a horse, already on the point of sinking under his burden, was the same thing as the adding a pound weight to the burden of a horse whose load was not greater nor heavier than he had full strength and powers to carry; that a drop of water added to the contents of a vessel already full to the brim, was the same thing as adding a drop to the contents of a vessel not more than three-parts full; and that the diseases of age were as easily got rid of as the diseases of youth. If there had been no other difference between the situation of the country then, and its situation now, than that of the additional taxation and consequent heavier pressure at the present period, that alone would make a difference almost incalculable. What were the symptoms, and what the remedies, at the close of the American war? We were told that the pressure was temporary; that it had been brought upon us by the change from a state of war to a state of peace; but that the blessings of peace would soon begin to be felt, as they had been at the close of the American war. But a year had already elapsed since the close of the war in 1815: and nearly three years had elapsed since the close of the war in 1814, with the exception of a three months' war, and that without any mitigation of the distresses of the country, which appeared to be rather increasing. In 1783, the year after the close of the American war, there was no settled government. Three different administrations had been in office during that period, and for three months there was hardly any administration at all: and, till the administration of Mr. Pitt was confirmed, in 1784, it was impossible that any regular system could then be adopted to alleviate or remedy the distress of the country. What was

his remedy then? He imposed new taxes to the amount of a million. In 1785 he imposed new taxes: and in two years from the conclusion of the treaty of peace, instead of a growing deficiency in the consolidated fund, as was now experienced, there was a growing increase; and Mr. Pitt was enabled to shew, as a proof of the growing prosperity of the country, an increase in one quarter to the amount of 600,000l. These circumstances proved, that there was no similarity between the condition of the country at that time, and its situation at present; that it then possessed means of relief which did not exist at present; that at the end of two years, from the conclusion of the peace, the remedy then applied had made considerable progress towards a complete cure. The remedy then applied was that of additional taxation to the amount of a million, afterwards increased to 1,200,000l. for the purposes of the sinking fund. If the country was now in no worse a situation, the same cure might be applied. At that time, in from two to three years from the conclusion of the peace—little more than the time that had elapsed since the close of the war in 1814—the country began to experience the blessings of peace, and there was a considerable clear surplus in the consolidated fund. Was that the case at present? What might he state to be the deficiency now? The supplies of last year were 35 millions, and the ways and means did not exceed 20 millions; leaving a difference of 14 millions between the revenue and the expenditure. But if the matter were examined more minutely, he was persuaded there would appear a much greater deficiency—a deficiency of 10 less than 18 millions; and while the surplus of the consolidated fund had been estimated at three millions, it would probably appear that there was no surplus at all, and that the deficiency was no less than 21 millions. He challenged Ministers to meet that statement when the time of examination should arrive. The speech of the Prince Regent adverted to reductions calculated on principles of sound policy—words a great deal too loose and too general, and savouring strongly of a measure of reduction very different from that which the present situation of the country demanded; but of that, a word presently. What was the amount of the intended reduction? Was it to be 5, 8, or 10 millions? If the noble earl (Liverpool) could say that the expenditure was to be reduced to 19 millions, then what means had he to meet it? Was there any surplus of the consolidated fund? He would venture to say, that if the noble earl took the whole produce of the sinking fund, there would be a deficiency of nearly one million and a half. Could they then seriously say, that the state of the country now, was similar to its situation at any former period? In addition to this, he had to advert to a subject not at all noticed in the speech, and one which was the chief cause and foundation of all the present distresses of the country—he alluded to the im-

mense mass of paper currency, which had circulated at a depreciation of about 20 per cent., and was now in a great measure suddenly withdrawn, or restored to its proper level. There was no such difficulty at the close of the American war. He had sat in the committee of inquiry into the affairs of the Bank, when the restriction was under consideration: he dissented from the majority of that committee, who determined to report, that the restriction was expedient; and he afterwards opposed it as much as he could in the other House of Parliament. For some time the evil was not felt, and it afforded a facility in carrying on the war which astonished even the most sanguine; so that some with a new species of morality, considered it as a particular dispensation of Providence, as if it had been one of the blessings of Providence to afford facilities for war. In 1810, the consequences of the restriction began to appear, and he had then called the attention of Parliament to the subject, but with the usual want of success. The Chancellor of the Exchequer then felt that it was impossible to add to the already almost intolerable load of taxation; that it was impossible to increase the taxes without serious injury to the foundations of the national prosperity. What followed? Retrenchment and economy? No; but shifts and expedients to disguise the evil for a time, and throw the burden upon some future period. This system encouraged extravagance in the expenditure; and the same plan of profusion was continued till the pressure came in all the weight under which the country was now suffering. This was the grand source of our present difficulties; and still the resumption of cash payments by the Bank, and of the circulation in specie, was delayed. What were the original causes of the restriction? The accommodation afforded by the Bank to the Government, and the quantity of specie sent to foreign countries. Yet last year the Government had received a similar accommodation, which must be repaid before the Bank could resume its cash payments. (Earl of Liverpool—No.) The noble earl said no: but their lordships would see how that would turn out when the subject came to be considered. They had heard, too, of a loan to be made by certain individuals of this country to the French Government. It was always desirable to leave commerce free and unfettered, and it was said that the repayment of this loan was not guaranteed by our Government. He wished, however, that Ministers would make an explicit declaration on that point. The effect of such a transaction was not doubtful, when it was considered how ill the country, in its present situation, could bear the loss of such a mass of capital; and Ministers would incur a heavy responsibility if they afforded the least encouragement to that loan. Yet he could hardly believe that so great a risk would be ventured upon without some communication and understanding with Government. If Minis-

ters, however, could state that they had given no countenance to the transaction, there was, in his opinion, no object of British interest so minute that it ought not, in any future arrangements with the French government, to be preferred to the interests of those concerned in this loan. He could hardly, however, conceive that so great a risk would be incurred without some communication to Government: and if Ministers had even gone the length of taking measures to prevent it, the proceeding would not have been without precedent, for Sir Robert Walpole had brought a bill into Parliament to prevent a similar transaction. It was, at any rate, highly desirable that Ministers should explicitly state, whether the Government had any concern with it or not. He had thus stated the difficulties under which the country laboured—the restriction on the Bank—the amount of taxation—the enormous load of debt, contracted in a great measure in depreciated paper, to be paid in gold and silver; from all which it appeared that the country suffered under a pressure such as had never existed at any former period. He now asked the noble earl, what were their expedients, and what were the means by which the deficiency in the revenue was to be met? From the speech of the Prince Regent the only thing he could discover was, that there was to be no trenching on the public credit; by which he understood, that the sinking fund was not to be touched, and that no new taxes were to be imposed. By what means, then, did they propose to meet the deficiency? Was it by adding to the debt, and increasing the national difficulties? He hoped not. If Ministers were to resort to borrowing, or to the issuing of Exchequer bills, it could not be said that no new burdens were imposed on the country; for the issuing of Exchequer Bills must ultimately operate as a burden on the nation, and was only adding to the amount of our debt without making provision for the payment of either the interest or the principal. Then they came with professions of economy and retrenchment; but their lordships could not forget that they last year professed economy and retrenchment; and then came with an establishment reduced, as they said, to its lowest possible terms; and that they were prepared to defend their estimates, article by article, or in their own words, item by item. Parliament, however, afterwards lowered their establishment and estimates. Now they came again with professions of economy, and with measures of reduction brought, as they said, to its lowest limits. But Ministers had before not only exhibited no spirit of retrenchment and economy, but had insisted upon a continuation of the expenditure, even in the most trivial articles, as if they had been determined to trifle with the feelings of the people, and insult them in their distresses. Now, however, their lordships were told, that they were disposed to make reductions: but it would be the duty of that House to insist upon a reduction and retrenchment very different from that which

appeared to be promised in the speech. They must have a severe, rigid, unsparing economy; not such a plan of reduction and economy as appeared to be intimated by the vague and general words—sound policy; but calculated upon a view of the unparalleled distress of the country, and a consideration of what necessity would permit. They must consider, not what Government would think it sound policy to have, but what the country could afford to pay; and if they could not raise their means to their establishment, they must reduce their establishment to their means. (*Hear, hear, hear.*) The strictest economy must be introduced even in those particulars where, in ordinary circumstances, a liberal expenditure would not be improper, and the splendour of the Crown must now be found, not in the gaudy trappings of the Court, but in a just regard to the distressed situation of the country. However painful it might be, the claims even of meritorious services could not now be listened to with that attention which in ordinary circumstances they ought always to command. The question now must be, not what ought to be done, but what could be done; and Government, in applying remedies to the extent required by the present unparalleled distresses of the country, would have to execute a most painful task, and to encounter almost insurmountable difficulties; and after they should have done all that could be effected, after every measure of the most painfully rigid and unsparing economy, should have been adopted, he was very apprehensive, that even then no alleviation of the pressure of taxation could reasonably be expected. He must here touch upon a kind of expenditure (*Sinecures*) which had excited much odium and irritation in the minds of the people: he was far from wishing to encourage the delusion which had been industriously spread among the people, that any reduction in the course of this expenditure would afford any sensible alleviation of the burdens under which the country so severely suffered: but he did say, that Government was bound to shew the people of this country, that the expenditure was reduced to the lowest possible terms, and that no sacrifice was required of them, and that no source of expenditure was continued, except what was demanded by the most imperious necessity. There was another topic introduced in the speeches of the noble lords, which he could not think of without the most painful sensations—he alluded to their observations on the attempts said to have been made to inflame the passions of the populace, and to excite them to acts of riot and sedition, with reference to the unfortunate occurrence to which their lordships' attention had last night been particularly directed. No one could feel more strongly than he did the atrocity of the outrage which their lordships had mentioned—an outrage which justly called for the severe censure of their lordships, and which ought to be visited with all the powers of the law, both for punishment and prevention. But,

however just and proper it was to expose that outrage to the censure of their lordships, he saw no strong grounds, from the statement of last night, for suspecting that there was any criminal design against his Royal Highness's life. There should be no wish, in any quarter, to encourage the belief, either at home or abroad, that such an execrable purpose could have existed in the mind of a single individual in the country. The outrage was sufficiently atrocious, and the occurrence most deeply to be deplored; but no good reason could exist for representing the transaction as one of a more atrocious character than that which really belonged to it. It was unreasonable to suppose, that in a state of general and severe distress, discontents would not exist. Man would be a different being, and the whole system of human nature would be changed, were not this the case. He however rejoiced to find, that if there had been attempts on the part of any description of persons to inflame their discontents into disaffection, such attempts had failed, and all their efforts had been without success. There was, therefore, nothing that called for any extraordinary measures in this respect; nothing that required the exercise of any powers beyond the usual administration of justice. He could not, therefore, but deprecate any attempt to involve in one common censure, those who honestly sought a reform in the legislature, even on principles which might be regarded as impracticable, with persons disaffected to the constitution. Certainly, no one had ever been more personally objectionable to those reformers than he had been; but though they might continue to stigmatise him as a person who had forfeited their confidence, and whose moderation was hateful to them, still, though he thought their views, to the extent to which they were carried, would, if attempted in practice, lead to the most ruinous consequences, he would not follow their example, and pronounce a condemnation on their intentions. He should, indeed, be extremely sorry, if, by thus confounding all those who sincerely and with honest intentions endeavoured to procure a reform in the legislature, with persons disaffected to the government, an opinion should be excited in this country, or in Europe, that there was any considerable body of men among us, entertaining designs hostile to the constitution. He should regret this still more, were such an opinion to be made the foundation of any laws tending to infringe on the privileges of the subject. He hoped he should not hear it stated, that reform and retrenchment were subjects which the great body of the people ought not to discuss. After all the privations which the people of England had with such unparalleled fortitude borne, he trusted they were not now to be deprived of their constitutional rights. The liberty they enjoyed was their best consolation under all the difficulties they had to encounter; but if they should find Parliament more eager to im-

pose restraints on their freedom than to relieve their wants, then, indeed, he believed their discontents would rapidly and alarmingly increase. On all these grounds he could not refrain from opposing the Address. It did not afford a just view of the country; it did not hold out that strong pledge of retrenchment and economy, which the present state of the country required, and which alone could satisfy the public mind. The noble earl then concluded, by moving an amendment, the same as that moved by Mr. Ponsonby in the House of Commons.

The Earl of *Harrowby* said, he had listened with the utmost attention to all that had fallen from the noble earl opposite, but had not heard sufficient reasons to induce their lordships to support the amendment. The noble earl had complained, that the difficulties of the country were not sufficiently stated in the Address. He would, it seemed, have them drawn in the blackest colours. But in tracing a general view of public affairs it was by no means necessary always to state things precisely as they were. To adopt the course the noble earl recommended, might be in many cases highly injurious, by subduing that spirit of confidence and hope which can alone give sufficient energy to rescue a country from a state of difficulty, and restore its prosperity. The noble earl called on their lordships to assert facts to which they could not give their assent. It was, for instance, impossible to agree with him, that the present distress exceeds that of every former period. The American war had been alluded to, and he believed the noble earl entered Parliament soon after the termination of that contest. It could not be forgotten, that the language of that day was distinguished by the strongest despondency. The noble earl had alluded to the state of the country in 1783; but he ought to have recollected, that at that period our public debt had increased in the course of ten years by a sum, the interest of which was 4,800,000*l.*, while the whole revenue raised to meet it amounted only to 1,700,000*l.* Here was a state of things which might fairly be put in the balance with the embarrassments of the present period. In that same year, 1783, our exports amounted to the great sum of 10 millions, while in the year which had just expired they had fallen to so low a state as to be only 28 millions! So much for the prosperity of 1783 compared with that of 1817. The country had then a debt gradually accumulating without means prepared for its reduction: no man had then been bold enough to propose a remedy for this enormous evil. At present the country possessed a sinking fund amounting to about 14 millions. It was true, the noble earl had said that this sinking fund was not applicable to our expenditure. It was to be hoped it never would; but in possessing it the country had a mortgaged revenue, which, if added to the other revenue, would equalize the income with the expenditure. The noble earl had dwelt much upon taxation as the cause of

the present embarrassments: no man would pretend, when a country is in a state of difficulty, that the pressure of taxes would not augment the distress, but it by no means followed that these taxes should be regarded as the cause of the distress. On the contrary, the fact incontrovertibly was, that when the taxes exceeded their present amount by nearly 18 millions, the prosperity of the country was great. The state of the currency was another subject into which the noble earl had entered, but into which he did not think it necessary to follow him at any length. A very great part of the paper currency had, from various causes, disappeared; but that it had previously produced great effects no man could deny. A revulsion, it was true, had arisen from certain temporary causes, and had occasioned considerable distress; but that distress, like the causes which gave it birth, was also temporary. But to whatever degree that distress extended, had it not been balanced by great advantages? It would be strange indeed, if any man could look back to the events which had occurred during these 20 years, and not oppose to that distress the important acquisitions made by the country during the same period; the rank to which we had risen among nations; the security we had obtained, the imperishable glory we had conquered! Were he to be asked, whether he would embark in the system which had produced these results, or abandon its advantages for the sake of avoiding any evils with which it had been accompanied, he would not hesitate a moment in his choice. Let it not be supposed, that though the progress of the distress had been rapid and unexpected; the system of paper currency was not balanced by benefits of the most important kind. It had created wealth in every corner of the country; it had framed machines, and built warehouses, which were loaded with the merchandise of the world; and it had left behind materials which would, in due time, reproduce prosperity in spite of those gloomy predictions, which, from the year 1791 to that day, had been incessantly repeated, and which could tend only to depress the spirit of the country. With regard to the late treaty of peace, the opinion he entertained was very different from that of the noble earl. As the events which preceded that treaty had raised the glory of the country to the highest pitch, so the policy by which it was concluded was at once the most just to other nations, and the most advantageous to our own. In the concluding part of his speech the noble lord had alluded to an atrocious outrage which had been a subject of inquiry yesterday: in common with him, and every other member of that house, he shared the indignation which the noble earl had expressed; but he must add, that he doubted whether the noble earl was right in his conclusion, that there had been no plan in the commission of the outrage. From the evidence their lordships had heard yesterday, he thought there could be no doubt in the mind of any man

on that subject. Most of their lordships would recollect a similar atrocious attack which had been made on the Sovereign more than 20 years ago, and a comparison of the circumstances would shew, that design was not less manifest in the attack of yesterday, than in that to which he had alluded. But it was not surprising that the minds of the ignorant were worked up to excesses, when they were daily excited not only to hatred of the Sovereign, but his government, and indeed of every government. This was the effect to be expected from the inflammatory publications circulated among them with a most mischievous industry. These publications were distributed among a people smarting at present with distress, and unfortunately, therefore, fell upon a soil calculated to produce the fruits which had been witnessed. In this respect, the situation of the country required the greatest attention, and he hoped the subject would speedily occupy the fullest consideration of Parliament. He should think himself attempting to impose on the understanding of their lordships were he to hold out any other view than that which he had done with regard to the state of the public mind. In the mean time he rejoiced to state, that, however their lordships might differ on certain questions of policy, he was perfectly satisfied, that they all agreed in venerating the magnificent edifice of the British constitution, which had existed with glory for so many ages; and also, that they were all determined to maintain it.

Earl *Grasvenor* never rose with greater pain in his life to address their lordships, and that not merely on account of the distress of the country, great as that distress was. Notwithstanding the many thousands who severely felt the difficulties of the times; notwithstanding the sufferings of that important, but now almost extinguished class, the country gentlemen; notwithstanding that almost all, except those who lived by the taxes, were compelled to make the greatest sacrifices; notwithstanding all these considerations, he derived a far more melancholy view from the conviction that Ministers were determined to resist every reasonable suggestion of economy and reform. This conviction gave him far greater alarm than the situation of public affairs, gloomy as that was. It indeed appeared, that if the present objects of Ministers were pursued, and their present principles maintained, their system must terminate in a military despotism. He could foresee no other result. He was fully persuaded that the disaffection complained of by Ministers arose in a great measure from their resistance to all temperate propositions for economy and reform. Their attempts to maintain a war expenditure in peace, and their conduct with respect to the auditing of the civil list, were proofs of their intentions. With regard to the latter subject, it was to be regretted, that their lordships did not take the business into their own hands, rather than leave it with Administration. What had

been their conduct during the recess? Their first object ought to have been to alleviate the public distress; and what did they undertake for that purpose? They formed a meeting at the Mansion-house, where every thing was to be arranged according to their own views. He was not sorry that the object of that meeting failed; for charity was afterwards distributed through its proper channels. The conduct of Ministers was also very reprehensible in the answer they advised to the Common Council of London, which appeared to displease them as much on account of its recommendation of the abolition of sinecures, as on account of its reprobating their war system. For these reasons he should give his support to the amendment.

The Earl of *Aberdeen* observed, that the noble earl who moved the amendment had, in the course of his speech, condemned the late Treaty of Peace concluded at Paris.—That Treaty, however, was the best that could be adopted, either with respect to our own security, or to that system of liberal policy which it was our duty to maintain towards a conquered people. With regard to the economy so much insisted on, he was fully convinced, that every practicable reduction would be made by his Majesty's Ministers. He had no doubt that they would reduce the expense of every department to as low a state as was consistent with the existing situation of the country, or, he might say, with sound policy, though the noble earl had expressed his dislike to that term.

Lord *St. John* supported the amendment.

Earl *Bathurst* defended the conduct of his Majesty's Ministers. What they had stated last year was, that they had made reductions in the establishments as low as the circumstances of that year would allow; but they were then far from saying, that these were the only reductions that could be made, or that future years would admit of. He would appeal to their lordships, if this had not been their uniform language; and whether they had not absolutely denied that these were to be the utmost limit to the reductions of the peace establishments. Whether the reductions were made to the utmost extent that they could possibly admit of, would now be a fair subject for the consideration of Parliament. He would not say, that the military establishments could not be actually reduced lower than was now proposed; but, at least, in the opinion of Ministers, they were as low as the actual safety of the country would admit. He would readily allow, that there was nothing in the present Address which bound their lordships to approve of the objects of the war with Nepal. Near the end of the last session, the House had been told, that that war was closed; but in consequence of the refusal of the Chief to sign the treaty which had then been concluded, a renewal of it became necessary on our part, and the praise contained in the Speech was solely intended for the ability and valour with which it had been con-

ducted, and brought to a successful termination; and as to the language in which the praise was conveyed, being nearly the same as that applied to the conduct of a noble personage now present, (Marquis Wellesley) on account of the conclusion of the Mysore war, he did not think that noble person would think his conduct disparaged by the comparison. The noble lord who moved the amendment had spoken of the utter detestation in which the house of Bourbon was held by the people of France; but until he produced some evidence in support of his assertion, their lordships could not admit it to be well founded. The noble earl had then spoken on the nature of the loan which some capitalists of this country were preparing to advance to the French government. He must say, that he knew of no law to prevent the capitalist of this country from making the most beneficial application of his capital, particularly in lending it to a government in a state of amity and alliance with this country. But this loan would not, as the noble earl seemed to imagine, press exclusively on the English money-market: on the contrary, it would be advanced by a variety of capitalists of all nations, without discrimination; and he was most happy to learn, that a very considerable portion of it would come from the monied men of France. He stated this fact with pleasure, as a proof of the consolidation of the French government, and of the consideration and confidence which it enjoyed among its own subjects, as well as affording a pledge that the duration of peace would be lasting. He would not now go back, as had been done by the noble earl, into a consideration of the terms of the peace that had been concluded with France; that peace had already obtained the approbation of the House, and he believed of the country. But if the noble lord thought that the main object of that peace was to maintain the Bourbons on the throne of France, he was completely mistaken. The first object, he would admit, was to give support to that family, as the most likely mode of securing the general peace of Europe: but there was a second object, to secure the fulfilment of the indemnities stipulated in the peace of Paris; and thirdly, to occupy the frontier towns of France, until the left bank of the Rhine was adequately secured by the erection of barriers against the future aggressions of that country; more particularly after the treaty had confirmed its territorial integrity. With respect to the first of these objects, why was it thought desirable? Chiefly because the whole French army had shewed itself radically hostile to the Bourbon family: that army was now disbanded, but if it had been left in full force, there was little doubt but it would have operated to the immediate overthrow of the Bourbon dynasty. The noble earl had next adverted to the spirit of discontent and disaffection which the Address alluded to, as having manifested itself at home; whoever had noticed the systematic attacks that had been made, must have remarked, that they were not

directed so much against the Ministers of the Crown, as against the personage who exercised the functions of sovereignty. There was nothing that malignity could invent that had not been assiduously propagated against him; and it would remain for the House to consider what further measures were necessary to counteract such nefarious objects.

The Marquis *Wellesley*.—In the present arduous circumstances of the country, there remained at least one source of consolation, one advantage for their lordships, that the distress which prevailed had now attained a pitch, of magnitude which could no longer be concealed,—which it was no longer in the power of any master of the art of disguise, nor of Hibernian metaphor, to veil or wrap up from the observation of Parliament. It was a distress of the most dreadful magnitude that ever threatened the existence or well-being of any country; and he was bound to express his astonishment, that on an occasion so unexampled in the history of the world, an Address should now be proposed so inadequate to the importance of the crisis, and to that which the wants both of the Crown and the people so imperiously required. Their lordships must all feel the difference of times and of circumstances; they must surely all be convinced that this was not an ordinary occasion, on which Parliament might meet and bandy about complimentary addresses, by praising, on the one hand, the wisdom of Parliament, and on the other, extolling the fortune of Ministers. This was the occasion when the cry of an afflicted people should be faithfully laid at the foot of the throne. And here he must complain, that the meeting of Parliament had been so long postponed, merely for the convenience of Ministers. It was to him a matter of astonishment and regret, that when Ministers had seen those distresses growing up from hour to hour, and from day to day, from which the people implored relief, (*hear, hear*) Ministers should turn a deaf ear to their complaints; and that when Parliament did meet, such a Speech should be delivered from the throne—a Speech containing no one distinct expression, invoking no one principle for the guidance of Ministers, and offering no one pledge whatever that inquiry should be made into the state of the nation; not calling upon them to examine into all the national bearings, and if the calamity was great, to state it fully and distinctly, not for the purpose of inducing despondency, but with a view fully to state our difficulties, and to meet them with fortitude, together with the principles on which the only relief could be procured. The Address was a mere echo of the Speech from the throne: but the real distinction between it and the amendment proposed by his noble friend was, that the former was a mere respectful capping of mutual compliments between Ministers and the House; while the latter, though far from being disrespectful, contained a plain statement of the difficulties in

which the country was involved, and a resolution that Parliament would make a radical inquiry into their nature and amount. The President of the Council (Lord Harrowby) had indeed said, that the amendment of his noble friend was calculated to excite an uncalled for despondency; but all that was wished for was, a declaration that the House would enter into a serious examination of the state of the country, and adopt corresponding principles of public retrenchment. Was this, he would ask, calculated to spread despondency among the people of England? to diminish our dignity in the eyes of our allies? Could we entertain the low and wretched idea, that we could gain any character in Europe by attempts at concealment? (*Hear, hear.*) How could we parade over the Continent an idea of our dignity and consequence, while it could not fail to be universally known that a real canker was corroding, and would at last consume the vitals of the country? Could our real situation be concealed by means of any boasting disguise? No; it was only by a full inquiry into the state of our resources, and an unsparing retrenchment of all unnecessary expenses, that the Government could acquire any real dignity either abroad or at home. His noble friend had, in the course of his speech, distinctly stated his opinion, that some of the causes of our distresses were of a temporary nature: but it should not be forgotten, that the prosperity of our commerce sprung chiefly from temporary causes during the continuance of the war, and that a total change was produced in the operation of these causes by the return of peace. He would say, indeed, that for some years prior to the peace, both the revenue and the commerce of the country had assumed an inflated and unnatural magnitude, but by this time they were reduced to their natural level. It was a great delusion, therefore, to assert that the causes of our distresses were of a temporary nature, and would be shortly overcome. He would mount up, however, to what appeared to him the grand original causes of all: thinking, as he did, that their lordships had hitherto merely argued on the proximate causes, as if they were the only ones that deserved attention. In this light he had always viewed the paper-currency of the country, though he had always viewed it while in office as a part of the necessary evils arising from the monstrous expenditure occasioned by the war. The original cause of our difficulties was that expenditure: but he did not, therefore, think that the war originally, or in its progress, was unjust or unnecessary. He gloried in the honour, and in all that the country had gained by it, both from the small share which he had had, but especially from the interest he took in a relative whom he felt as dear to him as himself. What was the advantage we had gained by the war? It was in fact a question of life: and if that life were secured, would not the Ministers allow us the means of life in respectability and comfort? Should it be said, that we live,

and that is all? Their lordships had been told that at the close of the American war the circumstances of the country were nearly the same as now; but though in close correspondence with many of the distinguished persons of that day, he had no recollection of any degree of despondency prevailing among them. He had always heard a conviction stated, that the vigorous exertions of the Parliament of that day, in enforcing public economy, would speedily relieve the country. But the comparative difference in our expense and burdens should also be taken into account. At that time the country was comparatively young; the long continuance of war had not succeeded in using, if he might so speak, its resources. We should consider also the effect which the war had had on our commerce. It was known that manufactures had in that period sprung up all over Europe. Not only were the governments of different continental states adverse, but also the whole people hostile to our manufactures and commerce. So much was this the case, that we had actually seen some of the people of the friendly state of the Netherlands sacrificing their self-interests and making an *auto da fe* of our manufactures. Another cause had been the imprudent cession made to France of some of her eastern possessions, by means of which a large portion of the trade of our own settlements now went through that channel, instead of enriching the commerce of this country. The difference, therefore, between the state in which we came out of the American war was strikingly manifest. The doctrine of Ministers was, that the revulsion from a state of war to that of peace was the cause of our distresses; just as if they proceeded, not from war, but from peace. This was completely reversing the old adage, that war was the cause of suffering, and not peace. So much as to the causes, which he did admit were only temporary, and which had also last year been held forth as merely local—local was the favourite word. Local, indeed, they were in the sense of the old line,

Jupiter est quodcumque videt, quocumque movet:
So universal was the calamity. He admitted that the causes of the national distresses were merely temporary, and the exertions of Parliament might make them still more temporary. With this view he should contend, that the military establishments of the country might be greatly reduced: 2dly, he must conceive that it would be endeavouring to propagate a great delusion, to state that the civil establishments of this country did not require revision and reduction. He meant no reflection on the honourable men who now enjoyed such offices. Let them stand forward now, and manfully declare, that they will not be any obstacles in the way of reduction. He would tell such gentlemen, it must be done; the eyes of the whole country were upon them—the eyes of the British public. Would they then adopt the vigorous amendment of his noble friend, instead of the milk-

and-water address of the noble lords opposite? The civil establishment should be retrenched with no sparing hand: indeed, one rule should be applied to them all, that nothing, however ancient, should be suffered to exist which was not absolutely necessary for the safety and very being of the country. The circumstances of the times were so altered, that reductions were now requisite that were never even thought of before: and no Minister, however successful in other respects, could be said to deserve well of the nation, who should not recommend the most rigid economy in every branch of the expenditure. This was not a hasty opinion, but one which he had formed after the most earnest deliberation: and so convinced was he of its utility and importance, that to support it, he would sacrifice his health, nay his life, if necessary, provided Parliament could be induced to carry it into effect. (*Cries of hear.*) It was at a most critical period that Parliament had met: and it was now that their lordships should shew the people that it was not in vain Parliament had been called together as the proper instrument to remove the public grievances. It was now they should shew, on the other hand, how vain were the fears of those who thought that the constitution had not power to sustain itself. For his own part, one great source of his love for the constitution arose from the consideration of a great and incomparable blessing which had appeared to him to have been hitherto inherent in it: he meant, that while we enjoyed greater freedom than any other nation on the earth, and at the same time entertained the most unconquerable aversion to military despotism, or even military influence, yet it had fallen to the lot of this country to make greater exertions, and perform more glorious exploits in war than any other. Such, however, was the elastic vigour of our political system, that by an intrinsic and native spring, we had, even after the most laborious and exhausting wars, returned to the benefits of our free constitution, and the sources of agricultural, commercial, and general welfare had revived, as if by spontaneous energy. Such, hitherto, had ever been the case; such, however, was no longer the case since the last peace. This peace had not brought with it the usual benefits of peace: we were not delivered from that unconstitutional evil, a standing army: the burdensome expenditure of our establishments was not reduced in proportion to our reduced means: the channels of national wealth and prosperity had not been opened. These were the principal topics that occurred to him; and the main object on which he insisted was, that in the present state of the country, it was not merely the duty of Ministers to give a general pledge to be economical "as far as the safety of the empire and sound policy would allow" (large words these, but of little definite meaning): but they should have given a distinct pledge of what they intended to do, and to what extent they thought reduction

would have been compatible at once with the safety and the means of the country. Having thus taken a view of the principal features of the Speech, he would refer to two points, which, though of minor importance, ought not to be passed by without some notice. And, first, as to the expedition against Algiers, there was no man with a British heart, who could help rejoicing in the splendid and decisive victory of Lord Exmouth; no man could refuse the warmest praise to the skill and courage with which it had been achieved. For himself, he felt a particular pleasure in that transaction, because it confirmed in his mind the high opinion which he had been induced to form of the gallant Viscount from his services in India. During the whole of his government, he had never met with a more zealous and able coadjutor. He was not, therefore, surprised at the signal triumph of the noble Viscount at Algiers, though he was gratified to see the success of an officer to whose character he felt a personal attachment. He hoped he should be excused for saying these few words in the presence of the noble Viscount, especially as he feared that illness might prevent his attendance when the thanks of the House should be voted to him. (*Hear, hear.*) As to the war in India it seemed to him to be necessary, as far as he could, from imperfect acquaintance, understand the causes of it: from recollection, however, of the territory of Nepal, he had some doubt whether an undue importance had not been given to that expedition. However this might be, he thought the conduct of the noble lord at the head of that government was marked by integrity and ability, and nothing could be more grateful to his own feelings, than that the noble lord should be more useful to that empire than he himself had been. He came now to that part of the Speech which alluded to the supposed efforts employed to inflame the public mind. It would have been as well if the noble lords had pointed out some of the attempts made to depreciate that Parliament of which those noble lords professed themselves to be such strenuous defenders. The noble lords, it seemed, were great friends to the constitution, and of course great friends to Parliament; indeed they seemed to have shewn their friendship in a way which was the most likely to maintain friendship, according to an old saying, that "friends should meet seldom and part quickly." But what could be thought of these advocates of the constitution, who, at a time of peculiar distress and emergency, suspended that very constitution which they pretend is so essential to our very existence—who, while the sufferings of the people are increasing from day to day, defer, till the very last moment, the assembling of that Parliament which alone can provide remedies for the calamity, or check the discontent that every where prevails? But while he assented to those who insisted that Parliament should have been sooner called together, he thought it necessary to make one observation with respect to those

also who in all directions were crying out for parliamentary reform. He would not hesitate to avow an opinion, that whatever the motives of these people might be, their plans all rested on principles which were diametrically opposite to the spirit as well as practice of the constitution. Universal suffrage and annual parliaments were not only unknown in the history of our constitution, but were subversive of its very nature. What! was the House of Commons to be made the mere organ of a democracy? Was this the intention? Had this ever been the practice of our parliamentary system? It was the peculiar character of our constitution, that it contained within it the three great principles of monarchy, aristocracy, and democracy, blended together so intimately, yet perhaps so inexplicably, except as to the effect, that the Crown had no strength except in connexion with the aristocracy and the people, the aristocracy was nothing except connected with the Crown and the people, and the people were powerless if independent of the Crown and the aristocracy. Was this mysterious union to be dissolved? Was this system, whose strength was its harmony, to lose all its energy by losing the beauty of its proportions? What discord, what confusion, what destruction would then ensue! The very statement of reform, so understood, is revolution. (*Hear, hear, from all sides.*) Not only do its principles tend to the subversion of our own beautiful fabric, but they would, from their very terms, destroy and extinguish all order, all government. "But what then," said the noble marquis, "do I say, that because these reformers are in error they ought to be silenced? Do I say that your lordships ought to check an Englishman's best privilege—the right of talking and speaking about the constitution of his government? Do I recommend to your lordships to employ coercion to repress the mistakes of opinion? Oh, no! my lords. (*Hear, hear.*) Your lordships assemble here for better and nobler purposes. Do not invest yourselves in the solemn robes of judges: still less, my lords, assume the austere office of punishers of the people's errors: but exercise as you ought the grander and more constitutional functions of hearing, considering, redressing the people's wrongs. Such, my lords, is my view of the constitution (*cries of hear*); and I trust I may say, that no man can be a stauncher friend to it than I am. I was born under the influence of this glorious constitution: I was educated in its principles: to it I owe almost every thing: no man owes more to it than I do; no family owes more to it than mine. I have therefore reason to love and admire it, and I would gladly lay down my life to support it. *Defendi rempublicam adolescens, non deseram senex.* (*Hear, hear.*) These are the principles by which I am prepared to abide. I would give the public every practicable relief; I admire their fortitude, I compassionate their sufferings; and I call upon this House, as in duty

bound, to make every possible sacrifice for their benefit: I would spend my health, my time, my life, in recommending to your lordships every mode of retrenchment and economy; but I would never give up my constitutional principles: by those principles I will stand or fall. (*Hear, hear.*) The noble marquis concluded by supporting the amendment.

Lord *Sidmouth* should have thought, if the noble marquis had not declared to the contrary, that he desponded of the state of the country, for he certainly never heard a speech more calculated to excite despondency. If the distresses were indeed permanent, what remedy could be found for them? All inquiry was useless where the calamity was without cure. The noble marquis considered the Address as inadequate to the emergency of the times. Now if he, as a party concerned in the wording of that Address, could be supposed to divest himself of a natural partiality, he would say, that he considered the Speech as one immediately adapted to the occasion. Its peculiar merit lay in its candour and explicitness. The nature of the distress was not disguised, and his Royal Highness was advised to state, that every mode of retrenchment would be adopted that was compatible with safety and sound policy. Was there any thing wrong in this? Was sound policy to be banished from the British councils? What expenses could be reduced would be for the future consideration of their lordships. Government did not present any plan, but left it to the determination of Parliament. He could not help thinking, that the noble marquis had not given a due regard to the statement of the noble earl (*Harrowby*) with respect to the conclusion of the American war. He (*Lord S.*) recollected a great and illustrious person, who succeeded to office after Lord *North*, and who expressed his astonishment at the dreadful state of the country as infinitely worse than he had expected. Then there was no sinking fund; and there was, moreover, a deficiency of three millions in the revenue. Whereas, now (with all our distresses) there was a reduction of eighteen millions of taxes, which was two millions more than the amount of the whole taxes before the war. Distress was as general after the American war as now, and manufactures were as much depressed. Indeed the manufactures now were beginning to revive: there was considerable activity at Manchester and Glasgow. There was also an increasing demand for our mineral productions, and for the copper of Cornwall. He did not mean to say that this revival was very extensive, but it was enough to avert ruin. As to the causes of these distresses, he would not now touch upon them any further than to say, that the causes were not one or two, but a rare and extraordinary combination. He believed that the noble marquis was mistaken in supposing that our manufactures stood in any danger from the rivalry of foreign workmen:

the fact was, that foreigners had not money to pay for our articles: what surplus money they had was applied to repairing the ravages of war. What farther could he say? The Speech had given the assurance that retrenchment had been already set on foot; and Parliament was encouraged to enter upon an inquiry immediately. As to the military expenditure, it was fit he should state, that he did not think the amount was more than enough for the necessary demand for the purposes of the garrisons, dock-yards, and public peace. Indeed the army was reduced lower than it ought to be, or would have been, but for the deficient state of the finances. And as to the reductions already made, he had advised them with reluctance, because they at once augmented the public distresses, and the discontent which was the consequence of those distresses. In some respects, indeed, the evil was aggravated to others besides the poor sufferers: for the list of paupers was swelled by those discarded heroes, and of course the poor rates were every where more burdensome. With respect to the allusion in the latter part of the Speech, he could not think the Regent was ill-advised in stating a fact which was notorious to every body. It was fit, however, that he (Lord S.) should state to their lordships, that he should, on Friday next, have a communication to make to the House from the Prince, when their lordships would be able to inquire into the circumstances which had induced his Majesty's Ministers to express themselves as they had done. The noble viscount then contrasted the state of the country with what it would have been if Buonaparte had still been on the throne, where, he said, the Opposition would have let him remain: we should have had an armed peace followed by expensive and ruinous war.

Lord Darnley thought the Speech from the Throne was not adapted to the real state of the country; nor such as the public had a right to expect under their difficulties. He could have hoped that the Ministers of the Crown would have advised the Prince Regent to imitate the magnanimous example of Queen Anne, who sacrificed the means appropriated to the splendour of the throne to the welfare of her people. Had this advice been recommended and adopted, he was quite certain that the outrage committed on the royal carriage would never have been committed. He for one entertained no feelings of despondency, but it was his firm belief, that the only hope of rescuing the country from its present peril was founded on a determination on the part of Parliament to do its duty.

The question was then put, and the Amendment being negatived without a division, the Address was agreed to, and ordered to be presented by the whole House.

Addresses were then voted to the Prince Regent, to the Queen, and to the Duke and Duchess of Gloucester, on the marriage of the two latter.

The Earl of *Shaftesbury* was appointed Chairman of the Committees of the House.

HOUSE OF COMMONS.

Wednesday, January 29.

The House met at half past one, and agreed to a message to the Lords, desiring that the circumstance of sending a message by their Lordships' clerks, should not be drawn into precedent. At half past two the House adjourned to five o'clock, and the SPEAKER, attended by several Members, went to Carlton House with the Address voted yesterday.

PARLIAMENTARY REFORM.] On the resumption of the House, Lord *Cochrane* stated that he had various petitions to present, including one from Bristol signed by 20,700 persons, complaining of various grievances, and praying for Reform. His lordship complained that petitions of this sort were interrupted in the reading by coughing and clamour, and that they were sometimes read by the clerk in an indistinct and inaudible voice. There was no tumult at Bristol, except what had been occasioned by a police officer. At the meeting in Spa-fields, a set of people came from the Old Bailey, who had seen a man hanged there that morning. The others who were said to be disorderly were starving sailors, who had fought the battles of their country under Lord Nelson, Lord St. Vincent, and others, who were now disbanded. After these observations, which were made at intervals, his lordship having repeatedly been called to order by the Speaker and others, he presented the petition from the Bristol Meeting, which was read by the Clerk. Mr. *Protheroe* and Mr. *Davis* (Members for Bristol) asserted, that the petition did not speak the sentiments of their constituents. The *Chancellor of the Exchequer*, though far from approving of the language of the petition, saw no reason for departing from the usual practice of the House with regard to it. The petition was ordered to lie on the table.

Lord *Cochrane* then presented a petition from Saddleworth, in Yorkshire, which stated, among other matters, that the House did not in any constitutional or rational sense represent the nation; and, by its inadequacy of representation and corruptions, subverted the principles of the constitution. It complained of enormous taxation, and observed that the cause of the war in 1793 was well understood, though possibly its contrivers did not originally intend its evils to extend to such a magnitude and duration. Now the eyes of the people were opening, and our wicked rulers saw it. They were shocked at the proceedings of contending factions, who were alike forgetful of the nation's interests, in their party views, and their repeated, protracted, and disgusting debates. They saw nothing in their discussions, except that the lash of unconstitutional taxation was to be kept applied to the poor. Taxation and representation ought

to go hand in hand. There was no way to prevent the establishment of despotism but by having a free Parliament. Through the conduct of the boroughmongers the people could not pay for taxes. They prayed for a law to give the aggrieved people their rights of equal representation and annual Parliaments, which they should exert every constitutional means to obtain. This petition gave rise to a long discussion. The *Chancellor of the Exchequer*, the *Attorney-General*, Mr. *Canning*, and Mr. B. *Bathurst*, considered it as a studied insult to the House, and contended that it ought to be rejected. Mr. *Brougham*, Mr. C. *Wynne*, Mr. *Brand*, Mr. *Lambe*, and Mr. F. *Douglas*, disapproved of the language and several of the doctrines in the petition, but thought it should be received. On a division, it was rejected by 135 to 48.

Lord *Cochrane* then presented a similar petition from another town in Yorkshire, to the reception of which the *Chancellor of the Exchequer* objected. Lord *Cochrane*, as an instance of the truth of the petition, with regard to the sale of seats in Parliament, stated the way in which he was first returned. He went to Honiton, with plenty of Spanish money. The bellman of the town went about ringing his bell, and calling upon the electors to come forward, and receive each 10*l.* They were invited to call upon Mr. Townshend, at his bank, which they did, obtained their money, and then he was elected: with the same facility might have been returned Lord Camelford's black servant, or his dog.

Mr. *Canning* suggested to the noble lord to withdraw the petition for amendment, with which suggestion he complied.

Two petitions were presented from Ashton-under-Line: one was admitted and the other rejected. Two petitions from Oldham were disposed of in a similar way. A second petition from Saddleworth, couched in similar terms to those of the first, was rejected.

THE REGENT'S ANSWER TO THE ADDRESS.

The Speaker reported to the House the Answer of the Prince Regent to the joint Address of both Houses, on the subject of the late outrage, (see page 30.) and the same was ordered to be entered on the Journals.

PRIVILEGE.] Mr. C. W. *Wynne*, called the attention of the House to a departure from the usual forms observed in conferences between the two Houses, in the treatment of the Managers of the House of Commons yesterday. It had been the constant practice in conferences between the two Houses in the painted Chamber, for the Managers for the Lords to sit on one side of a table, and the Managers for the Commons to stand on the other side. But during the late conference the Managers for the House of Commons had observed the seats of the Lords elevated one step above what they were before, the Managers for the Commons were kept

on the outside of the bar. He alluded also to the departure from the ancient usage with respect to the delivery of the Message. He had no doubt that this want of the usual accommodations for the Managers for the Commons had arisen from some mistake inadvertently committed by the Officers of the Board of Works: but it would be for the House to adopt such measures as they might deem most advisable to prevent this departure from usage from being drawn into precedent.

The *Chancellor of the Exchequer* was sure, that what had taken place had not originated in any feeling of disrespect towards the House. The suddenness of the occasion, and some alterations which had lately been made in the Painted Chamber, were very probably the cause of the irregularity.

The *Speaker* stated, that it was now 150 years since the details of the forms to be observed in the managing of Conferences between the two Houses had been settled, and these forms had been observed ever since. It would not be amiss, were the House to send a Message to the House of Lords, desiring them to give orders that the same accommodations should be afforded to the Managers appointed by the House, which they had formerly enjoyed; and to replace things on their former footing.

Mr. C. W. *Wynne* observed, if the Managers had been in the slightest degree of ill humour, they might have also noticed another circumstance respecting this conference, when they repaired to the Painted Chamber: some of his Majesty's Ministers in this house, who were among the deputation, waited a long time before any of the lords made their appearance. He had no doubt, however, that this inattention was occasioned solely by accident.

Mr. W. *Smith* observed, if the Managers had been in the slightest degree of ill-humour, they might have also observed on the time they had been kept waiting at the door.

Mr. C. W. *Wynne* said, he should have conceived it his duty on an ordinary occasion to have withdrawn immediately, but as the circumstance was so unexpected, he thought it better to follow the course they had adopted, and afterwards to submit a motion to the House on the subject.

Lord *Stanley* was behind the bar of the House of Lords, when the question of the Address was discussed by their lordships: and he could assure the House, that when the Lords knew that the Commons were attending, they walked out immediately to meet them. He had also heard that their lordships waited a considerable time for the Masters in Chancery, who were not in attendance, in order to send the message by them; but the Lords were at last compelled, from the urgency of the occasion, and not from any disrespect to the Commons, to send it by their clerks.

The *Speaker* said it would be the more consistent course, after what had passed, to refer

to the sessional order regulating the form of proceeding in conferences.

The usual sessional orders were then read from the chair, and were severally re-voted.

DEBATE ON THE ADDRESS.] Mr. Canning moved the resumption of the adjourned debate on the Address in answer to the Speech of the Prince Regent.

Mr. Curwen said, he should have been happy to have had it in his power to concur in the Address, for at such a moment, and in the situation in which the country was placed, it was by no means his wish to add to the embarrassment of his Majesty's Ministers; but many parts of the Address were extremely objectionable, and they were the more so when the conduct of Ministers during last Session was taken into consideration. They had held out hopes of economy which were hailed in every quarter of the country, but how had they fulfilled their promises? Never but when they were forced by the House. had they adopted one single measure of economy or retrenchment. Without breaking faith with the national creditor, he was afraid it would be found impossible to relieve the country from any of those burdens which now pressed so severely on it. The attention of the country was now anxiously fixed on the House, as their only hope; but all that the House could do, would be far from what the country expected from them. But to bring the country to bear its burdens, it was necessary that they should look into its situation. He was aware that this would be called by some, holding desponding language; but those were the chief promoters of despondency in this country, who kept back from it the state of its real situation. They had been told that there would be no necessity for recurring to new taxes; but was there one man in the country who looked on that as any consolation? (*Hear, hear.*) Ministers had been frustrated in their attempts to burden the country with the Income Tax; but did they not know that if they had succeeded in their plan they would have been put into the dilemma, that it would have been utterly impossible to have collected it? He dared any of them to contradict this; but he knew it was impossible for them to contradict it. He would venture to say too, that it would not be denied that the revenue, however deficient this year, would not be more deficient in the year to come. The share of the Property Tax falling on land was taken at 4,000,000l.; but admitting the real property of the country to amount to 35,000,000l. a year for the last 12 months, he would take upon him to say, that 8,000,000l. had not been received. The country felt it impossible to support itself under the load of Taxes which pressed upon it. When Ministers said our distress was only what took place at the close of every war, they did not give a fair representation of the case. At the close of other wars the burdens were comparatively moderate, and the recovery easy; but now the country was not merely weighed

down by the enormous amount of the public burdens, but the Poor's Rates had also risen from 2 to 8,000,000l. There was no man who believed more than he in the energy and intelligence of the country; but they could not surmount impossibilities. The Tenantry, from the highest to the lowest, were distressed to the utmost. There was not less due from the Tenants to the Proprietors than a whole year's rent of the land of the country; and it was impossible to extract this from them without breaking up our agriculture. The distresses of the country forced all ranks to an economy which kept down whatever enabled the Tenant to pay his rent. Money was not to be had unless on usurious terms, and there was no course left but retrenchment. All the Taxes, Assessed, Customs, and Excise, suffered from this; and next year they would be worse than they were in the present.—The House ought to look into the situation of the country. He was convinced that it was impossible for them to relieve the nation from any burdens, however oppressive to it. It was a painful duty to say this to the people, but the neglect of it would bring us into a situation which would render all remedy impossible. It might be said "sufficient unto the day is the evil thereof;" but the acting on that maxim last year, had already cost the country dear. The view which Ministers gave of our situation was calculated to deceive. It was deceiving us to talk of a deficiency of three millions. If this were all, would this proud country have cause to be disheartened? No: last year the deficiency of the Revenue, compared with the Expenditure, was 17 millions, and this year it would be twenty millions, if the establishment stood as it did last year. It would be a fearful task for Ministers to cut down the establishments, so as to bring them within our income. To talk of issuing Exchequer bills on one hand, while we were liquidating the debt on the other, was a mere mockery. It was not the deficiency of our taxes of which he was afraid, but the enormous excess of our establishments beyond our income. The country would take it better at their hands fairly to state its situation; for nothing would reconcile it to bear its burdens, but shewing the utter impossibility of dispensing with them. What were the subscriptions in aid of the distress of the people, but a drop of water to the ocean? On this subject his Majesty's Ministers had much to answer for. The moment the kingdom was in a state to call for subscriptions, why was not Parliament assembled?—What was 300,000l. compared to the distress which existed? This sum sounded large, but it would not pay the wages of labour for six hours. Were his Majesty's Ministers aware of the magnitude of this machine? It was impossible for any thing in the way of subscription to alleviate the distress.—He reprobated very severely that part of the Speech from the throne which cast unfounded imputations on the people of England, of a de-

sire to subvert the constitution. He had himself had the best means of judging of the disposition of the suffering classes, and he could bear testimony to their patient and unequalled endurance of the many calamities by which they were visited. Much as he had before esteemed the people of England, they had of late become objects of his enthusiastic admiration. (*Hear.*) That a few might have been misled, he did not pretend to deny; but he did deny most strenuously, that the demagogues of Spafields, who had not themselves intelligence enough to distinguish between right and wrong, or between truth and falsehood, could blind the great proportion of the people, and mislead them to their desperate enterprises. This tribute was due to the good sense of the lower classes, and to the present improved state of their knowledge. Upon the important question of Parliamentary Reform, he had always entertained but one opinion; and the words of Mr. Pitt, at the conclusion of the American war, seemed almost prophetic—"That we could neither have indemnity for the past, nor security for the future, without it." While the people were smarting under present distresses, their language might not always be temperate, but their conduct would always be loyal; and they had too much love for the Crown, and for the benefits they enjoyed under it, to wish for a moment to adopt any of the wild schemes of a few infatuated individuals. Their love did not depend upon the individual whose brow it circled; but if the Prince Regent had been anxious to make himself popular, he ought to have set the example of retrenchment, and to have abridged himself of a few of his luxuries, that his people might not be deprived of the absolute necessities of life. (*Hear, hear, hear.*)

Mr. Banks could not be easily persuaded, that any delusion had been attempted in the Speech from the throne in the prospects it held out: the hon. gentleman who spoke last had failed in establishing this charge; while, on the other hand, he had indulged in a strain of despondency quite as fallacious. The difference was, that the Speech represented the distresses as temporary, while the hon. gent. contended that they were permanent and invincible: such gloomy predictions had, however, already been shewn to be void of foundation. The Speech spoke of a deficiency in the revenue, and recommended inquiries into the income and expenditure of the country; while its opponents took to a subtle distinction, and when a committee was recommended in the terms of the Speech, insisted that the object of its inquiry ought to be the state of the nation. Whatever ingenious distinction might be made out between the two propositions, they came in fact to the same thing, and the dispute only was upon words; for the distresses of the nation arose out of its expenditure, and would be relieved by its diminution. It appeared, therefore, that the principal object of the amendment was to ascertain with precision,

in the first instance, who were likely to support one side of questions of this kind, and who the other. (*Hear, hear.*) For his own part, he thought the difference so trifling and frivolous, that he should vote in favour of the Address. He approved highly of the proposed committee, and he trusted that it would be formed of such men as would attend to their duties sedulously; and, without excluding men in office, he would have a fair mixture of both sides of the house. He admitted that no general disaffection prevailed out of doors; the Speech spoke of no such disposition; but it was certain, that there was abroad a working spirit of disorganization, which had for its object the destruction of all that was valuable and sacred. Was not this to be suppressed? (*Hear, hear.*) Was it not fit to attempt to cure the disease; or, if the infection were too deep and radical, ought not the ulcerous and cancerous parts to be cut off for the security of the rest of the body? (*Hear, hear.*) A right hon. member had found out, on the sudden, that there was no sinking fund,—that it was all a mockery; but this was no novelty in his mode of stating it; for it would be admitted on all hands, that while the sinking fund was operating on the one hand, the national debt was increasing by annual loans on the other, in order to equalize the income and expenditure of the country. Surely it was some consolation to be informed, that no new taxes were to be imposed, and when gentlemen talked of the necessity of removing some of those that existed, they should recollect that to take off taxes was not always to relieve, as had been proved last year, when 17 millions were removed. This he would say, and boldly, that at the present moment, the country laboured neither under debt nor taxation, (*hear, hear, hear.*) for the true causes of distress were far different. He hoped that the establishments for the present year had been calculated upon the lowest possible scale: between a million and a million and a half might have been saved last year, and ought not certainly to be neglected this year.—Much had been said out of doors upon the subject of sinecures, and undoubtedly they ought, as far as possible, to be abolished; he had always said so in times of prosperity and adversity; but if it were imagined that their destruction would be attended with any important relief, it was a gross delusion: the main and only effectual saving was to be made in the establishments. All the petitions from the country would be unanimous on this point, and it would be the duty of Parliament to watch narrowly every disbursement. On the whole view of affairs, he was convinced that the result would be a happy recovery from all our calamities, and that at an earlier period than even the most sanguine now dared to hope.

Mr. Brougham was also an enemy to all delusion, and to prevent that delusion, seconded by the influence of the hon. gentleman, and more importantly by the vote of this night, he

now offered himself to the attention of the House. A speech more calculated to mislead, to blind the eyes of the people, and to flatter them with vain illusions of all kinds, than that just delivered, had never been heard in Parliament, even from Ministers themselves. (*Hear, hear.*)

Coming, however, as it did from a neutral quarter, from a gentleman who alternately lent his support to both sides, who made such unbounded professions of impartiality, who opposed Government on questions where his resistance was of no consequence, and who thus had established a reputation for candour and rectitude, it was of the utmost importance that the antidote should be taken with the poison.—

(*Hear, hear, and laughter.*) To begin with his strongest point, that the American war was to be considered as the standard, and that we were to measure by it our distresses, and the prospect of our recovery: it was said, that the transition (for that had now become the fashionable term) from war to peace, was the source of the national miseries, and that that transition was equally injurious after the American war. It was no doubt true, that at that period there was a considerable depression, more particularly of the agricultural interests; but when correctly examined, the facts supplied even a contrast to our present situation. In the first place, the distresses began before the termination of the American war, and, instead of being augmented after peace, they were gradually alleviated by it; and in the third year after its establishment, (the period parallel with our present situation), Mr. Pitt put into the mouth of the Sovereign, these consolatory expressions—that his Majesty heartily congratulated the country upon the extension of its commerce, the flourishing state of its manufactures, and the amount of its revenues.

(*Hear, hear.*) Could any such language now be employed: on the contrary, did not our calamities begin with the peace, and had they not augmented in a proportion for which authentic history afforded no precedent? (*Hear, hear.*)

What were the measures of Mr. Pitt, and was not the contrast there equally striking? Instead of taking off 17 millions of taxes, he imposed new ones; and the first year after the peace, the country was able to pay nearly two millions more than had been raised during any year of the war. The Speech from the throne now congratulated the House that no new taxes would be necessary: a mighty subject of congratulation. Only one other word was required, viz. not only that it would not be necessary to impose new taxes, but that it would not be possible to raise them. The right hon. gentlemen on the other side might amuse themselves as they would with vain speculations—they might disport themselves as they pleased in the flowery fields of imagination—they might spend their time in devising new colonial schemes, in maintaining additional military establishments, with all the varieties of dress that fancy could picture; but there was one point upon which they could

not touch, one pale within which they dared not tread, and that was additional taxation; for the people had now paid to their utmost farthing, and were equally destitute of money and of hope.

(*Hear, hear.*) This conviction had been pressed upon the minds of Ministers, since the year 1809; and Mr. Perceval, who was anxious to follow the steps of Mr. Pitt as far as possible, there found an insurmountable barrier to his progress, and was compelled to resort to Exchequer bills, loans from the Bank, and all kinds of expedients, because he found by the returns that he had provided to the utmost limit of taxation. Another word would still more plainly exemplify the difference of our situation now and in 1792. During the American war the whole amount of taxes did not exceed four millions, while during the last war the permanent taxes were more than 35 millions annually, and war taxes were besides imposed to the amount of not less than 26 millions a year. Was not this a frightful contrast? and was not any man guilty of a gross, of a wicked delusion, who told the groaning people that they were not burdened; that the national debt was nothing; that taxation was nothing; that the pressure was merely temporary, and that relief would be more speedy than even the most sanguine dared to hope? Were not these insults almost as difficult to be endured as the miseries to which they were exposed. (*Hear.*) The hon. gentleman who spoke last, was much in favour of the committee to be selected by Ministers, against which he (Mr. Brougham) protested most firmly, since he was convinced that it would be converted into a fresh instrument of delusion. Ministers had nothing to do but to choose their old tried friends, to call for accounts that contained no information, and witnesses who gave less, and near the end of the session to produce a report, which there was no time either to examine or debate. It was the duty of the House to proceed with the utmost dispatch: for while it was delaying, the nation was suffering. It was easy to see how the committee would be formed, if the house did not take care that individuals should be placed upon it who were not merely the tools of Government, but men who were known and esteemed for their honest, uncompromising, unflinching discharge of the duties cast upon them as representatives of the people: men of upright and straight forward integrity; and not those, who, under pretences of silly delicacy, were pursuing a system of shifting policy; and, under the appearance of impartiality, were employed in throwing in the way of justice, artful and advocate like objections. (*Hear, hear, hear.*) In order, at all events, to prevent procrastination, and that the whole substance of the report might not be smothered in a mass of unimportant papers, he should suggest, that a peremptory order ought to be given to the committee, on the very day when they had come to a decision upon a single point, it should be repon-

to the House, for their consideration. (*Hear, hear.*) A committee so constituted might be productive of benefit. It appeared to him, that a great omission had been made in the Speech from the throne; for, although many unimportant topics were introduced, not a word was said respecting any arrangement with foreign powers, for the improvement and extension of our commerce, which was quite as severely oppressed as our agriculture or manufactures. If a territory had been occupied in opposition to the wishes of its inhabitants; if a new government had been forced upon a nation, or an abolished dynasty restored in spite of resistance by those who had a right to make it, it was sure to find a place in the Speech from the throne; troops were sent out, subsidies provided, and ambassadors appointed to proceed to those countries. (*Hear, hear, hear.*) But any thing substantially to benefit the nation, to extend her sinking commerce, and find a vent for her manufactures, was disregarded as unworthy of notice, and as inconsistent with the dignity of a great nation. Had the continental markets been opened since the peace? On the contrary, they were more closely guarded than ever: the continental system had been perfected; what Buonaparte had been unable to accomplish, the Bourbons had effected, with this important additional circumstance against us, that it now received the approbation of people which Buonaparte had never been able to procure. One hon. gentleman had often introduced into his speech, the pleasing word retrenchment, but he had pointed out no mode in which it was to be attained; and another hon. gentleman, from the same side (Mr. C. Grant), in a speech where the commonplaces of argument vied with the commonplaces of rhetoric, had contended that retrenchment was impossible, while our colonial possessions were so numerous and extended. This, however, was not an excuse, it was an aggravation; every peace had increased our burdens; besides what we before possessed, we had now Malta, the Ionian Islands, St. Lucia, and the Dutch colonies; and in what way did any of them contribute to the revenues? Parliament ought to teach Ministers, that in these times such unnecessary incumbrances ought to be given to those who would be glad to take them, and would grant us, as an equivalent, competent mercantile advantages.—Having detained the House thus long, it remained for him only to express his satisfaction that the people of England had been vindicated from the foul charges launched against them: a whole people ought not to be judged and condemned for the misguided violence of a few individuals. He had heard with indignation in the preceding debate, from an hon. member, that, in his opinion, it was dangerous to collect the people to discuss subjects above their comprehension; the sentiment had been warmly applauded by the side of the house from which it came; he apprehended, however, that it was a

new doctrine to assert, that the people are below the comprehension of what relates to their rights, their grievances, and their sufferings; and from whom did it proceed? From whom, but those wholesale dealers in popular clamour, and in the basest applauses, flowing from the worst passions. (*Hear, hear.*) From whom, but from the very men who had canted the people of England, in 1784, about chartered rights, and 1807, made them parties in a theological dispute. (*Hear, hear, hear.*) These were the men who now declared that the people ought not to meet to vindicate the infringement of their rights, because those rights were above their comprehension. He trusted that the House would mark with becoming indignation, this unmerited aspersion, unless indeed, it were so consummately absurd, as to deserve nothing but silent contempt. (*Continued cheers.*) In conclusion, the hon. member denied that Parliamentary Reform would be a panacea for all diseases, since the great mass of present distress was occasioned by the enormous load of taxation that pressed upon the people.—He hoped that the committee would speedily and anxiously examine the whole subject, and that if it came to the alternative of retrenchment, or national bankruptcy, they would not resort to the last, until they had given a full trial to the first.

Mr. Canning, for himself and his colleagues, put in his claim not to be deemed less alive to the distresses and the perils of the country than honourable gentlemen on the other side of the House. The task of Ministers on the opening of the war, when they had to arm a nation against a continent, was important indeed: not less important was their duty, when having won their way to national safety, they were compelled to gain to renew the struggle: but, if possible, more momentary was the present crisis of domestic danger, when the question was whether the House should or should not lay at the foot of the throne a unanimous expression of a determination to stand by it, and to use every exertion in its support. (*Hear, hear.*) What was it that prevented this unanimity? Doubtless in the proposed Address there was some expression in which they could not concur without a violation of a sacred pledge to their constituents and their consciences. Were it otherwise, in the present distracted state of the country, when unanimity was of so much importance, and when dissent might be so unfairly misconstrued, they would be most anxious to unite. Nothing but an imperious sense of duty could restrain them from joining in an unfeigned expression of affection and loyalty. But was this the fact? Far from it; for all the mighty difference between the two sides of the House was, that the Address, in the words of the Speech, promised to institute an inquiry into the income and expenditure of the country, while the honourable gentleman thought it better that it should be named a committee on the state of the nation. For this

trifling difference the kingdom was to be exposed to the danger that might arise from a misconstruction of the purpose of division. (*Hear, hear.*) The honourable and learned gentleman, (Brougham) had spoken in terms of the utmost indignation, of a speech delivered by an honourable gentleman, (Bankes,) which the most fastidious would applaud as fair and impartial (*hear and laughter*): that honourable gentleman did not attach himself to any party: and in theory, therefore, must be considered the perfect model of a representative. (*Hear, and laughter.*) He had, notwithstanding, been reviled as a man who dared not avow his real sentiments more than those who had actually enlisted themselves under the banners of the Ministry (*hear, hear*): at least, this treatment was most unjust; for no man could be more sensible of the hardship of the times, or more anxious to relieve them: in this feeling he (Mr. Canning) and his friends cordially participated; nor could he discern any reason why their opponents should exclusively attribute to themselves all sympathy with distress, because they held that none but themselves were competent to afford a remedy. In his opinion some of the causes were beyond human control or remedy. Most anxiously and laboriously had Ministers devoted themselves to the agricultural part of the subject, but without effect; for as soon as a remedy had been pointed out, some insuperable objection had been discovered to it. The honourable and learned gentleman qualified the opinion of one of his friends, that taxation was the radical and sole cause of distress: and he (Mr. Canning) had been led to expect that he would do so, from a pamphlet circulated by him about seven months ago, to which allusion might be made, in which taxation was enumerated only as one of thirteen causes of the existing calamities: it was also there stated, that many were of a temporary nature; and the writer went on to observe, that "he should not be at all surprised if things grew worse before they grew better." This statement in the pamphlet of the honourable and learned gentleman made it a little singular that he should this night have declared his astonishment at the alarming progress which affairs had made from bad to worse. But did not Ministers at all participate in this regret for the present calamities, and had they recently done nothing towards alleviation? This was not the fit occasion for entering into details; but this he would say, that in making a fresh reduction of the military establishment, they had been guided by one principle only, and that was the principle of safety. It was true that colonies had their price, and when the force stationed in them was diminished, the value of the contingent loss of the colony could be ascertained; but of the safety of the country there could be no price, and all hazard ought most carefully to be avoided: above all, in a moment like the present, the remotest possibility of loss was carefully to be guarded against. (*Hear,*

hear.) Having, therefore, carried the reduction as low as possible, consistently with that principle, Ministers were nevertheless prepared to propose the vote of their estimates only for a limited time, revisable in the present session of parliament; and on inspection of them, he was sure that the House would think, that Ministers had gone to the utmost extent in the way of reduction. Having stated thus much, he wished to make a few further observations, upon the arguments used in opposition to the Address; and first, as to what had been said of the American war, with regard to which it had been most singularly and ingeniously contended, that the addition of taxes at its close was a proof of prosperity. It was a fact, that at the termination of the last war, the people had been relieved from taxes to a large amount—no matter for this part of the argument, in what way that reduction had been effected (*hear, hear*): he would repeat, that for this part of the argument, it was of no consequence in what way the reduction had been brought about, whether by the wish of Ministers, or by the compulsion of Parliament. (*Hear, hear, hear.*) The fact was, that the reduction had taken place, and the difference between the close of the American war and of the last war was, that after the former new taxes were imposed, and after the latter the burdens of the nation were considerably lightened. In the very first year of the conclusion of war, we had repealed 18 millions of taxes, and now, in the year following, no additional burdens were proposed. It was true, that the state of the country demanded the most anxious investigation, it was equally true that this investigation was recommended from the throne, and that his Majesty's Government was animated by a sincere desire to reduce the expenditure within the limits of the revenue. The honourable and learned gentleman, as well as the right hon. gent. who had moved the amendment, occasionally threw out a *verbum ardens*, which they afterwards thought proper to qualify; and so it was, he apprehended, with the desire expressed by the honourable and learned gentleman, that the committee for inquiry into the public expenditure should report their proceedings from time to time. A great deal of fault had been found with that part of the Address which referred to the feelings of the people: it had been said, that it accused the people generally of disloyalty. On the contrary we must contend, that if ever pains had been taken to set forth an explicit meaning, to avoid unfair reflections, and to distinguish between the deluders and the deluded, it was in the present Address. The people at large were praised for their patience and fortitude under the pressure of great public distress: but it was at the same time notorious, that endeavours had been made to inoculate upon their dispositions a spirit of violence and insurrection. (*Hear, hear.*) The honourable and learned gentleman had asked, were those who assembled to petition the

legislature to be treated as insurgents? Certainly not. But did those who professed that purpose always adhere strictly to the execution of it? He had heard of a meeting in Spafelds called for the purpose of petitioning; but he had also heard of a waggon loaded with ammunition that was there also, and to him this appeared no necessary appendage to a petition for parliamentary reform. For himself, he could truly say, that he blamed not the innocent men who attended these meetings, and listened to the harangues which were there addressed to their prejudices and passions, but those who, with perverted heads and hard hearts, could retire to their homes, where they felt no suffering, and leave behind them a drenched and starving auditory, before whom they had laboured to stimulate rebellion as a duty, and to execute charity as a crime. (*Hear, hear.*) Those only were stigmatised by the Address whose doctrines were subversive of all law and order, hostile to all tranquillity, and to every establishment. An honourable gentleman, (Mr. Lambe), who never spoke without making a deep impression by his eloquence and ability, had truly observed, that in calling for reduction and retrenchment, it was not to be supposed that they were calling for an unmixed good. Reduction could not take place, without throwing many individuals on the world, or without sending back sons who had been enabled to provide for themselves, to become burdens on their parents. He stated this not as an argument against reduction, but as a frank avowal, that in cutting deep he could not but feel severely. He could not shut his heart any more than his ears to the cries of poverty and disappointment: he was free to confess himself to this extent an unwilling reformer. But the necessities of the times admitted of no alternative: reduction must take place. The honourable and learned gentleman had intimated, that greater benefits might have been derived from the peace by making our military preponderance subservient to the assertion of commercial advantages. He was surprised that the honourable and learned gentleman, who had the character of looking at these questions with a statesman's eye, should have expressed such an opinion, because he believed no man would be louder than he would be in reprobating the principle of sacrificing to a commercial object, either national glory in war, or national security in peace. The great object of peace was security; a secure peace was itself the parent of commerce; and was it likely, if that point were attained, that the industry, the active enterprise, and the accumulated capital of this country would be far behind? Did it become an enlightened professor of political economy to suppose that a transition, however violent, in the political state of a nation, can long arrest the progress of improvement in a free and great community? Having thus cursorily glanced at some of the topics introduced into the debate, he felt it his duty to take notice of the observation made by

the hon. gentleman who spoke first that night, as to a desire for parliamentary reform prevailing among the great body of the people. He should have been glad to have avoided all allusion to this subject, as an hon. baronet, (Sir F. Burdett) had given notice of his intention to bring it formally under the consideration of the House; but whenever the question should be agitated, he was prepared to meet it—not with any objection founded upon inconvenience, not with any suggestions of partial or temporary modifications, but should be prepared to oppose the remedy by a direct denial of the grievance. (*Hear, hear.*) He denied that that House was not, to all useful purposes, an adequate representation of the people. He denied that there was in the history of this country any practice, or any theory, which could give a sanction to the doctrines of universal suffrage and annual parliaments. Speculative men might invent systems that had greater plausibility about them; nor would he assert that our own existing system would serve as a basis to any other country which was in want of a new constitution; but it had grown up here with the growth of the nation, in strength, prosperity, and renown; it had adapted itself to all their institutions, their habits, and their wants. It was good for every practical object, unless it was intended not to exercise the deliberative faculty, but to represent the express volition of the people. Whenever its character should be so changed, and instead of the deliberative guardian of popular rights, it should be transformed into the mere agent of popular will, there might be some kind of constitution, some untried being, watered with blood, and flourishing to destruction; but from that moment the British constitution was gone. (*Hear, hear, hear.*) Against all such theories he was determined to take his stand. (*Hear, hear.*) He warned those who listened to these doctrines, that those who set the stone rolling were not always able to control its impetus. The hon. and learned gentleman had called them wild and visionary reformers, but they were in fact the masters of the hon. and learned gentleman, and of all those who called themselves moderate reformers; they made use of them as far as they suited their purposes, and treated their counsels, when they did not, with contumely and scorn. They well knew what they were contending for, and how far they would choose to go, although, God willing, care should be taken to prevent them. Who could believe that the wish of such persons was merely that the House of Commons should do its duty better, when there was not one act which they were ever heard to approve, and when they were known at all times to describe the last twenty years as a continued period of calamity and disgrace? Whether the blame or the merit lay with the House, it was a period, however, which had immortalized our name, and saved our constitution. The hon. and learned gentleman had said, these radical re-

formers had nothing substantial in their projects; he begged to differ with him, they had nothing less than the whole land of the country. If the House would submit, like innocent lambs they would soon find that they would be sheared to the very quick. The ruin of France had been accomplished by despising the first indications of mischief as too contemptible to deserve notice. It was indisputable, that the poison of doctrines, at once the most pernicious and the most absurd, had been long circulating through the body of the community: doctrines not expressed in the diction of illiterate men, but penned in the well wrought periods of practised writers. Let them hear the ingenious creed of these patriots of the soil. (*A laugh.*) Here Mr. Canning read an extract from a publication, entitled "The Spencean Plan." Among other principles it was stated, "that the only security for freedom was the restoration of the land to the people; and without that even revolution would be to no beneficial purpose." Again it was declared, "that the people were the only proprietors of the soil." How far did the plans of the moderate reformers fall short of these principles? and how were they sure that when they set the whirlwind in motion, they would be able to direct its course? They would in all probability be its first victims; and if successful, the country itself would soon follow. The festal blazes of the war were at an end, the sun of peace was scarcely yet above the horizon:—we must take care that during this cold and cheerless twilight, the spoiler and the assassin did not break in and destroy. He could not, he would not join with those who despaired of the fortunes of their country. Great, he admitted, was the exhaustion, and severe, he lamented it, was the distress. In this moment of exhaustion and distress, the enemies of England again sent forth their terrible prophesyings, and pronounced her to be lost to herself and to the world. False prophets might they prove,—false prophets they would prove. The stamina of the nation, he was persuaded, were unbroken; the heart, he was confident, was sound. It was not surely at the eve of dissolution, and as in the moment of lightning before death, that he saw visions of future glory! But he could not, he would not believe that the brilliant destinies of England were closed forever.

— "Think you the sanguine cloud

Rais'd by war's breath, hath quench'd the orb of day?

— To-morrow he repairs his golden flood,

And warms the nations with redoubled ray.

To wait with patience for the turn of these unprosperous times;—to bear and to forbear;—to endeavour to restore what Lord Clarendon somewhere calls, "the ancient good temper and good humour of the British Nation;"—to abstain from hazardous innovations and experiments;—to probe with a tender hand real grievances, with a view to practical remedy;—to cherish the institutions and to foster the resources of the country;—this was the course

which Parliament had to pursue; and which, pursued through this Session, painful and laborious as it might be, would, he had no doubt, enable us to look back with self-congratulation at the gloomy phantoms by which we are now discouraged and appalled. As to the vote of this night, he must remind the House, that the Committee proposed by the Address was specifically pointed to its object;—so much so, that if the Address had suggested a Committee on the state of the nation, the gentlemen who now proposed that amendment would probably have accused the Government of endeavouring to keep the true point of difficulty cut of sight; and would themselves have called for the more precise designation of a Committee on Expenditure. There might, indeed, be another motive (a fair parliamentary motive, he was ready to allow) for moving an amendment, and pressing it to a division. The hon. gentlemen, might be desirous of ascertaining by a vote, the degree of confidence which the House of Commons might be pleased to repose in his Majesty's Ministers. If that were the object, he did not deprecate the division. Were it possible that the hon. gentlemen should succeed in getting the Government into their own hands, he should not envy them the inheritance. But so long as the present Ministers remained in office, they would endeavour to do their duty to the country. And that which he had most at heart, and which he ventured humbly to implore of the House of Commons was, that whatever it might be their pleasure to decide as to the merits of individuals, or as to the fate of Administrations, they would be careful to preserve sacred and uninjured, the Constitution which was entrusted to their charge. (*Hear, hear.*)

Mr. Brougham and Mr. Canning mutually explained.

Mr. Tierney observed, that the right hon. gentleman had talked a good deal of sudden transitions, and his speech certainly abounded in examples of them. The whole of his eloquence had been thrown away upon a subject which was not before the House, and to which there was no reference either in the original Address or the amendment. He regretted Lord Castlereagh's absence, as he was once a prominent advocate for reform, agreeing with Mr. Pitt and others, and if he had not changed, might have opposed Mr. Canning's anathemas against reformers. He (Mr. T.) avowed himself a friend to reform, but not to annual parliaments and universal suffrage; but thought it required mature and serious deliberation. Unless he heard something more substantial than Mr. C.'s speech, he believed he should die a friend to it. But let not attention be drawn from the amendment; the whole country was in jeopardy and danger, and if we were to believe the right hon. gentleman, from temporary causes. Having made his profession of faith on reform, he should say no more on it till it came before them. He

protested against the doctrine of the duty of the House to re-echo the royal Speech: Mr. C. himself, when out of office, moved an amendment to an Address, leaving out all the words after "That." Mr. C. had quoted Lord Clarendon; he would quote Lord Somers as the seconder of an amendment to an Address, and calling for a committee on the state of national affairs. He wished to shew the public that the House were alive to their distress. Ministers only threw out their committee plan to get a few more votes. Mr. C. had been on his travels, employed under the Secretary for Foreign Affairs (*hear, hear*): and, therefore, he thought now it was monstrous not to confide in Ministers. How long had he (Mr. C.) confided in them? (*Hear.*) How long had no hostility existed among themselves? (*Hear.*) They would be very shy of saying why they confided together now. Arrangements, however, had been made: one was for Mr. C. to defend all that was done in his absence. Now the right hon. gentleman's splendours were a little evaporated, only one way was necessary to make matters intelligible. The amendment went to leave out the statement, that deficiency existed from temporary causes. The amendment stated, that the present evils "were more general in causes, more severe in effects, and more difficult to remove, than at the close of any former war;" yet they were called on to congratulate the country on no new taxes. There was much difference between the objects of the Address and amendment. He believed the Chancellor of the Exchequer had the report ready drawn. In his committee the distress of agriculture would not be entered into. Mr. C. unfairly accused his learned friend (Mr. Brougham) of wishing Ministers to employ the military for commercial purposes. Mr. C.'s new friend, the noble lord, had been employed much in adjusting the state of Europe; but he never heard from any commercial man that he had done one thing for the commercial interests of this country. Our arrangements in France led to any thing but to amicable intercourse: that country was exposed to taxes which the people would believe were to come over here. He could not speak from observation: but look at M. Corvetto's report, which stated there was too much asperity for a commercial treaty. That was an official answer to Mr. C.'s expectations. Trade may revive; but he (Mr. T.) did not think to its former extent: for in the American war, trade had fallen off; but in the last successful war it increased. The recovery to be looked for was limited. Almost all he had said to the Chancellor of the Exchequer had been unfortunately realized; the calculations were always wrong, and the consolidated fund had been yearly starved. His own opinions stood on the journals. Now there was a melancholy prospect. Would that right hon. gentleman say he believed the revenue would soon improve? When had they seen more reductions of expenditure in their neighbourhoods

than lately? A diminution of stamp duties must happen; there was a general falling off in landed and commercial incomes; this year's income could not exceed 45,400,000/. Interest of debt, annuities, imperial loan, would, though you take away all the sinking fund, make 26,000,000/; unfunded debt interest he would take at 1,500,000/; charges on consolidated fund, 1,600,000/; Russian loan, 190,000/. In all 29,413,000/. There remained for service, 15,986,000/. If you reduce the peace establishment to 19,000,000/ there would be 3,000,000/ deficiency. What delusion this presented! Were the people of England to be duped by a speech? Could the deficiency be supplied by legerdemain, and hocus-pocus? The Minister must have some dealings with the Bank: but what could he mean with Exchequer-bills this year? Nothing was said of Irish revenue; was any thing to be got from that? Now, 17,000,000/ of expenditure were to be provided for, excepting 6,000,000/ if taxes proved productive. He doubted the consolidated fund on next July. A committee on a broad scale was necessary. This, though a dry statement, was a frightful picture of the expenditure of a great nation. (*Hear.*) The evil lay in that House, whether from its structure or whatever cause. Had they done their duty, they had not incurred half the expense with which they complimented the extravagance of Ministers. Let the House shew every wish to save the public money. (*Hear.*) We had concluded a great war with success, beyond any man's expectations; yet the poor were suffering among our bonfires and illuminations. They were told not to use intemperate language; were they to balance nicely their words, like posture-masters in that House? (*Hear, hear.*) As to Mr. C.'s idea of a man, after great exertions, feeling lassitude, and being desirous of going home to his fire-side, it was natural enough; but what was that to a poor man who had no fire-side to go to? He wished them to gain public confidence. In many London parishes the subscriptions would not hold out two months. What was then to be done? In St. James's workhouse, he was informed, there were 1,000 poor within, and 2,000 without, who were willing to work, and supported by the mere charity of the day! (*Hear.*) If churchwardens were to go round with the begging box, what was meant by speaking of no fresh taxes? Income and expenditure, as they were treated, differed like light and darkness. They must go deeper into the distresses. If he went into his old office, now Mr. Canning's, he might hear of his diminutions, but all among the lower clerks. Shew him one great man that had suffered—shew him one sacrifice. It was not enough to pare away a clerk: the great must set the example, and shew they shared the common fate. Men are consoled a little in such cases; and the poor dismissed clerks would be more satisfied to hear that the President's salary

had been cut off too. (*Hear.*) People liked to have partners in distress. Had any example come from the highest quarter, the Crown, to whose true dignity he had no objection? The act for increasing the civil list was hardly dry; but had Ministers told the Prince Regent of the way to sacrifices? He saw no sacrifices by the great officers at all. (*Hear.*) Some officers were removed, but how? He did not mean to speak unpleasantly of any gentleman. He mentioned last year a grant of 10,000*l.* in the Treasury department. From clerks of 100*l.* a year, 30*l.* or 40*l.* were taken away, and 70*l.* left to keep soul and body together. But a careful visitation on all was the best way to prevent discontent. A gentleman was removed from the Commissariat, and reduced to 1,300*l.* a year, half his salary; but Ministers cut out a new office in the civil list, useless, except to ease some minister, and gave it to him at 1,500*l.* a year besides. Was this economy? They proposed a vice-treasurer of Ireland at 3,500*l.* a year, because he must have eminent endowments as a statesman. This was reduced to 2,000*l.* a year by the House; but Sir G. Hill, now appointed, had been a Lord of the Treasury with only 1000*l.* a year; he had a compensation-salary besides. He then adverted to Mr. Croker's receiving about 250*l.* lately, under pretence of war salary. (*Hear.*) This shewed the principles of Ministers' conduct. If they got out of the clutches of the House, they were not to be trusted out of sight, therefore he wanted to keep them within its clutches. If he had a committee, he would examine the examiners. Lord Castlereagh, by an indecent and disgraceful attempt on that house, did refuse a committee, and then appointed a committee of three gentlemen, members of Parliament. God forbid any excesses should occur; he should never do any thing to promote them: but our only security was in satisfying the public mind, not with a showy brilliant speech, but with actions. (*Hear.*) Now, when Ministers talked of a committee, it appeared that when any thing was pleasant, they took it on themselves; when it was quite different, they wanted to temporise with the House: for their sole object was to keep their places. (*Hear.*) How durst they refuse to call Parliament earlier, when the people were in beggary? When could gentlemen be better employed than in their Parliamentary duties at such a period? It would be seen now how some gentlemen would act, who said last year they would not support Ministers, unless they studied and practised economy. What proofs were there of their present and effectual sincerity? With respect to the committee of inquiry, he proposed that it should report from day to day. Let them then make a report on the office of third Secretary of State, an office which was perfectly useless: he would propose, that not one of the Ministry should be members of this committee: as constituted at present, the com-

mittee was all a delusion. He should not enter on the topic of our future expenditure, till he knew what line of foreign policy was intended; the House must come to a resolution on the point, whether we had done enough, in point of blood and treasure, for the tranquillity of Europe; if so, Europe must at length be left to shift for herself. It was indeed eminently necessary that the House should consider deeply the whole posture of our affairs, and not vote on a superficial view of things. The object of the Amendment was to shew the country that some confidence might be reposed in Parliament. The hon. gentleman (Mr. Canning) had said, he would have adopted the Amendment, if it had not been proposed hostilely; but if the Amendment were deserving of notice, what imported the motives with which it was proposed? He concluded by observing, how little desirable it could be to enjoy office at present, when power was accompanied with so much difficulty, and when a short time must evince the necessity of reducing many of the great offices of the Crown: but that even now office might be desirable, so far as it might enable an individual to render in any manner assistance to his country.

Mr. Canning explained.—He had never said it was the duty of the House to echo the speech from the throne, but its duty not to create unnecessary division. He did not say that he would accept the Amendment proposed, except on the terms of the general committee being relinquished, which he thought would only be a drag-net on their proceedings.

Mr. Saville spoke a few words in favour of the Amendment, and proposed a committee with the doors open, as in the case of the Duke of York, and that Ministers should now be as little screened as then.

After some desultory conversation, Mr. Preston attempted for some time to be heard, but the House at length divided, when the numbers were—

For the Amendment	112
Against it	264

Majority in favour of the Address —152

Lord Cochrane then proposed a second amendment to the address, which, after touching upon the general distress of the country, and beseeching his Royal Highness to rely with confidence upon the loyalty and good sense of the great body of the people, proceeded—"and this House, with great humility, begs leave to assure your Royal Highness that not one single instance can be discovered, in which meetings assembled for the purpose of petitioning for Parliamentary Reform, have been accompanied with any attempt to disturb the public tranquillity." This was succeeded by a loud laugh of derision throughout the House. The Amendment next adverted to the sinecure places and the civil list, and concluded by earnestly recommending Parliamentary Reform. His lord-

ship conceived that the adoption of such an amendment would be more becoming the dignity of the House.

The motion, however, not being seconded, fell to the ground.

The Address was finally agreed to, and a committee appointed to prepare the same, according to the usual forms.

LIST OF THE MINORITY.

Abercrombie, Hon. J.	Mackintosh, Sir J.
Althorp, Viscount	Madocks, W. A.
Anson, Sir George	Markham, Admiral
Aubrey, Sir John	Martin, John
Bennet, Hon. H. G.	Martin, Henry
Caillie, J. F.	Milton, Viscount
Baring, Sir Thomas	Molyneux, H. H.
Barnett, James	Monck, Sir Charles
Barnard, Viscount	Morland, S. B.
Birch, Joseph	Morpeth, Viscount
Brand, Hon. Thomas	Mostyn, Sir Thomas
Brougham, Henry	Moor, Peter
Browne, Don.	Neville, Hon. R.
Burdett, Sir Francis	North, Dudley
Burrell, Hon. P. D.	Ord, William
Cally, Thomas	Ossulston Lord
Calvert, Charles	Peirse, Henry
Carter, John	Pelham, Hon. C. A.
Caulfield, Hon. H.	Pelham, Hon. G. A.
Cavendish, Hon. H.	Philips, George
Cochrane, Lord	Piggot, Sir A.
Coke, Thomas	Ponsonby, Right Hon. G.
Curwen, J. C.	Ponsonby, Hon. F. C.
Duncannon, Viscount	Powlett, Hon. W.
Dundas, Hon. J.	Preston, Richard
Dundas, Charles	Prittie, Hon. F. A.
Douglas, Hon. F. S.	Proby, Hon. Captain
Ehrington, Viscount	Pryn, Francis
Elliot, Hon. William	Ranchiffe, Lord
Fazakerley, J.	Ridley, Sir M. W.
Fergusson, Sir R. C.	Romilly, Sir Samuel
Fitzroy, Lord John	Rowley, Sir William
Fellowes, Hon. N.	Russell, Lord G. W.
Folkstone, Viscount	Russell, Lord William
Frankland, Robert	Russell, R. C.
Fremantle, William	Saville, Albany
Geary, Sir William	Scudamore, R.
Grenfell, Pascoe	Sharp, Richard
Gordon, Robert	Sefton, Earl of
Grosvenor, Gen.	Smith, John
Guise, Sir William	Smith, Abel
Halsey, Joseph	Smith, William
Hamilton, Sir H. D.	Smith, G.
Heathcote, Sir G.	Stanley, Lord
Heron, Sir Robert	Tristock, Marquis
Howard, Hon. W.	Tierny, Right Hon. G.
Howorth, Hump.	Townshend, Lord C.
Hughes, W. I.	Townshend, Lord J.
Hurst, Robert	Waldegrave, Hon. Capt.
Jervois, G. P.	Warre, J. A.
Lambton, J. G.	Webb, E.
Langton, W. G.	Wilkins, Walter
Latouche, Rob. jun.	Wynn, Sir W. W.
Lemon, Sir William	Wynn, C. W.
Lewis, T. P.	TELLERS.
Lloyd, J. M.	Calcraft, John
Lyttleton, Hon. W. H.	Hamilton, Lord A.
Maddonald, James	

PAIRED OFF.

Lamb, Hon. W. Knox, Thos. Dickinson, Wm.

HOUSE OF LORDS.

Friday, January 31.

ADDRESS.] The Marquis of *Cholmondeley* reported, that the Prince Regent had been waited upon by the Lords with white staves, and that His Royal Highness had been graciously pleased to appoint to-morrow, at half-past two o'clock, to receive the Address of the House.

PRIVILEGE.] A message was brought from the Commons by Mr. Wynn and others, stating, that the Commons, taking notice that at the late conference the same accommodation had not been afforded to their Managers, as had been provided on former occasions, and that the seats for the Managers for the Lords had been differently placed, and raised higher than before, contrary to ancient usage, requested that this might not be drawn into precedent, and that the place in which the conferences were held should be fitted up as usual.

The Commons were informed that the Lords would return an answer by Messengers of their own.

Adjourned till to-morrow, for the purpose of going up with the Address.

HOUSE OF COMMONS.

Friday, January 31.

PRIVILEGE.] Mr. *W. Wynn*, after complaining that due ceremony had not been observed in the reception of the Commons on the conference with the Lords in the painted chamber, moved, that a message be sent to the Lords to the following effect:—"The house taking notice of a departure from precedent in the last conference, pray that the place of meeting be restored to its former state." The motion was agreed to.

APPOINTMENT OF SHERIFFS IN IRELAND.

Mr. *Ponsonby* rose to inquire of the Secretary to the Lord Lieutenant, what proceedings had been pursued by the Irish Government, touching that most important measure, as affecting the interests of Ireland, the appointment of Sheriffs?

Mr. *Peel* said, that upon his return to Ireland last autumn, he had signified to the Lord Lieutenant the wish entertained, that the appointment of Sheriffs in that country should be assimilated to the mode employed here. He proposed, therefore, that the judges who went the circuit, should, after their return to Dublin, send in to the Lord Chancellor, the names of three persons for each county, whom they considered fit to serve in that office. That there should afterwards be a meeting of all the judges, who were to compare their lists, and make any alteration in them that might appear necessary, when they were to be sent, through the Chancellor, to the Lord Lieutenant. Such was the course now adopted with respect to the appointment of Sheriffs, in every case where it was possible, and he was not aware of any instance

where it had been found impossible. From the names thus returned one was regularly selected, and a letter sent to the individual informing him of his appointment, nor was he excused from serving, except upon good and sufficient allegations.

Mr. *Ponsonby* expressed himself perfectly satisfied with the answer of the right hon. gentleman, observing, that the course which had been pursued was the best that could be adopted, and he hoped it would be continued. It would prove of the utmost benefit to Ireland.

MARRIAGE OF THE DUKE OF GLOUCESTER.]—The *Chancellor of the Exchequer* called the attention of the House to the marriage of his Royal Highness the Duke of Gloucester. He was certain, that all who were as well acquainted as himself with the virtues of the parties, would be ready to approach with the compliments and congratulations usually offered by Parliament on such occasions; he therefore moved, that an humble address be presented to his Royal Highness the Prince Regent, congratulating him on the happy nuptials of her Royal Highness the Princess Mary with his Highness the Duke of Gloucester.

Mr. *Ponsonby* was sure it would be satisfactory to the country to see the House offer their congratulations on the present occasion; but he hoped he should not be thought guilty of impertinent curiosity, if he asked why that marriage had not been noticed in the address to his Royal Highness the Prince Regent; he never knew an instance where an occurrence of this nature had not been mentioned in the address to the throne, and he was glad the hon. gentleman had at length recollected the thing, and had not passed by altogether a matter of great congratulation to Parliament.

The *Chancellor of the Exchequer* replied, that the subject had been omitted in the address because it had arisen in the last session.

Mr. *Ponsonby* added a few words, when

The *Chancellor of the Exchequer* moved, that a message be sent to his Highness the Duke of Gloucester, and her Royal Highness the Duchess of Gloucester, to congratulate them on their marriage.

Both the motions were carried *nem. con.* and gentlemen appointed to carry up the address and the message.

PARLIAMENTARY REFORM.] Sir W. *Lemon* presented a petition from the county of Cornwall, praying for a Reform in Parliament. He stated, that the petitioners complained of the evils arising from an inadequate representation of the people; that they wished for reform, but had not proposed any wild theory or rash experiments. If a motion should be made for the House to resolve itself into a committee for the consideration of this great question, he should support it, as he had always done in proposals of a similar description.

The petition was then read: it referred all the distress of the times, and the abuses com-

monly animadverted on, to the want of an adequate representation. That for want of this a war had been entered on, irrational in its object, and disastrous in its consequences; for want of this, the establishment, which after the peace of Ryswick was 7,000 men, was now increased to 150,000; taxation had become insupportable; general search-warrants had again been introduced; the habeas corpus act suspended; and our unhappy fellow subjects in Ireland put to the torture. It then proceeded to shew, in how few hands the representation of the people really lay, and that a majority of the House was actually returned by a small body of opulent proprietors.

Mr. *Brand* thought the grievances enumerated had been discussed in a temperate manner, and the remedy suggested efficacious and safe.—Many well-meaning persons might doubtless be now alarmed by the wildness and audacity of theories which had never been advanced by the true friends of Parliamentary Reform; but they who had studied these subjects, knew that such theories had no foundation whatever. They did not look to the establishment of annual Parliaments and universal suffrage; they knew that such plans would, in fact, be the destruction of the best part, the popular part, of our system of Government. He had no doubt that the framers of the present petition would have entered a protest against the resolutions which other meetings had come to on this subject, could they have anticipated the nature of them.

Mr. *Elliott* hoped the anxiety he felt on so momentous a subject, would be his excuse with the House for intreating them to pause before they touched the great and complicated frame of our immortal Government. He hoped, that all would look at the quarter from whence these proposals for reform had arisen. The views of many of its promoters were already sufficiently known, and he trusted that the language held at public meetings, the sentiments expressed in widely disseminated pamphlets, and the venom diffused in weekly publications, would be well examined before we delivered the constitution of our ancestors to the insane speculations of these state architects. He was convinced that we could not, at this moment, even touch on the subject, without adding to the distress of the times, and plunging the country into irretrievable difficulties.

The petition was ordered to lie on the table.

Sir F. *Burdett* said, he had some petitions to present from Halifax and its neighbourhood, praying for a reform of the representation of that House. He must protest against some doctrines recently laid down, which would be a great and grievous impediment to, and throw an unfair *onus* upon, every member who, in the exercise of his duty, presented a petition to Parliament, as well as being injurious to the just rights and claims of the petitioners. Every member should be protected, in his own individual privileges; and one of the chief points of the privileges of

that House depended on each individual member's right being secured against the attempts of large and overbearing majorities. The petitions he was about to present, he had not felt it his duty to read throughout, but he had read their prayer. He would not presume to intercept or stop a petition to the House, simply by his own judgment of it. He felt it to be the duty of a member to submit petitions to the House, which, after hearing them, might deal with them as it thought proper. He did not consider himself at all answerable for the opinions and doctrines they contained; nor was he bound to maintain the principles they might advance. He should adopt that course which was best suited to his own judgment, for the attainment of the great object of a reform of the representation, to which end he felt most anxious to contribute. The period was arrived when the consideration of this great question could no longer be deferred; and if the House met it, and considered it with fairness and candour, by which he intended to regulate his own conduct, then the public tranquillity and harmony might be ensured; which, if candour and fairness were not observed by the House, would be endangered or destroyed. His wish was to unite all that were within the House, with all that were without, in one bond towards the Crown; and such wishes were now most likely, from circumstances, to be brought to a favourable issue, so universally desired by all honest men. (*Hear.*)

The *Chancellor of the Exchequer* observed, that the rule of Parliament was, that a member is bound to state the substance of the petition he presents, and so far to identify himself with it as to say that it appears to contain nothing improper or disrespectful to the House. If any other rule than this were adopted, the table might be covered, and the journals filled, with false and atrocious libels. He must, therefore, refer to the Speaker to know whether the hon. baronet had read the petition he was about to present.

The *Speaker* said, there were two clear points on this subject. The first was, that it was the duty of any member to state the substance of the petition he wished to present. The House could then judge as to the propriety of receiving it. Secondly, it was the member's duty to know if it was respectfully couched; if not, he departed from the line of his duty in offering it.

Sir *F. Burdett* had certainly not read the petition throughout: he had read the prayer. He understood the substance of it to be a complaint of the want of a proper representation of the people in the Commons' House of Parliament. He did not believe that the petitions contained any offensive or insulting expressions; but he could not take upon himself to say what the House might think of them.

The *Speaker* observed, that he was thus to understand from the hon. baronet, that he saw nothing offensive in the petitions.

Sir *F. Burdett* said, he had so many petitions to present on this subject, that to read them all through, would take up the whole time of the session.

The *Attorney-General* remarked, that the hon. baronet had said, that he had not read the petitions; and that he had not time enough to spare to undertake the reading of all he had to offer. That tedious and painful operation must, however, be undergone by the House itself, which might thereby be compelled to the trouble of hearing them, whether they were gross insults or not. For one, he wished to say distinctly, and he was disposed to follow the highest authorities on the subject, that he was willing to throw open the doors wide for receiving petitions. He had himself that day received a petition, which he thought it his duty to read before presenting it. He then objected to it; not because it affronted the privileges or dignity of the House, but because it stated certain facts of which he had not competent knowledge, and which might convey serious charges against individuals. He might have brought it to the House, because he had read the prayer of it; but he always considered it the practice of Parliament, that a member should read a petition; otherwise he might be instrumental in bringing heavy charges against persons who could not immediately defend themselves.

Mr. *Brougham* said, the learned gentleman seemed to wish to carry his rule too far. According to his doctrine, it was not merely by reading, but making some rule by which the parties were to come to his chambers, that he might ascertain all the facts. As the learned gentleman appeared to have put himself into a new situation respecting the practice in petitioning the House, he hoped he would consult the best authorities upon the subject, and then he would probably be told, that he was totally misinformed on the matter in question.

Mr. *C. Wynne* thought, that if it was the duty of a member to present any petition, it was equally his duty to read it. The House had no protection in such cases, but its confidence in its own members, as to whether a petition be offensive or insulting. Respecting the present petition, the House had not that species of security which it had a right to demand.

Mr. *Abercrombie* understood the highest authority in that House to say, in substance, that the hon. baronet had complied with what was required.

The *Speaker* observed, with respect to the hon. member's not knowing of any disrespectful language in the petition, that as no member was compellable out of doors to present any petition, so, in doors, he was not entitled to present that of which he had no knowledge.

Mr. *Abercrombie* said, that the policy which it seemed now intended to adopt, appeared to him very objectionable. An attempt was now made to oppose an additional barrier against the reception of petitions, by a strict examination

of every member presenting them, and by interrogating him as to whether he had read them: and if he happened not to have read them throughout, to move for their rejection. The hon. baronet had said, that he had read the prayer and an abstract of the contents; but the question was simply, whether an individual member's opinion on the subject of offensive matter was to be taken. The language of a petition might receive a great variety of constructions from different persons. The learned Attorney-General had said, that he refused to present a petition because it contained charges against individuals; there was nothing to find fault with in that. He (Mr. A.) should wish to follow the example of the late Mr. Whitbread, who occasionally offered petitions which he candidly stated he was not prepared to support. Mr. Whitbread said, that the House ought to be accessible to the complaints and prayers of petitioners, that he would go to the extent of presenting the petition, but that the petitioner had no right to expect any thing more from him. He believed, were Mr. Whitbread fortunately now a member of that House, he would have opposed firmly the sort of examination which the Attorney-general appeared desirous to introduce, with the professed view of finding whether a petition contained any thing disrespectful.

Mr. Canning remarked, that the consideration of what an individual might conceive for his own rule of conduct, was quite beside the practical point. It might be quite right in certain cases for a member to be assured of all the facts stated in a petition, and in others it might not be so necessary. That was a question for the member's exercise of his duty and discretion. But it had been laid down by the highest authority, and had been admitted in practice, that the House had a right to know that members had read the petitions which they presented.

Sir Gilbert Heathcote observed, that the right honourable gentleman had already made his declaration against all reform; and he might therefore think a petition praying for it quite indecorous. (*Hear.*) But how could it appear so to him (Sir G. H.), who was a friend to reform, and must therefore think such a petition constitutional? The question about presenting petitions must, therefore, in his mind, be resolved into merely a matter of individual judgment as to its exercise.

Mr. Canning said, that the hon. baronet had certainly misunderstood him. He had not stated whether a member ought to use his own judgment or not; but that, by the rule of the House, he ought to have read the petition before he presented it. That was matter of fact, and not of opinion.

Sir Gilbert Heathcote maintained, that the point remained as he had stated it. It was mere matter of private judgment.

On the question being put, that the Halifax petition be brought up,

Mr. Canning rose again, and asked, "Has the hon. member read it?"

Sir F. Burdett observed, it was quite possible that a member of Parliament might not be able to read; in former times it was well known to have been the case, and many put down their marks. However, he should give the right hon. gentleman no answer. He came there with these petitions to represent grievances beyond the ability of the country to bear—not for himself, but speaking the voice of half a million of Englishmen. Would they say, that they would not listen to them in their complaints of the state of the representation, and set up lawyers to make cross-examinations of members, though the signatures to the petitions were undoubted? He had read abstracts or extracts of these petitions, though he had not read all the parchments throughout; and he could prove by reference, if he chose, that the House had received petitions, charging corruption on the present representation, in terms much stronger than some others which they had thought it proper to reject. (*Hear.*)

Mr. Canning requested the Speaker, as the debate had taken a wider range, to lay down the rule on this subject again.

The Speaker said, the rule was as he had before stated it, a member was bound to have read the petition he presents. *

Mr. Canning, upon the high authority of the Speaker, and the necessity of strictly adhering to the rules of the House, must feel himself forced to oppose this unread petition.

Mr. Brougham said, that no member had a higher respect for the Chair than he had, and none was disposed to bow with more reverence to its decisions (*hear*); yet he must beg the right hon. Speaker, from a regard to the privileges of every member of the House, and the regularity of its proceedings, so closely connected with the safety of the country, to pause, after the zeal, and he might even add, the presumption of the right hon. gentleman opposite.—(*Hear.*)

He had talked of rules in that House, as if they were matters decided by vote, and like standing orders. The *dictum* of the present or of any other Speaker (he meant to say it with respect) was only the opinion of an individual, however high his rank in the House. (*Hear.*) The rule mentioned could not be shewn to derive its authority from any vote of the House put from the Chair, and adopted. Therefore, the right hon. gentleman opposite could not engraft upon the opinion of the Speaker a right of putting questions to a member. He could shew, that the right hon. gentleman did not know to what extent he was proceeding when he flung out a sort of threat. (*Hear.*) He endeavoured to give a warning to members, and to tell them, that though they brought petitions from half a million of fellow subjects, or from all England, yet they should have an introductory question put to them before any of their petitions should be received. No individual

member had a right to presume to do this; though he might move to refer the point to the Chair, and then it would remain for the House itself to decide. It was for the House itself to protect its own privileges, and not for the right hon. gentleman, or any among his various colleagues. (*Hear.*) He suspected, that this would be the first time that ever the Chair put such a question of examination, except to a witness, or one against whom charges had been made. It might be denied, that a cross-examination was attempted; but it was at least a new mode and an innovation. (*Hear.*) If this new interrogatory were submitted to, then it might be attempted to extract an opinion, and to consider the question of a member's judgment. And this novelty was attempted at a period when all England was petitioning, or ready to petition, on the score of their severe grievances and sufferings! He conjured the Speaker and the House to pause awhile before the introduction of a new practice, of which no vestige appeared in the votes or standing orders of the H

Mr. *Bragge Bathurst* said, the hon. member's speech was addressed partly to the chair and partly to the members, with a kind of threat as to consequences. The only novelty he found was, that a member made a petition a part of his speech, and then said he had not read the petition. He appealed to the House, whether it ever happened that a petition were received under such circumstances. The practice of Mr. Whitbread, now no more, was alluded to: his conduct was correct; for in certain cases, he fairly stated that he was not answerable for the contents of petitions. He had heard that gentleman frequently say, he had looked at a petition, and had seen nothing wrong or offensive in it. This practice was always adopted expressly or implied. Where were they to look for principles of regulation but to ancient practice? It was true enough, that the Speaker was only the mouth of the House; and if his right hon. friend (Mr. C.), speaking of himself, had said, he would do this or that, he was only using language common in Parliament. The cross-examination, as it was called, amounted only to this—whether a member had complied with the rules observed in the common way of doing the public business. It was too much now to go against the experience of ages.

Sir *S. Romilly* said, though he should vote for receiving the petition, yet he had always thought it his duty to read a petition before he offered it, out of respect to the house. (*Hear.*) Yet he should vote for it, for the rule was not universal and admitting of no exceptions. (*Hear.*) There might be an exception in this instance, when the hon. baronet said he had so many petitions on the same subject, and when he stated, that he knew the substance, and did not believe that it contained any improper matter.

Lord *Lascelles* could not help seeing, from language and conduct of the hon. baronet,

that he was placed in a situation by the petitioners and his sense of duty, which he had not himself sought, and which might even be considered as a hardship. Numerous petitions were sent him to present, of all the contents of which it was laborious to attain a knowledge, and of all the principles of which he might not entirely approve. Many of them came from the county he (Lord L.) represented, though the petitioners had rather chosen to communicate through the hon. baronet than through him. He (Sir Francis) had truly stated, that he felt it a great task to read them all, and a rule which imposed this task might be considered as a demand with which he could not comply, consistently with presenting the great mass of papers intrusted to his care. The House, on the other hand, required of every member who brought forward petitions, that he should have read them, and that they should have the security of his judgment and discretion against any offensive or insulting language in which their framers might be pleased to couch them. Here was the point of form; this was the matter at issue between the hon. baronet and the House. It was a matter of feeling or convenience with him (Sir F. B.); and he (Lord L.) confided in the good sense of the hon. baronet, that he would not bring Parliament into a contest with the country, or array the petitioners, whose prayers he presented, against the assembly to which they applied, on a mere point of personal feeling or accommodation. He himself, coming from that part of the country where the petitioners resided, and being well acquainted with their temper and situation, not only from personal knowledge, but from the information of others, might take it upon him to tell the House, that if their language was violent and intemperate, there were many apologies to be made for it: and that it was not always a true expression of their deliberate sentiments, or the real state of their minds. In his opinion a wide distinction was to be made between the designs and disposition of the petitioners and the reprehensible terms to which the House had objected. The people were in great distress, without employment, or the prospect of returning prosperity. In the extremity of their trouble they looked about for an alleviation of their sufferings, or a remedy for their grievances: and in this state they were told, that by subscribing their names to a petition for Parliamentary Reform, they might obtain a relief from their burdens, through political changes, and secure themselves against the recurrence of similar evils. (*Hear.*) Men in distress are not disposed to examine very scrupulously into the truth or propriety of any measure that holds out the hope or prospect of a beneficial change. The petitioners, though they thus subscribed violent petitions, were not violent men, and ought not to be judged of according to the strict import of expressions which many of them did

not weigh, and which some of them did not understand. (*Hear, hear.*) The intemperate resolutions to which they came at public meetings were no index of the real, deliberate, and matured opinions of those who voted them by acclamation. Although he had not been applied to for the purpose of presenting the petitions which were put into the hands of the hon. baronet, he would tell the House the connexion he had with some of the petitioners, and the answer he returned to their inquiries. He had been asked his opinion concerning the propriety of a member presenting petitions which, from his political sentiments, he could not support: and if he himself would present petitions for Parliamentary Reform. His reply was, that he would consider it as a matter of duty to carry to the House any petition for Reform, however far its prayer extended, if it was couched in decent and respectful language, and contained no matter menacing or insulting to the House. He told them, moreover, that he did not agree with them in the necessity of Reform, or the scheme of reformation they proposed; and that if they thought their petition would have more weight when presented by one whose opinions came nearer to their own, he would recommend them to apply to another. The petitioners had taken his recommendation. Such had been his answer, and such was his conduct. He would be sorry that, by any perseverance on the part of the hon. baronet, the House should be driven to appear regardless of the applications of such men as he had described, or be placed in conflict with the misguided, led astray by those who took advantage of their sufferings to inflame their minds. He would regret this circumstance the more, because a refusal of their petitions would answer the very purpose of those who were the chief instruments in forwarding them, and who infused violence and extravagance into them, with the design of securing their rejection. This was a matter, however, for the House to decide upon; and it might not be disposed to allow itself to be approached in disrespectful language, whatever were the motives of the applicants. If the house could reconcile itself to receive them, or if the hon. baronet surrendered his stand on the point of form, he (Lord L.) would be gratified in the present instance, because he believed the real dignity of Parliament was not involved in the question. If he were of a contrary opinion, and conceived that the privileges, or the dignity of Parliament would be compromised by consenting to receive the present petition, he would be the last man to yield an atom, or to retire from his ground an inch, though the House were surrounded by half a million of men, or all the petitioners whose applications the hon. baronet stated would be laid on the table: because he was convinced, that the surrender of one privilege from menace or intimidation would only invite farther attacks.

Sir F. Burdett wished to set the noble lord right in one thing. He (Sir F.) had never declared that he was hostile to the principles of the petitioners: he had only said, that he was not pledged to support them. He meant to steer a moderate rational course, and to endeavour to unite all classes in an understanding of the wishes of the great body of the petitioners, on the subject of reform. He would be sorry to bring the House into contest with the country on a mere point of form, or personal convenience: and he had made the stand that he did against the rule laid down, not from any pertinacity, but because he thought the right of petitioning involved in the question. Some of the petitions which he held in his hand he had read since he came into the House, and would move that they be brought up. (*Hear, hear.*) He moved, therefore, that a petition which he presented from certain inhabitants of Halifax, in Yorkshire, and its vicinity, be brought up.

Mr. Canning rose to explain, and said, he would not press the reading of the other petitions.

Lord Cochrane objected to the rule that had been laid down, imposing upon a member the necessity of reading petitions before he presented them. Cases might occur in which a member might receive so many, or have so little time, that he could not peruse them all: and thus the subject might suffer because the representatives of the people could not learn their grievances.

The petition was then brought up, read, and ordered to lie on the table.

Sir F. Burdett presented three other petitions from inhabitants of the town and neighbourhood of Halifax, two of them praying for universal suffrage and annual Parliaments, and one for annual Parliaments and suffrage co-extensive with direct taxation. They were all read and ordered to lie on the table.

Mr. Brougham observed, that after hearing these three petitions, and many others that were offered to the House with the same prayer, he could not help making a few remarks to counteract the absurd and pernicious doctrines that they contained, and to call the attention of Parliament and the country to one of the ridiculous blunders, or wilful misrepresentations, on which they all proceeded. He had the greatest respect for some of the petitioners: he gave them credit for the best intentions, and he could find apologies for all their errors: but he was sure they had never read or considered the petitions which they subscribed; they had never weighed the principles which they contained, or the consequences to which they would lead. They were goaded on with distress: they felt all those sufferings and embarrassments so feelingly described by the noble lord (Lascelles) opposite; and when they looked for a remedy, they were told by those who were too well informed and artful to be them-

selves deceived, that they could only obtain relief by annual Parliaments and universal suffrage. He (Mr. B.) had no objection that those subjects should be discussed, that they should be entertained as political questions, that applications should be made to the House to support them: but what excited his displeasure was, that those who must have read the history of their country, who were not ignorant men, who had reflected long on what they were doing, urged the uneducated and illiterate to demand universal suffrage as their birthright, to place it in the same rank with personal liberty or security of property, to declare it the ancient imprescriptible rights of Englishmen; and told those whose opinions they directed, as a matter of history, that it was for this right their ancestors fought and bled. The men who made these statements must know they were propagating delusions; and that truth and fact were against them. He was not unacquainted with the history of his country; but he had never read in any historian, or in any account of the constitution of England, that our ancestors fought and bled for universal suffrage; or that in the struggles between the Crown and the people, on two very important occasions, when our rights and liberties were the subject of contention, in the time of King John and Charles I., this political doctrine was ever thought of by our brave and patriotic forefathers. In the former of these periods, so far were our ancestors from allowing universal suffrage, or every man who had attained the age of 21 to vote, that the great body of the people were not represented at all; or if represented, were represented in a way very different from that now contended for, or as the property of their masters. They were, in fact, in the state of the most degrading villanage, and treated rather like beasts of burden than as beings capable of political right. Those who spread the delusive cry of universal suffrage could not be ignorant of these things, and must intend to mislead those over whom their influence extended. But though the people were misled in the present times, their opinions should be treated with gentleness, and their errors corrected with mildness. If, instead of shutting the doors of Parliament to the petitions of public meetings: if, instead of taking any severe methods of preventing these meetings from assembling to petition, an attempt were made to convince them by sound reasoning and rational argument, much would be done to conciliate their minds, and allay their irritation; much would be done for the cause of good order and constitutional liberty. (*Hear, hear, from all parts of the House.*)

REPORT OF THE ADDRESS.] The motion being made that the Report on the Address be brought up,

Sir Robert Heron rose to oppose it. The arguments which had been stated in support of the amendment, he contended, had not been

answered. A right hon. gentleman (Mr. Caning) was at first so pleased with the amendment, that he thought of supporting it. He talked even of his own resignation as a possible event. (*A laugh.*) The remainder of his speech was, however, occupied with a subject foreign both to the address and the speech; namely, Parliamentary Reform. This topic at once overpowered all his own reflections, and filled him with such inspiration, that he poured forth a rhapsody of ensanguined clouds, assassins, robbers, war-blazes, twilight, and hobgoblins.—(*A laugh.*) If the present system was persevered in, he was persuaded that the interest of the national debt could not be paid. What could be done in this case? Were we to contemplate a national bankruptcy? and how could the House rest satisfied with itself, or justify its proceedings to the country, if it incurred such a risk without first exhausting every resource of retrenchment and economy?—The hon. baronet animadverted on several statements of Mr. Banks, and contended, that he was both wrong in his facts and his inference, when he said that the nation did not suffer under the pressure of taxation, because last year it had felt no relief from taking off 17 millions of taxes. Seventeen millions were not reduced last year, because, though the property-tax was abolished last year, three quarters of it were paid in this. He objected, likewise, to some statements in the speech of an hon. gentleman behind him (Mr. Curwen), who mentioned, that the subscriptions for the relief of the poor did not exceed 200,000*l.* in all the kingdom. This by no means included the amount of the charities applied for the alleviation of distress, as the hand of private benevolence distributed more than ever appeared in a subscription list, or was brought forward at public meetings. But it was melancholy to reflect, that all this was insufficient, and the resources of charity would be exhausted at the very time they would be most required, when those who had at first contributed were forced themselves to be dependent on the contributions of others. This was not the proper time for considering retrenchment; but he would mention a few of the heads in which it should be tried. The army was one: but while our present policy was maintained, any reduction of it that could take place would be of trifling amount. We must withdraw our troops from the support of legitimacy or despotism abroad, before we could diminish our military establishment to any extent: and then our people, who were now irritated by taxes, levied to support a standing army, so as to render a standing army necessary to repress their violences, would, by the reduction of their burdens, return to good order and tranquillity. Another head of retrenchment were pensions and sinecures, which should be entirely abolished, where they were not a reward for important public services.—The hon. baronet next adverted to the enormous

amount of the civil list. It had been well said, that the eyes of the people were directed to that House, and there was no point on which they were more anxious, or felt a greater degree of irritation. They were justly desirous that a considerable retrenchment should be made in this branch, more especially as all classes were obliged to suffer unparalleled privations, and even to forego the ordinary comforts of life. (*Hear, hear.*) But what had his Majesty's Ministers done on this subject in the last session of Parliament? To the utmost astonishment of the nation, and which naturally provoked the greatest indignation, they had increased the civil list by an additional charge of 260,000*l.* It was impossible for any thing to produce more painful reflections, particularly at a period when every Sovereign on the continent of Europe was advised to diminish his expenses. (*Hear, hear.*) Ministers, however, regardless of the distresses and wants of a suffering people, had thought proper to add the sum of 260,000*l.* to the already enormous civil list. And for what purpose was this great addition made? Was it for any useful purpose whatever, either to support the real dignity of the Crown, or to increase the personal comforts of the Sovereign? No; it was as wanton as it was useless; equally unnecessary to the enjoyments of the Prince Regent, and irritating to the people: in fact, intended for no other purpose than to increase the emoluments of the offices of pageantry. (*Hear.*) Another cause which had increased the public difficulties was the unfortunate, the narrow, the selfish policy of endeavouring, during the war, to maintain a monopoly of commerce. Ignorant and mistaken in the soundest principles of legislation were they who had recommended and sanctioned this measure. We should keep trade as free and open as possible; but a different course had been adopted, and what was the consequence? It had cemented, as all wise and rational men must have anticipated, the barriers of the continental system against us. The right hon. gentleman (Mr. Canning) had told the House, that our difficulties were only temporary; but there was nothing in the prospect of things to make us think them so, unless Ministers would yield to the unanimous voice of the country, and reduce our expenditure within our income. Whenever we talked of economy and retrenchment, we were told that we ought to trust to Ministers; but what grounds had we to repose any confidence in them? Did their conduct last year correspond with their promises? The very first thing they attempted was, to renew a most odious, unjust, and oppressive tax, in order to maintain a most unnecessary, unconstitutional, and burdensome establishment. (*Hear, hear.*) What, then, should we suffer ourselves to be again deceived? Let the House and the people remember, that Ministers would make no reduction whatever, until they were actually forced to do

it by the good sense, the wisdom, and firmness of Parliament, assisted and strengthened by the general cries of a suffering and exhausted country. What further assurance, therefore, had we that Ministers would not practise the same delusions, that they would not resort to the same oppressive measures in the present session? The only inducement that we could have to trust in them, the only additional ground upon which they could ask for confidence, was one of the most flagrant and shameful instances of profligacy that had been ever exhibited by any set of Ministers—namely, the appointment of the right hon. gentleman (Mr. Canning), who had accepted, with an enormous salary, the sinecure office of ambassador to the King of Portugal, who then resided, and had ever since continued to reside, in the Brazils. (*Much cheering.*) This, and this only, was the additional ground upon which his Majesty's Ministers could now call on the House to rely on their promises of economy.

The report was then brought up, agreed to, and ordered to be presented by the whole House.

HOUSE OF LORDS.

Saturday, Feb. 1.

Their lordships met at two o'clock, and, after prayers, proceeded in state to Carlton-house, to present their address on the speech of his Royal Highness the Prince Regent.

HOUSE OF COMMONS.

Saturday, February 1.

The house assembled soon after two o'clock, when Lord *G. Beresford* appeared at the bar, and informed them, that the Prince Regent had appointed three o'clock this day to receive the address voted on Thursday last.

PUBLIC ACCOUNTS.] The *Chancellor of the Exchequer* presented a message from the Prince Regent, acquainting the House, that he had given directions for laying before the House the state of the public accounts, and the estimates for the current year; and, on the motion of the right hon. gentleman, the message was ordered to be taken into consideration on Monday next.

COLLECTION OF TITHES.] Mr. *Saville* gave notice that soon after the Easter recess, he should feel it to be his duty to bring the interesting question of tithes before the House.

The House then went in procession with the Address.

HOUSE OF LORDS.

Monday, February 3.

The *Lord Chancellor* reported, that the address had been presented on Saturday to the Prince, who had returned an answer, which he read, expressing the Prince's thanks for the ad-

dress, and his confidence in the loyalty, wisdom, and exertions of Parliament to meet the difficulties of the times, and to preserve the constitution under which the people of this country had the happiness to live.

The Marquis of *Cholmondeley* reported the answer of the Queen, and the Duke of *Montrose* reported the answer of the Duke and Duchess of Gloucester, to addresses of the House, on occasion of the marriage of the Duke and Duchess.

On the motion of the *Lord Chancellor*, it was ordered that a message be sent to the Commons, stating that the Lords had not been aware of the alterations made in the place for conferences between the two houses, and that it should be restored to its former state.

LIBERTY OF THE SUBJECT.] The Earl of *Thanet* presented a petition from Mr. Hunt, which, as it was couched in respectful language, he thought it his duty to offer, without giving any opinion upon it.

The petition was read by the clerk, and stated, that a conspiracy existed among certain persons against his character and his life—a fact which he offered to prove at their lordships' bar; and upon proving it, he prayed that the House would give him its protection.

The petitioner then stated, that he had given proofs of his loyalty and fidelity to his Sovereign and country on different occasions; that when a circular was sent round to the different lords lieutenants on occasion of the first alarm of invasion, during the late war, to ascertain what assistance the farmers could give to the Government for the conveyance of troops, and generally for the public service in case of emergency, he had, being then a farmer in Wiltshire, offered 20 horses, 16 waggons, and every thing he could command, besides his personal services, it being his opinion that property and life itself were nothing in comparison with the honour, independence, and interests of the country; that in 1803 also, on another occasion of an alarm of invasion, when it had been determined to call for the services of volunteers, he had been very active in his district in promoting that object, and received assurances from the Earl of Pembroke, that his activity and exertions would be represented to his Majesty's ministers. That upon the same principle of doing every thing in his power for the interests of the country, he had lately attended meetings, called together for the purposes of petitioning for a reform in the representation of the people in parliament, the only remedy for the distresses under which the country laboured, and had attended a meeting at Bristol, where a petition was agreed to for the above purpose, and signed by 20,000 persons, which petition had since been presented to the other House of Parliament. The petition then stated the circumstance of a boy having been taken by police-officers, and imprisoned for tearing down bills reflecting on the conduct and character of the

petitioner, which had been printed by the police printer, and put up at 10 o'clock at night, the police-officers being ordered to prevent their being taken down, &c. All these facts the petitioner offered to prove, and prayed, that on proving, he might have such protection and relief as the circumstances appeared to demand.

The *Lord Chancellor* said, that attending to the language of the petition, it appeared to be such as there could be no objection to; and as the House was always desirous to receive and pay a proper attention to petitions, he would have been glad that this should be received if it were a petition upon which the House could institute any proceeding: but the petition called upon the House to exercise an original jurisdiction, the constitution having said that it had no original jurisdiction. The law was open, and the petitioner must, in the first place, seek his remedy elsewhere: but their lordships had no jurisdiction in the case, and the petition could not be received.

The Earl of *Thanet* then presented a petition from Thomas Dugood, of the parish of St. Paul, Covent-garden, in the city of Westminster, which was read, as follows:

"That your petitioner is a parentless and friendless boy, seventeen years of age, who, until lately seized by two police-officers and sent to prison by the police, obtained the honest means of living by the sale of Religious and Moral Tracts, which he used to purchase of Mr. Collins of Paternoster-row.

"That your petitioner has, for more than four months last past, lodged, and he still lodges, at the house of Keeran Shields, who lives at No. 13, Get's-court, Oxford-street, and who is a caterer to Mr. White of Mortimer-street, and who is also a watchman in Marylebone parish.

"That your petitioner has never in his life lived as a vagrant, but has always had a settled home, has always pursued an honest and visible means of getting his living, has always been, and is ready to prove that he always has been an industrious, a peaceable, sober, honest, and orderly person.

"That, on the 10th of January 1817, your petitioner, for having pulled down a posting bill, printed by *J. Downes*, who is the printer to the police, and which bill was entitled, '*Mr. Hunt hissed out of the city of Bristol*,' was committed by Mr. Sellon, to the new prison, Clerkenwell, where he was kept on bread and water, and compelled to lie on the bare boards until the twenty-second of the same month, when he was tied, with about fifty others, to a long rope, or cable, and marched to Hicks's Hall, and there let loose.

"That your petitioner has often heard it said, that the law affords protection to the poor as well as the rich, and that, if unable to obtain redress any where else, every subject of his Majesty has the road of petition open to him; therefore your petitioner, being unable to obtain redress in any other manner for the grievous wrongs

done him by the Magistrate of the police, most humbly implores your Honourable House to afford him protection and redress, and to that end he prays your Honourable House to permit him to prove at the bar of your Honourable House all and several the allegations contained in this his most humble petition.

"And your petitioner will ever pray."

The *Lord Chancellor* said, their lordships must be aware that the same objection applied to this petition. The House had no jurisdiction, and could not, consistently with its rules, receive the petition.

No motion was made for either of the petitions lying on the table, and the matter dropped.

MESSAGE FROM THE PRINCE REGENT.] Lord *Sidmouth* presented a message to the House from the Prince Regent, which was read by the *Lord Chancellor*, as follows:—

"His Royal Highness the Prince Regent, acting in the name and on the behalf of his Majesty, has given orders that there be laid before the House of Lords papers containing information respecting certain practices, meetings, and combinations in the metropolis, and in different parts of the kingdom, evidently calculated to endanger the public tranquillity, to alienate the affections of his Majesty's subjects from his Majesty's person and government, and to bring into hatred and contempt the whole system of our laws and constitution.

"His Royal Highness recommends to the House of Lords to take these papers into their immediate and serious consideration."

Lord *Sidmouth* laid the papers on the table, and moved, that the message be taken into consideration to-morrow.

THANKS TO LORD EXMOUTH.] Lord *Melville* rose to move the thanks of the House to Lord Viscount Exmouth, &c. for the successful result of the attack upon Algiers. His lordship briefly stated some of the particulars of the attack, and mentioned an additional incident shewing the skill and judgment of Lord Exmouth; that his lordship having, previously to leaving London, minutely detailed to the Admiralty his plan of attack, it was found on the receipt of the dispatches that the actual attack corresponded in almost every particular, even the most minute, with the plan previously arranged. After highly praising the conduct of Lord Exmouth, and the officers employed upon that occasion, and the undaunted bravery of the seamen which overcame every difficulty and danger, and also the conduct of the Netherland Admiral Capellen, his lordship concluded by moving the thanks of the House to Lord Viscount Exmouth, G.C.B. to Rear-Admiral Sir David Milne, K.C.B. and the other officers; also a resolution highly approving and acknowledging the bravery of the seamen and the royal marines, and the thanks of the House to Admiral Capellen.

These motions were all agreed to *nem. diss.*;

and another motion to request Lord Exmouth to communicate the thanks to Sir David Milne, and the other officers, after a few words from Lord Viscount Torrington, stating that he had long served under Lord Exmouth, who was one of our best seamen, and whose conduct had, upon other occasions, been deserving of the highest praise, particularly in his saving the public purse, and keeping all his ships well-found, and in a fit state for immediate service.

HOUSE OF COMMONS.

Monday, February 3.

The *Speaker* communicated to the House the answer of his Royal Highness the Prince Regent to the Address, in which his Royal Highness thanked them for their expressions of loyalty, attachment, and support, which could not fail to produce the happiest effect at the present juncture.

PRIVILEGE.] A message from the House of Lords stated, that their lordships were always desirous to maintain a good understanding with the Commons; that they were not aware, when they requested a conference on Tuesday last, that the Painted Chamber was not in the usual state; that they were not apprised of the elevation of the seats; and that they would give directions immediately, that the place of meeting on such occasions should be restored to its former state.

PARLIAMENTARY REFORM.] Lord *A. Hamilton* rose to present two petitions upon this subject, one from the inhabitants of Kirkintilloch, the other from the borough of Rutherglen. The peculiar circumstances under which he then addressed the House, required that he should say a few words before he moved that these petitions should be brought up. The short space that had elapsed since the meeting of Parliament had brought forth expressions from the other side of the House, so strong and general, against every species of reform, urged in different petitions, that he thought it incumbent upon him to state, that the present ones prayed for none of those plans; they asked neither for annual parliaments nor universal suffrage (*Hear.*) He therefore hoped they would not be identified with any of them. They both lamented the exorbitant expenditure of the country: both complained that the petitioners were so harassed with difficulties, they could not exercise any labour which would procure them the necessaries of life; and they concluded, not by presuming to suggest any particular mode of reform, but with hoping that the grievances of which they complained, would be redressed by some plan of reform or other. He should make only one observation more, which he felt it his duty to do when presenting petitions from Scotland upon this subject. He was warranted in saying, that in Scotland there was no representation at all, in any rational sense of the

word. (*Hear, hear.*) A man might possess there 10,000*l.* a-year in property, and another 10,000*l.* in land, and yet not have a single vote of any kind. He must say, therefore, without any disrespect to other parts of the United Empire, that petitions from that country were entitled to the peculiar consideration of that House. (*Hear, hear.*) The petitions were then read, and ordered to lie on the table.

Sir F. Burdett presented a petition from the inhabitants of Sheffield, praying for a reform in parliament. Similar petitions were presented by Lord Radcliffe, from Castle-Donington, Leicestershire; by Lord Walpole, from King's Lynn, Norfolk; and by Lord Ebrington, from Honiton, Devonshire. Ordered to lie on the table.

MESSAGE FROM THE PRINCE REGENT.] Lord Castlereagh appeared at the bar with a message from his Royal Highness, similar to that presented to the Lords, for which see page 85. His lordship then moved, that the message be taken into consideration to-morrow.

THANKS TO LORD EXMOUTH.] Lord Castlereagh begged to call the attention of the House to the late brilliant and successful enterprise against Algiers. As to the merit of this splendid service, there existed, he believed, but one sentiment, not only in this country, but throughout all the nations of Europe. It was unnecessary for him to go into those particulars which the illustrious commander had himself so well detailed; but it would be injustice to him, if he did not notice some circumstances. Much had been heard of the facility with which Algiers could be attacked by even a single line-of-battle ship, and that, too, from scientific quarters. There were those, also, entitled to the same attention, who entertained very different opinions, and who thought there would be great difficulty, and a great question of prudence in making the attempt which had succeeded, however, so brilliantly. It was fair to observe, that my Lord Exmouth's opinions steered in a middle course between opposing opinions. Guided by his great knowledge as a sailor, he knew that the effort must be attended with considerable peril and loss, yet was he confident that he could perform this arduous service. He had not only stated distinctly what would be the result of his operations, but also pointed out precisely the mode in which he should make his attack, and the very position in which he should place his own ship. He anticipated every thing with foresight and exactness. He (Lord C.) could add nothing by what he could say to the character of the achievement. It was gratifying to know that the navy of the kingdom of the Netherlands partook in the exertions and glories of the exploit. Nothing could be more congenial to our feelings than to find our arms combined with those of another great maritime nation in the cause of justice and humanity. He concluded with moving the thanks of the House to

the right hon. Lord Viscount Exmouth, Knight Grand Cross of the Order of the Bath, for his able, gallant, and successful conduct in the attack on Algiers.

Mr. Laav supported the motion, and expressed his satisfaction that the thanks were to be extended to the officers and seamen of our ally the King of the Netherlands.

Lord Cochrane could only state, that the vote had his most cordial concurrence, for he had never known or heard of any thing more gallant than the manner in which Lord Exmouth laid his ships alongside the Algerine batteries.

The motion was then carried, *nemine contradicente*, as was also a vote of thanks to Rear-Admiral Milne, after a few observations from Mr. Money; another to the seamen and royal marines, and one to the Dutch Admiral and seamen.

SPANISH PATRIOTS.] Mr. Brougham adverted to a motion made by him during the last session, respecting Mr. Arguelles and other suffering Spanish patriots, and wished to know what had been done respecting their situation.

Lord Castlereagh said, that communications had taken place with the Spanish government, but there was no particular intelligence which he had to lay before the House.

Mr. Brougham asked whether the noble lord would have any objection to lay the correspondence that had passed upon the table?

Lord Castlereagh replied, that it might be imprudent, and even injurious to the individuals themselves, if the correspondence were disclosed.

Mr. Brougham said, that a hint from the noble lord on this subject would be enough to stop his mouth, as the noble lord must certainly be the best judge as to what injury might result from making any communication on this business; but from the noble lord's silence, he supposed he must understand, that government had done all in the matter that they could, though not backed by a vote of parliament; but that all their endeavours had completely failed.

LIBERTY OF THE SUBJECT.] Lord Folkestone stated, that he held in his hand a petition from an unfortunate youth, complaining of a most serious violation of the liberty of the subject. He had that morning received from the petitioner a very intelligent statement of his sufferings—that he had been, on the warrant of a police magistrate, committed to the new prison of Clerkenwell—had been there in a dismal dungeon immured for twelve days, with no other subsistence than bread and water. The noble lord had also been enabled to obtain a view of the warrant of his committal, which alleged that he was imprisoned as a vagrant, without any visible means of support. In contradiction the petitioner stated, that at the very moment he was arrested, he had property in his possession to the amount of three shillings and sixpence, in money, in his pocket—that he had resided for above three months in the lodgings he then occupied, and obtained an honest liveli-

hood by the sale of religious and moral tracts. Indeed the boy had written from the prison to his landlady, for the purpose of assuring her, that he had not absconded from his lodgings, accompanied with a request that she should bring him some money of his which remained at her house. On the last day of the sessions the boy was brought up with twelve other persons, tied together with a rope, and was then discharged. Such a statement called for the most serious and prompt investigation at all times, but when it was recollected, that during the last year the most nefarious crimes were brought home to police officers, and strong suspicions to police magistrates, and that no notice appeared to be taken of that conduct by the department of state under whose superintendence these police magistrates were, he sincerely trusted, that the House would feel the present case an enormous invasion of the rights of the subject, which loudly demanded its interference. (*Gries of hear, hear.*)

The petition, which was couched in the same words as that presented to the Lords, (for which see page 84.) was then brought up and read.

Lord Folkestone then moved that the petition be referred to a committee of the House.

Mr. Hilcy Addington assured the House, that he knew nothing more of the case described by the noble mover, and brought forward in the petition, than what he had read in the public papers. None of the facts or allegations had come to him through any other channel. He had seen the examination of the boy stated in a report from one of the police offices, and had afterwards read, that one of two individuals who had taken up his cause had said, that he meant first to have laid the case before parliament, but that upon subsequent consideration he had altered his mind, and meant to make a representation on the subject to the Secretary of State for the Home Department. No communication, however, had been made to the office of the Home Secretary; if there had, he could assure the House that every attention would have been paid to it, and that the fullest and strictest investigation of all the circumstances would have taken place in the most prompt and zealous manner. (*Hear, hear.*)

The Hon. Mr. Bennet was surprised that the right hon. Secretary had not made one observation about the motion for a committee. Was he against it? (*No, no, from several parts of the House.*) He could not help, since he was up, making one remark on the place where this poor boy was confined. He thought it utterly disgraceful to the country. (*Hear, hear.*) No man kept a pack of hounds in such a wretched place, and with such wretched accommodations, as these poor creatures were confined to. (*Hear, hear.*)

The Attorney-General would ask the House whether it was proper that this case should be examined in parliament in the first instance, or

whether it would not be better to adopt a different course, and apply to a court of law for remedy? The petition complained of false imprisonment—of an illegal act. The petitioner stated, that “he had often heard it said, that the law affords protection to the poor as well as the rich;” and when he had heard it so said, he heard what was in this country practically true. (*Hear, hear.*) Let therefore a legal remedy be first sought, and if unable to obtain redress in the regular manner, let him then exercise his right to petition the legislature. If this petition was received, the application of no person who complained, in similar circumstances, of personal restraint, could be refused, and the functions of parliament would thus be confounded with those of courts of law. The boy, it might be said, was young, but could he not sue by his guardians? If his poverty was stated as an objection, it was open for him to sue *in formâ pauperis*.

Mr. H. Addington submitted to the noble mover, whether it would not be more correct and becoming to postpone his motion for a committee for a day or two, so as to allow time to inquire into the circumstances. If the noble lord did so, he would pledge himself to enter fully into the investigation, and inform the House of the result. (*Hear, hear.*)

Lord Folkestone had no objection to postpone the appointment of a committee till a previous investigation of the circumstances by the Home Secretary, provided no delay intervened.—Thursday was then suggested as the time when information might be expected, and his lordship consented to postpone the appointment of the committee till that day.

Lord Castlereagh would not consent to consider the question for a committee as carried, but suggested that the regular course would be for the noble lord to withdraw his motion, and bring it forward afterwards as he should see meet.

Lord Folkestone said, there was only one alternative in which he would consent to withdraw his motion, and that was in case the learned Attorney-General, who had recommended to the petitioner to apply for a legal remedy, and to sue *in formâ pauperis*, would consent to direct the proper steps for obtaining redress, and pledge himself to be his advocate. This was a case peculiarly demanding the interference of parliament. The petitioner was poor, and could not gain admission to the courts of justice in such circumstances as would excite attention to his sufferings, or obtain good legal advice. There was another reason why it should be considered by parliament. The boy was committed, not by the ordinary magistrates of the country, but by police magistrates, almost new to our constitution, appointed by the Crown, paid by the Crown, and removable at the pleasure of the Crown. The act for which the boy was committed was one connected with political

principles. The conduct of these magistrates should therefore be narrowly watched.

The *Attorney-General* observed, that in his capacity of law officer of the Crown he could not be the advocate of the petitioner, and in any other capacity he could not be required to support his cause by any parliamentary application. He could say, however, that if the course he had recommended were followed, there would be no want of legal advice and assistance. If it were stated to the court that he applied to sue *in formâ pauperis*, it would not be difficult to find counsel at the British bar, the most eminent and learned in their profession, who would plead his cause with as much zeal, perseverance, and ability, as if he were the richest subject in the kingdom.

Mr. *Brougham* said, that though the *Attorney-General* could not be called upon, as law officer of the Crown, in the present stage of the proceedings, to be counsel in supporting the cause of the petitioner, he might subsequently be required to be so by a vote of the House. He (Mr. B.) did not wish to prejudge the case, ignorant as he was of the circumstances. The *primâ facie* view he allowed was bad, and demanded the most serious consideration and inquiry. The only question at present was, could there be any inconvenience in letting the appointment of the committee lie over for a few days, till the promised investigation was made by the Home Department; it being understood, that in the event of the result being unsatisfactory, the fullest inquiry would take place by the committee? There was a standing committee of grievances to whom the petition might be referred.

Lord *A. Hamilton* declared, that if the question was pressed to a vote, he should be obliged to support the motion of the noble lord, as leaning most to the liberty of the subject. No one, in the present unparalleled distresses of the country, should be considered as criminal, and sent to prison, because he had no visible means of livelihood. A charge of this kind might be brought against too many of those who were formerly in affluent circumstances, and who had been reduced to a state in which "they had no visible means of support" by no fault of their own.

Sir *F. Burdett* was of opinion, that the boy could not procure a real effectual remedy by the legal course recommended. There was a considerable difficulty in suing *in forma pauperis*. The petitioner must have counsel to sign an application, stating that he was a proper person to sue in that capacity; and it would not probably be easy to find a counsel who would expose himself to suspicion by such a transaction, considering that he would be acting against government. (*Hebr.*) He could call the boy's commitment nothing else than an act of the Government. The real cause of it was for pulling down a handbill, prepared as he was in-

formed, and posted up by the police itself, against an individual obnoxious to Government. Another difficulty in the way of suing *in formâ pauperis* was this—that the boy, although he had not means to bring an action in any other capacity, might still have so much property as would deprive him of all title to such a mode of obtaining redress. The question involved in this petition was peculiarly fit for Parliamentary consideration, as it affected the liberty of the subject. Although such were his ideas, he would advise the noble lord to wait a few days till the promised investigation took place. If, however, he pressed his motion for the committee at present, he (Sir F.) would be bound to support it; as he thought the principle attempted to be laid down was wrong, that because redress of a grievance could be obtained elsewhere, therefore the House should not be applied to.

The *Attorney-General*, in answer to Sir *Francis Burdett*, said, that there were men at the British bar who would do their duty without any regard to the political opinions of those whose interests they were intrusted with supporting.

Lord *Folkstone* would not consent to withdraw his motion, unless he understood that it would appear on the journals of the House.

The *Speaker* informed the noble lord, that this and every other motion was entered on the journals of the House, whatever fate attended it. The noble lord might follow his own course: he would give him no directions; but assured him of the usual practice.

Lord *Cochrane* entered into some charges against the police. The handbills that were pulled down, and the pulling down of which exposed the petitioner to the oppression of the magistrates, had been printed by *Doroves*, the printer for the offices. Ministers, upon inquiry, would be able to state to the House the most exceptionable conduct; but if there were no committee appointed, the matter could not be sifted to the bottom. The objection made to a Parliamentary inquiry before the case was brought before a court of justice would be still stronger after a judicial decision. It was now said, let there be no committee till the case is tried: it would afterwards be said, with as much effect, let there be no committee, because the case has been tried; so that in neither case could the aggrieved expect redress.

Mr. *Ponsonby* expressed a wish that the noble lord would withdraw his motion till the promised report was made by the right hon. secretary. The fullest investigation had been promised: and if he would not consent to withdraw his motion, he might move as an amendment, that the consideration of it be deferred till the report of his Majesty's Minister be received. The matter was of the greatest importance. Justice must be done to all parties. Even if a verdict were obtained in favour of the petitioner in a court of law,

such a result might not be thought sufficient to render farther Parliamentary proceedings on the subject unnecessary. He did not doubt but that many gentlemen of the bar would be found willing to support the cause of the petitioner; but he was uncertain whether, even though he sued *in formâ pauperis*, stamp duties must not be paid.

The *Attorney-General* said, that persons suing *in formâ pauperis* were not liable to the payment of stamp duties.

The petition was then ordered to lie on the table: the motion for a reference to a Committee being withdrawn, under the expressed pledge that the home department would forthwith institute an investigation, and speedily inform the House of the result.

COMMITTEE OF SUPPLY.] The *Chancellor of the Exchequer* having moved that the House should resolve itself into a Committee, the speaker left the chair, when the *Chancellor of the Exchequer* moved, that a supply be granted to his Majesty.

Mr. *Calcraft* was anxious to know, whether at a crisis so alarming in every point of view as the present, the Chancellor of the Exchequer had any intention to alleviate the intolerable pressure of taxation? It was obvious to every man conversant with the state of the country, that unless some such alleviation was effected, the people could not be maintained by their labour, even supposing they had now full opportunity of labouring. Immense sacrifices had been made by the public; burden after burden had been imposed, and patiently endured with the pleasing, yet now delusive hope, that the return of peace would bring happiness and prosperity. Yet what had been the consequence of making such sacrifices? Our industrious and once prosperous mechanics were now reduced to the humble situation of depending for support on the poor-rates, and were totally bereft of all those comforts to which their industry had intitled them. Now, when such was the case, when there existed not even a probability of labour being paid for, he asked whether his Majesty's Ministers were still determined to persevere in the present system of taxation? and whether it might not be infinitely better for them to remove some of the taxes, by applying part of the Sinking Fund to the services of the present year? This was certainly the more preferable mode of going to work; and he wished to know, whether it was likely to meet with the support of Ministers?

The *Chancellor of the Exchequer* thought it was premature now to enter into the question: whatever his own opinion on the mode of supply might be, he should deem it his duty to withhold any statement of that opinion till the House were in possession of the accounts.

Mr. *Calcraft* wished to be informed, whether the noble lord would nominate the committee, or proceed by ballot?

Lord *Castlereagh* declined any answer till he had time to give his reasons for adopting the line of conduct he meant to pursue.

The House then resumed, when

Mr. *Croker* brought up some papers formerly ordered by the House, respecting the salaries of the secretaries of the Admiralty.—Ordered to be printed.

HOUSE OF LORDS.

Tuesday, February 4.

PRINCE REGENT'S MESSAGE.] Lord *Sidmouth* (the order of the day being read) rose to propose an answer to the message which he had last night presented from the Prince Regent. Their lordships might believe, it was not without the most painful feelings his Royal Highness found himself under the necessity of making such a communication. It was, indeed, a most afflicting circumstance both to that illustrious personage and to his advisers, to feel themselves called upon by their sense of duty to the country, to inform their lordships that there did exist meetings and combinations in different parts of the country, for the purpose of endeavouring to alienate from his Majesty the affections of his subjects, to bring his person and government into hatred and contempt, to endanger the liberty of the subject, and to overthrow the whole scheme and system of our laws and constitution; and their lordships might easily believe, that such a communication would not have been made without the strongest conviction of its urgent and indispensable necessity. The Address which he would have the honour to propose would pledge their lordships to nothing except to an examination of the evidence; for, as to the ulterior proceedings, he not only did not call on them to give any pledge, but he would not choose to be himself considered as pledged. When this motion should be disposed of, he should propose, that the papers communicated by his Royal Highness be referred to a committee of secrecy; and all that he had to request in the mean time was, that their lordships would abstain from making up their minds until the whole subject should be investigated. There was only one other point to which he felt it his duty to call the attention of their lordships, as it was material that it should be noticed. The atrocious outrage lately committed against the Prince Regent was certainly regarded with the utmost horror and reprobation by an overwhelming majority of the nation; and he felt it his duty to state, that the present communication was not at all connected with that outrage. Though that atrocious, that horrid outrage against the royal dignity had not been committed, his Royal Highness's advisers, with the information in their possession, would have still felt it their indispensable duty to have brought forward this proceeding, origi-

nating in a message from the Prince Regent, to be followed by a reference of the papers to a committee of secrecy. He moved, therefore, that an humble address be presented to his Royal Highness, thanking him for his gracious communication, and to assure him that their lordships would proceed to take the papers laid on the table into their immediate and most serious consideration.

Earl *Grosvenor* rose, not to object to the motion, which was put into such a shape that it could not be reasonably opposed, but merely to say, that this was a most tremendous charge against a majority or a large proportion of the people of this nation, and one which he hoped could not be sustained. Of this, however, he was convinced, that these meetings and combinations, if they did exist, were mainly provoked by the conduct of Ministers themselves, who had set their faces against economy and retrenchment, and every species of reform.

Lord *Holland* did not rise to oppose the motion, because it was impossible for him at present to determine whether this proceeding did really originate from the existence of meetings and combinations to such an extent, and of such a nature as to call for the extraordinary proceeding of interference by Parliament, or whether it was a practice by certain persons, either in or out of power, to create a false alarm. It was only yesterday that a petition was presented to their lordships, complaining of the hardships endured by an individual, in consequence of an alleged flagrant violation of the liberty of the subject. That petition had been in effect rejected; and on what ground?—that the petitioner had his remedy at common law. He admitted that the rejection of the petition on that ground was proper; but he trusted their lordships would act with due impartiality on this most important occasion, and deal out the same equal justice to the great, the exalted, and powerful, as they had dealt to the humble, the friendless, and unprotected; and it would therefore be necessary for Ministers to prove, not only that such meetings and combinations existed, but that a remedy for the evil was not to be had from the ordinary law of the land; for nothing short of this would justify their calling for the interference of Parliament: that was the principle which ought always to regulate their proceedings in matters of this kind, and more particularly in the present circumstances of the country. They had no foreign war at present to increase any alarm that might be felt from these alleged meetings and combinations, and the distress of the people was such, that nothing, if possible, ought to be done of a tendency to alienate their affections from the constitution: but every thing on the contrary ought to be done that could by possibility be done, to secure their attachment and fidelity, and to relieve their

distresses, real and supposed. He agreed that this was not the time to say any thing as to the ulterior proceedings, and he hoped that all their lordships would come to the consideration of this momentous subject with minds impartial and unbiassed; but still he might be permitted most deeply to lament the necessity of this proceeding, supposing it to be necessary, if it should lead to the adoption of any ulterior measures tending to abridge the liberty of the subject. This, under any circumstances, was a great and tremendous evil, and would be so more particularly under the present overwhelming distress of the country. It had been at least a consolation to many, in observing the meetings of great bodies of people during these last five months, to see that they always looked to Parliament for relief, and a remedy for their grievances and distresses: and it would be for the noble lord to explain why, under such circumstances, the meeting of Parliament was postponed from time to time; and why, when Parliament had been at length assembled, the very first measure proposed for consideration was one which implied a distrust and jealousy of the state of the public mind. He would come to the consideration of the subject with an unbiassed judgment; but he confessed he did think it a circumstance of fearful omen, that this should be the first great question to which their attention was called; though the noble viscount had candidly stated, that it had no connexion with that outrage against the person and dignity of the Regent which no respectable member of the community could think of without abhorrence. He had on a former occasion, when a proceeding of this nature was under consideration, (alluding to the proceedings with respect to the frame-breakers), stated, that he considered the circumstance of the noble lord himself being in power, as affording some sort of security that nothing tending to abridge the liberty of the subject would be rashly adopted, and that extraordinary powers when given, would not be abused: but from what he had lately observed, he could not keep his mind entirely free from the suspicion, that in that point he had been mistaken. This however was, as he conceived, perfectly clear—that the danger must be completely made out to the satisfaction of every honest man in the nation, and the necessity for giving some extraordinary powers to the Executive Government ought to be proved beyond the reach of question or doubt, before Parliament could be justified in adopting any ulterior proceedings, tending to abridge the liberty of the subject.

The Earl of *Liverpool* did not think it necessary to trouble their lordships with more than a very few words in the present stage of this proceeding, as both the noble lords who had spoken before him agreed that there could be no objection to the course now recommended, whatever it might be thought expedient to

do when the committee should have made its report: and, as far as the matter had as yet gone, he could not conceive how a more fair and candid course could have been adopted. The general subject was necessarily noticed in the speech of his Royal Highness: but that speech had been framed with an anxious wish not to pledge Parliament as to the question, whether any further measures ought, with a view to the internal peace of the country, or for any other reasons, to be adopted. But their lordships could not but agree, that if the Prince Regent's advisers had important information as to the practices referred to in the speech and address, they would not have done their duty if they had not advised his Royal Highness to communicate the information to Parliament, that it might be at least submitted to the consideration of a select committee; no individual being, by that proceeding, committed, as to the nature of the ulterior proceedings to be adopted, or as to the adoption of any ulterior proceedings at all. With respect to the assertion of a noble earl, that this was a tremendous charge against a majority of the people of this country, there was no such charge either in the speech from the throne, or in the message of yesterday; on the contrary, it had been held out, that the fullest confidence was placed in the loyalty and fidelity of the great body of the people. His noble friend who spoke last had urged the existing distresses of the country as a particular reason why no ulterior proceedings should be adopted, unless justified by the most indispensable necessity. It was necessity alone that could justify them at any time; but that necessity was increased rather than diminished when it was considered that many of the well-disposed, though uninformed, might be misled more easily by the artful and designing in a season of general and severe pressure: and the Executive ought not to be insensible to the dangers that might result to the Government and Constitution of the country from that source. Supineness and indifference in the Executive might be attended with the most fatal consequences; and it had been the care of the advisers of the Crown not to exhibit that supineness and indifference, but at least to call the attention of Parliament to the subject. Their lordships would look at the matter with candour and impartiality, with every disposition to refrain from infringing the liberty of the subject, but also with a resolution not to permit any encroachment on the Constitution.

Earl Grosvenor in explanation said, that the charge must be supposed to have been brought against a large portion of the people, otherwise it would have been idle and unnecessary to have called the attention of their lordships to the subject.

Earl Grey did not know that any reasonable objection could be made to the motion now before their lordships; for, when a message came

down with a communication that such practices existed, and threatened such dangerous consequences as were stated in the message, it was the duty of the House to send that information to a committee to be examined. Whether the dangers were really such as required the adoption of any ulterior measures by Parliament, they would have to decide when the whole subject should be examined and the report came before them: and till then he should suspend his judgment: but he could not help lamenting, that under the present circumstances of the country, any necessity should have arisen, even in the opinion of the noble lords themselves, for coming to Parliament with such a communication. They had done no more than justice to the great body of the people, when they had expressed the fullest reliance on their attachment to the laws and constitution, even under circumstances of the severest pressure. While exposed to hardships and distress almost unparalleled, distress extending from the lowest to the highest ranks in the community, the people had displayed a patience, fortitude, resignation, and confidence in the Parliament and constitution of their country, which had never been exhibited, under such circumstances, by the people of any other country on earth. But if such were the effects produced by the constitution of this country, the Executive Government, their lordships, and Parliament in general, ought to consider well before they did any thing that could impair the confidence of the people in that constitution. The noble lord (Sidmouth) had adjured their lordships to come to the consideration of this subject without favour, without affection, and without partiality; and he (Earl Grey) now repeated that adjuration, and called upon their lordships to come to the consideration of the subject with the most rigid impartiality, and with minds as averse to the diminution of the liberty of the subject as they were favourably disposed towards the preservation and security of the Crown. They had lately done much, in addition to what had been done by their ancestors, for the safeguard and protection of the Crown; but he did not know that, in addition to what had been done by their ancestors, they had established one safeguard for the security of the rights and privileges of the people. They had seen the effects produced among the people by the blessings of a free constitution; and he hoped that nothing but the most urgent and the most paramount necessity, clearly and incessantly proved, and the absolute impossibility of applying a remedy by any other means than the interference of Parliament, would induce their lordships to touch the least particle of the liberty of the subject.

The Marquis of Buckingham concurred with noble lords who had already spoken, that it was deeply to be regretted, that the Prince Regent's advisers should have found it necessary,

even according to their views of the circumstances, to have come down to the House with this communication; and he should still more deeply lament, that this should have been the case, if it should turn out that any ulterior proceedings were necessary. The responsibility however, rested with the Ministers. They were entitled, by the course which they had adopted, to call upon their lordships to send these papers to a committee, and to have the evidence examined on which they brought forward so serious a charge: and their responsibility would be tremendous, if they failed. He would apply himself to that examination with the same impartiality, with the same freedom from undue bias of any description, as if he were to sit a judge on a trial in a case of life and death. In many instances it was, perhaps, impossible to divest the mind entirely of all party or other partialities: there was no danger, however, of such influence on the present occasion for if there was any subject in the consideration of which the mind must be divested of every feeling of partiality, it was this. The Prince Regent's advisers must prove, not merely that such meetings and combinations existed, but also shew that the ordinary law of the land was incompetent to meet the danger; for if they merely proved the existence of such meetings and combinations, then he would say, that only half the case had been proved. The noble earl (Liverpool) argued, as if he conceived that the greater the distresses of the country, the more necessary it was to add to the power of the Executive Government. That, however, was not enough; for it would be incumbent on the Ministers to prove, that the ordinary law was insufficient to meet the evil. But if it should appear that the evil was of too great a magnitude to be repressed by the power of the ordinary law, then he would say, that it was necessary to arm with extraordinary powers, not that or this particular administration, but the constitution of the country. The constitution itself must then have additional powers for its own defence, and nothing could be more weak, more fatal to the people themselves, than that false humanity which left them exposed to the arts and delusions of those, few in number, but desperate in disposition, who, for the worst of purposes, endeavoured to mislead them; who, under the pretence of calling the attention of the people to their grievances, and the remedies for them, turned away their attention from their real grievances, and the real and true remedies, and filled their minds with imaginary grievances, and the most delusive, visionary, and dangerous plans of relief.

The Address was then agreed to.

Lord Sidmouth then moved, that the papers on the table should be to-morrow referred to a committee of secrecy, consisting of 11 lords, to be then chosen by ballot.—This motion was agreed to.

HOUSE OF COMMONS.

Tuesday, Feb. 4.

PARLIAMENTARY REFORM.] The Sheriffs of London presented a petition from the Lord Mayor, Aldermen, and Common Council, praying for economy, and for reform in the representation. Ordered to lie on the table.

Lord Cochrane presented a petition for reform from Hamilton, in Lanarkshire. Ordered to lie on the table.

Mr. W. Smith said, he had a petition to present from Norwich; but he must decline giving any opinion on the contents, because he thought that the claim upon a member to give such opinion was imposing upon him a task which was at the same time both invidious and useless—invidious, because it called on an individual member to state an opinion as to the wording of a petition, which opinion was imagined to have a certain degree of influence upon the House. The claim was useless, since, after any member's declaration, the House might totally disagree with the petition; so that no advantage was to be gained from the individual member's opinion. He then adverted to the case of a rejected petition in 1716, which was refused on the score of improper language. That petition prayed for the repeal of the septennial act, which it styled an overturning of the constitution and subversion of the rights and liberties of the nation. But if the House of Commons would go so far as to double the period of its own existence, he scarcely knew any terms in a petition so strong as to prevent him from thinking it his duty to offer it. It was on the principle involved in the question that he thought it right to decline giving his own opinion with respect to the terms in which the present petition was couched. He moved, that it be brought up, which was ordered.

Mr. C. Wynn said, the rule always laid down by the highest authorities had been, that every member should give the sanction of his own opinion to the matter and expressions of the petition he presented; therefore he could not agree to the principle now maintained. If he looked back to the proceedings of Parliament, he found the great examples of Mr. Fox and Mr. Pitt, who were as anxious as any members to support the just rights of petitioners. They had presented petitions of which they stated that they did not approve the prayer; but then they said they had read them, and did not see anything in them offensive or disrespectful to the House. The hon. member (Mr. W. Smith) seemed to treat this as nugatory, because the House could reject a petition: but was it really a point of indifference to the House to act on such questions as a mere matter of course, and thereby be compelled to hear a train of expressions offensive in themselves, and unconnected with the subject on which the petition was founded? At this rate, a petition of the

size of a quarto volume might be brought up and read, filled with extraneous and offending matter, till the House was quite tired out with hearing it. He was sorry to be obliged to oppose receiving a petition under the present circumstances. He had said to persons who had brought petitions to him, that he was willing to present them, but sometimes they had run to too great a length, or contained what might cause their rejection, and he had then recommended the parties to amend and alter them. It was much the better way to take any offensive matter out of a petition before presenting it. He saw no one benefit likely to arise from any alteration of the uniform and established practice of the House. There must obviously be great inconvenience in being obliged to sit and hear all sorts of insult. He had, on a former occasion, alluded to the circumstances of the Kentish petition. The House, after hearing offensive language, had no way of animadverting upon it but by the rejection of the petition which contained them. The former practice had been to state objections to petitions on the question of bringing them up. It would be a subject of regret if all petitions were to be read as a matter of course. He should regret deeply if petitions were rejected merely because they contained passages which expressed sentiments contrary to the opinions of the majority of the House. He saw no way more effectual for all desirable purposes, than to inquire the opinion of a member as to the character of a petition: and it was the best mode of avoiding the painful necessity of rejection after being read.

Mr. *Lockhart* had always understood it to be the duty of a member to read a petition, and to state, if asked, whether it contained any thing offensive: but he did not understand that when the petition was offered it was necessary to say it was not offensive, unless the member was called upon for that purpose.

The *Speaker* said, the practice and usage was as he had on a former occasion stated it, and it had been that night stated by an hon. member. It was the right of the House to expect from every member who presented a petition, that he was satisfied that it contained nothing intentionally disrespectful.

Lord *Castlereagh* said, the practice of the House, on these points, proceeded on wisdom, and a fair view of every principle of order and propriety. They should be very loth to depart from what had been stated by the highest parliamentary authorities to be the established and undoubted practice. A painful doubt might sometimes exist in the minds of Members; but the House must look to the extent of the inconveniences which any alteration of their practice might occasion; and also to the degradation they must experience, if they were to hear every calumny and reproach which the wicked imaginations of mankind might presume to throw upon them, and which might be entered upon their journals. They

ought therefore, from a sense of duty, to interpose and prevent themselves from being accessory to libels upon Parliament and the representation in that House. If a member brought a petition and was not quite satisfied with it, the difficulty might be stated, and then, on a motion, the question of hearing it or not could be decided.

Sir *Francis Burdett* hoped the House would not persevere in a system of refusal that seemed so unjust. The propriety of presenting a petition, as far as it depended on its language, must, after all that could be said on the subject, rest with the judgment of the individual member who undertook to present it. A petition might contain much that was irrelevant or impertinent to the matter of its prayer; but petitioners must use such language as was necessary to state the nature of their complaints, and the objects they sought, however unpleasant such language might be, more particularly when they described the conduct and composition of the House.

Mr. *B. Bathurst* thought the House had no security from insult, unless one of their own body would undertake to say that there was nothing offensive in the petitions he presented.

Mr. *W. Smith* said, that few could be more disposed than he was to bow to the authority of the chair; but the doctrine of his hon. friend (Mr. *Wynn*) went to the extent, that an objection might be made to a petition on account of its length. This would be a difficult matter to arrange. If a petition were too long, there might be a reason for not reading it through; but much must depend on the nature of the subject. They ought to shew great attention to public petitions. One on the subject of Parliamentary Reform could not be supposed to be very agreeable in its statements to many members of that House; particularly when petitioners supposed that all their grievances arose from the want of better representation. He was at the disposal of the House; but must protest against taking away the right of his constituents to petition Parliament.

Mr. *Canning* deprecated the discussion of the abstract question when unnecessary, but would vote against the bringing up of the petition unless the rules of the House were complied with.

Mr. *Brougham* observed, that if it was understood to be the duty of every member who presented a petition, that he should have previously read it, there should be an equal understanding in the House, that confidence should be reposed in his discretion, and that no other member, nor even the House itself, should go into that extraordinary, that unjustifiable, and novel practice of putting interrogatories to members in the exercise of their duty, and acting to the best of their judgment. He protested against such questions being put to every member who appeared with a petition—"Have you read the petition, do you approve of its language, is it

temperate in its expressions, and respectful to the House; or if it is not, what think you of it?"

The *Chancellor of the Exchequer* said, on the present occasion no one had asked the member for Norwich any question about the petition.

The question was then put from the chair, that the petition be brought up, which was negatived without a division.

Sir *F. Burdett* presented petitions from the town of Leicester, and Leigh in Lancashire, praying for Reform in Parliament. Ordered to lie on the table.

Mr. *Brougham* said, he had a petition to present from the county palatine of Lancaster, which, if true, (and the facts were sworn to in two affidavits, regularly taken before a magistrate), demanded the most serious consideration of the House. It appeared, that a petition, the most guarded and temperate, praying for reform, had been signed by about 700 inhabitants of Warrington. To this, one should have thought no objection could have been offered; but it was forcibly seized by Richard Burrough in the street, while being carried round for signature: it was then taken by Thomas Lyon to the house of Mr. Coates, a magistrate, where the petitioners applied for it: but it was not restored to them. They then drew up the present petition, complaining of this obstruction.

The petition was brought up and read.

Mr. *Brougham* would only at present move, that it should lie on the table, because some farther information might be expected on the subject. Ordered to lie on the table.

MESSAGE FROM THE REGENT.] Lord *Castlereagh*, in rising to move an address to His Royal Highness in answer to his gracious message, was confident, that in the one he meant to propose he should encounter no opposition, nor excite any difference of opinion. It would merely go the length of thanking His Royal Highness for his gracious communication, and assuring him that the House would take it early into its serious consideration. He would not say one word on the situation of the country, that could raise a question, feeling as he did, that the House was not in possession of the requisite information to form an opinion, or to lead to any useful discussion. No hon. member could be at all prepared for any thing that he could say, and he therefore could do no more than beg the House to keep their minds unprejudiced and unbiassed, for perusing the information now laid on the table, and for coming to that decision upon it, which a regard to the interests and constitution of the country would warrant. He was only bound in duty to make one observation in consequence of some erroneous statements that had gone abroad, that the present message originated in the late outrage offered to the person of His Royal Highness. However much that outrage had excited the horror and reprobation of both sides of the House, and of all parts of the Country (*Hear, hear,*) he could assure the House that the pre-

sent communication was not made in consequence of it; but that His Majesty's Ministers, in the discharge of their duties to the Country and to the Throne, had thought themselves bound to advise His Royal Highness to make this communication before that circumstance occurred:—The noble lord having again deprecated all discussion on the present occasion as premature, and besought a calm and unbiassed consideration of the information laid before Parliament, moved, that an humble address be presented to His Royal Highness the Prince Regent, thanking him for his gracious message, and assuring him, that the House would early take the information that he commanded to be laid before it into its most serious consideration. The address being seconded, and read from the chair, it was carried *nem. con.*

Lord *Castlereagh* then moved successively, 1. That the papers containing the communication from the Crown be referred to a committee. 2. That this committee be secret. 3. That it consist of 21 Members. 4. That it be chosen by ballot. 5. That the Members of the House prepare a list of 21, to be put into a glass, to compose the said committee. 6. That the papers remain on the table as they are, till the said committee be chosen. All which motions were agreed to.

LIBERTY OF THE SUBJECT.] Mr. *H. Addington* said, he had taken the earliest opportunity of enquiring into the facts contained in the petition presented last night by a noble lord, (Folkestone.) He had only yet been able to learn that the boy was committed by a gentleman who was not a police magistrate.—He would make further enquiry, of which he would communicate the result to the House.

Lord *Cochrane* presented a petition from Mr. Henry Hunt.—It was the same as that presented to the House of Lords, for which see page 81. The noble lord stated, that he had read it, and found nothing offensive in its language.

Mr. *Sergeant Best* thought the petitioner had taken an extraordinary course in offering his complaint to the House, which could not examine evidence upon oath, when the courts of law were open to him. The circumstance that duplicates of the hand-bills were found in the police offices, was no proof that they were manufactured under the superintendence of the police magistrates. The facts alleged should be examined into by evidence given upon oath, and should not be brought before Parliament in the first instance, otherwise the House would be converted into a court for the correction of magistrates, instead of the usual tribunal for deciding on such complaints.

Sir *F. Burdett* said, the question at present was only whether the petition should be read; and he could conceive no objection to that, after what had been stated by the noble lord about his reading it, and approving of its language.

Mr. *Ponsonby* and Mr. *Canning* spoke to the same effect.

The petition was then brought up and read.

Lord *Cochrane* moved that it lie on the table.

Lord *Castlereagh* did not object to its lying on the table, like the petition of yesterday, but would oppose any proceeding that might be moved for on either. Ordered to lie on the table.

CAPE OF GOOD-HOPE.—MALTA.] A Bill was read the first time for regulating the commerce with the Cape of Good-Hope.

The House went to the order of the day for a committee on the Malta trade.

Mr. *F. Robinson* observed, that there had been originally some objections against introducing the port of Gibraltar into the existing regulations: but it appeared now, that it would be advantageous to do so, and at the same time to extend more facilities to the trade in that quarter. He moved some amendments to the Malta Trade Bill, which were agreed to, and leave was given to bring in a bill to comprehend the port of Gibraltar.

An account of Exchequer Bills was presented: also,

An account of the unfunded debt of Ireland, which was ordered to be printed.

HOUSE OF LORDS.

Wednesday, February 5.

At four o'clock, the House proceeded to ballot for the choice of a committee, to examine the Papers referred to in the Prince Regent's Message.

The lists having been put into a glass, a committee of scrutiny was appointed, consisting of the Earl of *Aberdeen*, Earl *Mulgrave*, Viscount *Hood*, Viscount *Melville*, Lord *Douglas* of *Lochleven*, and the Bishop of *Oxford*.

On their return the Earl of *Aberdeen* reported, that the choice of the House had fallen upon

The Lord Chancellor	The Earl of <i>Liverpool</i>
The Lord President (Earl of <i>Harrowby</i>)	The Earl of <i>Powis</i>
The Duke of <i>Bedford</i>	The Earl of <i>St Germain</i>
The Earl <i>Graham</i> (Duke of <i>Montrose</i>)	Lord Viscount <i>Sidmouth</i>
The Earl <i>Fitzwilliam</i>	Lord <i>Grenville</i>
	Lord <i>Redesdale</i>

On the motion of the Earl of *Aberdeen*, it was ordered that the Committee have power to meet when, where, and as often as they please.

The first meeting to be on Friday.

THANKS TO LORD EXMOUTH.] The Lord Chancellor communicated the Thanks of the House to Lord *Exmouth*, who was in attendance in his place.

Lord *Exmouth* returned his best thanks to the House for this high, distinguished, and honourable testimony of their approbation. He was sure that the gallant admirals, and all the officers and crews engaged in the contest, equally with himself would feel animated in their loyalty,

and in their zeal and devotion to the public service, when they found their exertions so highly appreciated.

The address and reply were ordered to be entered on the Journals.

HOUSE OF COMMONS.

Wednesday, February 5.

Lord *George Beresford* brought up the answer of the Prince Regent to the Address on the marriage of the Princess *Mary* with the Duke of *Gloucester*.

THANKS TO LORD EXMOUTH.] The *Speaker* informed the House, that he had received a letter from Lord *Exmouth*, expressing the high gratification of his lordship at receiving their thanks, which he should communicate to the officers and crews of the fleet, who, with himself, would consider it as the greatest reward they could receive for their humble services. His lordship would also communicate the same to Admiral *Cappellen*, and the fleet of our allies.

Lord *Castlereagh*, advertng to an omission in the vote of Thanks to Lord *Exmouth*, and the officers and men under his command, in the conquest of *Algiers*, of the royal artillery and engineers employed in the service, moved, "That they should be added to the list of those to whom the thanks of the House were voted." They, together with the sappers and miners, were accordingly added.

COMMITTEE OF SECRECY.] Lord *Castlereagh* moved the order of the day for proceeding to ballot for the committee of secrecy, which was agreed to, and the ballot ordered to proceed.

The *Speaker* then desired the clerk to read over the names of the members of the House in the order of their counties: and desired such members as had prepared lists of names for the committee, to deliver them at the table.

The clerk then read over the names of the members in the order of their counties, which occupied a considerable time. Many members deposited their lists in the glass on the table.

The *Speaker* desired the clerk to read over, in the same order, the names of all those members who had not answered to the first call: which the second clerk accordingly did. The *Speaker* observed, that it would then be necessary to appoint a committee to ascertain those members on whom the choice of the House had fallen to compose the committee.

Mr. *Brougham* rose and observed, that there was a considerable loss of time in the present mode of proceeding in the election of a Committee of Secrecy. About an hour had been occupied in receiving the lists, and after this they must appoint scrutineers, who must retire and cast up the numbers, and then decide who are precisely the twenty-one members elected for the committee, as the indivi-

duals chosen freely and deliberately for an investigation, which might be so important to the interests of the country. The practice of balloting had unquestionably many recommendations for cases of this description; and the time it occupied was of little consequence when compared with the probabilities of a fair, due, and unbiased election: but, notwithstanding all this, he thought the time of the House might have been conveniently saved on this occasion had the noble lord merely risen, and read over a list of the persons whom he intended to form the committee of secrecy. He believed he might almost venture to predict the names of all the members who would be chosen: so that the business might have been got through without the necessity of any committee of scrutiny, or of going through any sort of arithmetical operation. He should read to the House a list, which he held in his hand, of the members likely to be elected for the committee on a subject of so much importance. Whether that list would turn out to be a true one, the result of the scrutiny would shew.—He then read from paper the names of 21 members, and put it to the House, if this list proved correct, whether the time might not have been saved.

On the question that a committee of scrutiny be appointed,

Lord Castlereagh moved, that Mr. Arbuthnot, Mr. Fremantle, Mr. Macdonald, and another member, be appointed to ascertain the 21 members on whom the election had fallen. Ordered. The scrutineers then withdrew.

After some time had elapsed, (during which the House proceeded with other business) Mr. Brougham appeared at the bar with the report of the Committee. The report was read, and the names of the Committee were as follows:—

Lord Milton,	Solicitor-General,
Right Hon. G. Ponsonby,	Right Hon. G. Canning,
Right Hon. W. Elliott,	Right Hon. C. Yorke,
Lord Castlereagh,	Mr. Wilbraham Egerton,
Lord Lascelles,	Mr. E. B. Wilbraham,
Right Hon. B. Bathurst,	Mr. Willerforce,
Hon. W. Lamb,	Right Hon. W. Dundas,
Sir A. Pigott,	Right Hon. G. Rose,
Hon. Mr. Robinson,	Sir William Curtis,
Right Hon. Sir J. Nicholl,	Admiral Frank.
Attorney-General,	

There was a laugh at the conclusion of this list, it being the same as that anticipated by Mr. Brougham.

The list was approved of, and the Committee received instructions to inspect the papers.

FRENCH PRISONERS.—LOAN TO FRANCE.]

Mr. Hammersley moved for the production of accounts of all monies due to this country from France, on account of prisoners of war, and all sums paid on this account during the last ten years. Seeing the Chancellor of the Exchequer in his place, the hon. gentleman asked him, if Government was a party to the French Loan, at present negotiating in this country?

The Chancellor of the Exchequer had no objection to the production of the accounts; as to the French Loan, he replied, Government was no party to it; and in a conversation between him, Mr. Tierney, and Mr. Ponsonby, which ensued, he declared that Government had neither guaranteed, encouraged, or countenanced it in any manner whatever, but that he conceived no law existed against a foreign friendly power negotiating a loan in this country.

PARLIAMENTARY REFORM.] Lord Cochrane presented a petition, signed by several thousand persons, who met in Spa-fields, on the 2d of December, praying for Parliamentary Reform, and an Abolition of Sinecures. The petition was couched in respectful language; and he was instructed to say, there was no riot or disturbance. With the exception of a few mad theorists, (the Spenceans), the great body of the people wanted only Parliamentary Reform. He had been surprised to find that a petition had come up from Honiton, presented, and laid on the table, complaining of corruption, and desiring Reform. It was known to the House that these petitioners were corrupt themselves, for they had told him, when he was a candidate for that borough, that “they would vote for Mr. Most,” thereby meaning the man who would give the most money.—The noble lord made some farther observations, and said, he petitioned for Universal Suffrage and Annual Parliaments.

The petition being read,

Mr. Grenfell said, highly venerating the constitution of the country, which insured the inhabitants a degree of practical liberty unknown to other states, he felt some alarm at the propagation of those doctrines which had been circulated throughout the kingdom, and which he was convinced, if not put down, would lead to revolution.

The petition was then laid upon the table.

Lord Cochrane presented petitions from the borough of Lee, in Lancashire, and from Horsethorth, in Yorkshire, praying for Reform, which were both read, and ordered to lie on the table.

Lord J. Russell presented a petition from the borough of Havistock, complaining of wasteful expenditure, and praying for Reform. It did not pray for Annual Parliaments and Universal Suffrage, but left the specific kind of reform necessary, to be determined on by the House.

The petition was ordered to lie on the table.

Mr. Harvey presented a petition from the city of Norwich, praying for Reform. The hon. member stated, that it was couched in respectful language, and signed by men of considerable reputation and character, who, whatever were their opinions about the present state of the representation, would support the constitution of the country. The petitioners complained of the magnitude of the civil list, and of the wasteful expenditure of the public money, and prayed for reform as a remedy of the national

grievances; but they did not require the wild scheme of Universal Suffrage and Annual Parliaments. It was read and ordered to lie on the table.

POOR LAWS.] Lord *Morpeth* presented a petition from owners and occupiers of estates in the parish of Alsted, in the county of Cumberland. It stated, that a great part of the population was thrown out of employment, and prayed for an amelioration of the Poor Laws. Ordered to lie on the table.

COMMITTEE OF SUPPLY.] On the motion of the *Chancellor of the Exchequer*, the House went into a Committee of Supply, when the right hon. gentleman stated, that he had to propose a vote for a very large sum, in order to pay off four distinct classes of bills, amounting in the whole to 28 millions, being 24 millions for England, and 4 millions for Ireland.

The following sums were then severally proposed to the committee, and voted to his Majesty:—

11,000,000*l.* for paying off Exchequer bills issued for the service of Great Britain in 1816, and now outstanding and not provided for.

13,000,000*l.* for like bills, issued in the same year, and remaining unprovided for.

1,435,000*l.* Irish currency, for Treasury bills issued in Ireland, in 1816, now outstanding.

3,080,000*l.*, for like Treasury bills in Ireland, now outstanding.

The House then resumed, and the report was ordered to be received to-morrow.

CAPE OF GOOD HOPE TRADE ACT.] The Bill for amending the above Act was read a second time.

HOUSE OF LORDS.

Thursday, Feb. 6.

BOURBON DEBT TO THE BRITISH GOVERNMENT.] Lord *Holland*, seeing the noble earl at the head of the Treasury in his place, begged to ask him a question. It had been stated in the journals of this and of every European country, that the French Chamber of Deputies had voted a sum of 12 millions of francs, being about 500,000*l.*, to Louis the XVIIIth, in order to pay a personal debt acknowledged by that monarch to be due from him to the British Government. He wished to be informed, whether this sum had been actually paid, because, if it had, it was highly proper that Parliament should know how it had been applied?

The Earl of *Liverpool* did not exactly know what debt the noble lord meant. There were sums claimed by British subjects from the French Government, which had been referred to commissioners for examination. Some of them had been acknowledged, and others were under consideration. But except the sums which might have been paid to individuals on this account, and the sums paid on account of the contribution and the supply of the army in France, he did not know that any payment had

been made by the French Government, either to British subjects, or to the British Government.

Lord *Holland* said, the latter part of the noble earl's answer was perfectly satisfactory, and such as he expected. The French Government had not paid the debt. But surely the noble earl could not but know what he meant when he asked whether this personal debt, acknowledged by the King of France to be due from him to the British Government, had been paid. He did not say that it was proper to press for payment of this sum in the present circumstances of France. He had merely asked the question, whether or no the payment had been made, because, if made, it ought to be accounted for. Whether the King of France had or had not cheated the Chamber of Deputies, was a matter for the Chamber's consideration; we had nothing to do with that.

LOAN TO THE FRENCH GOVERNMENT.] The Earl of *Lauderdale*, after observing that negotiations had taken place for a Loan, from some individuals in this country to the French Government, wished to know, 1st, Whether the British Government had either directly or indirectly guaranteed the repayment of this Loan; 2d, Whether Ministers had given information to the contractors, or persons concerned in it, that Government never would interfere, or did not consider itself as under any obligation whatever at any future period, to stipulate for its repayment. This was no slight matter; but, in the present state of the country, one of the most alarming circumstances that could possibly have happened: for, if Government were to interfere, or if it were generally believed that Government would interfere, to secure the payment of principal and interest of sums lent to the French Government, at an interest of 9, 10, or even 11 *per cent.*, it might easily be conceived what a mass of capital would be drawn from this country; and yet without some sort of understanding of this kind, it was difficult to conceive how such a capital of 12 millions should be risked on such a speculation. It was a most serious consideration, even with reference to the laws as they stood. It was well known, that some descriptions of mechanics were liable to punishment, for transferring to other countries, that skill which was supposed essentially to contribute to the value of our manufactures, and the advantage of our commerce, and that in some cases of this sort, the punishment was death. But when such was the law with respect to these poor people, from the apprehension of the effect which he had stated, what must be thought of the consequences of thus transferring to a foreign country, so great a mass of that capital, which formed the nerves and sinews of all manufactures and commerce? The law, to say the least of it, was, in this respect, most inconsistent.

The Earl of *Liverpool* had not the least difficulty in stating, that the British Government

had not only not guaranteed the payment of principal or interest of the loan in question, but had held out no hope whatever, that either now or at any future period the Government would consider itself as under any obligation to interfere for the purpose of securing the fulfilment by the French Government of its engagement with the contractors. There was nothing in the late Treaty which could in the least degree encourage British creditors in the French funds, to look for the interference of Government in their favour at any future period. The French Government wanted a supply of money, and they applied for it to certain bankers, not in London merely, but in Paris, in Amsterdam, in Hamburg. Application was no doubt made to a gentleman of one of the first houses in London to lend his name to the transaction, but the whole was at the entire risk of the parties concerned. The noble earl (Lauderdale) had been only a few hours in town, and had a very erroneous view of the subject. There was no reason to suppose that any very considerable sum would, in consequence of this transaction, be transferred from this country to France. It might be raised at Paris, at Frankfurt, at Hamburg at Amsterdam. One house in London had taken part in the transaction, but entirely at its own risk; and this might be done if the party or parties thought proper. He knew no law to prevent it. The transaction was not new in its nature; for British subjects had been permitted to advance their money, if they thought proper, on Portuguese and other Loans; and while a foreign country was in amity with this country, there was no law to prevent individuals from speculating in loans to its government, which might be considered as a mere commercial transaction.

The Earl of Lauderdale again asked, whether Ministers had officially intimated, that Government would not interfere to procure payment of the principal or interest of this money?

The Earl of Liverpool replied, that all the parties in this transaction, must be fully aware that they acted at their own risk.

Lord Holland was convinced it was an article introduced into the late Treaty, highly objectionable, which had thus encouraged individuals to send their money out of the kingdom.

The Earl of Lauderdale observed, that if it was perfectly known to the parties, that Government was not bound to interfere, that knowledge must have arisen from some official communication, since a private conversation would not have been sufficient for the purpose. He gave notice, therefore, that on Monday he would move that this official communication be laid on the table.

THANKS TO THE MARQUIS OF HASTINGS.] The Earl of Liverpool said, that in proposing a vote of thanks to the Marquis of Hastings, and to the army which had been engaged in the late campaign in the Nepal territory, he should not call for any opinion on the justice or necessity

of that war. The vote he should move was one in which he had no doubt of their lordships' concurrence, as it would merely express their approbation of the plan of the campaign, and of the operations which had led to its successful termination. In reference to what had been said by a noble lord the other evening, as to difference of opinion respecting the prosecution of the war, he must observe, that the statement was founded in error. That noble lord was completely wrong in supposing that any protest had been made by certain members of the Council in India against the war. A series of encroachments had taken place, which no government, valuing its character, could have overlooked. These aggressions, which it was necessary to check, illustrated an evil, not only on the British dominions in India, but on those of our allies. With regard to the conduct of the war, it was not by the force of the enemy, or the value of the country subdued, that the merit of the victory achieved by our troops was to be estimated: the contest took place under circumstances which called for a very considerable degree of ability and military talent, in those who had to carry it on. All the operations were executed in mountainous districts; and long and judicious preparations were necessary to insure a probability of success. The contest, though short, was severe, and in none could exercise of military skill and judgment be more requisite. He would not, however, trouble their lordships with any details of the operations. The accounts were before the public, and to them he should refer for the truth of the character he had given to this campaign. He concluded by moving, that the Thanks of the House be given to the Most Noble the Marquis of Hastings, for the able and judicious arrangements by which the war in Nepal had been brought to so successful a conclusion.

Earl Grosvenor said, he had intended to have troubled their lordships at some length on the subject of the Nepal war, but in consequence of what had fallen from the noble Secretary of State, he should reserve what he intended to say to another opportunity. The noble earl then asked a question relative to transactions between the Government of India, and certain Native Powers, subsequent to the conclusion of the Nepal war, and the signing of the treaty of peace.

The Earl of Liverpool replied, that as Government had no information on the subject to which the noble earl referred, it was impossible for him to say what events might have passed.

The motion was then agreed to; after which, thanks were voted to Sir David Ochterlony, and the troops under his command.

HOUSE OF COMMONS.

Thursday, Feb. 6.

CLOTH-WORKERS.—MACHINERY.] Mr. G. Laughton presented a petition from the Cloth-Workers of Wiltshire, Gloucestershire and

Somersetshire, complaining of the introduction of Machinery in making cloth, by which many of them had been reduced to the greatest distress. He would freely say, that the use of Machinery was necessary to enable us to meet our foreign manufacturing rivals in the markets; but some limitation of its use might perhaps be advisable at particular times, and under certain circumstances. He hoped that some member of more weight in the House than himself, would feel it his duty to propose to refer this subject to a committee. Such a proposition should have his cordial support.

The petition was then ordered to lie on the table.

SUPPLY.] Mr. *Brogden* brought up the report of the committee of supply. The resolutions were read and agreed to.

PARLIAMENTARY REFORM.] Lord *Cochrane* said, he had a petition to present to the House on this subject. He then adverted to the charitable subscription at the London tavern, to which the great sinecurists of the country had not contributed more than a penny in the pound of their incomes from the public. One noble duke had only subscribed one sixteen seven-teenth. Though some words of this petition might be objected to as too strong, yet he should move that it be brought up and laid on the table, that the House themselves might judge of its language, and act as they thought fit. He wished to take no responsibility whatever upon himself. It came from Manchester, and was signed by 30,080 individuals.

Mr. *Brougham* observed, that the noble lord needed not to have gone out of his way to give his information to the House, on rising to present the petition, before he was asked for it. It would have been enough for him to have moved that it should be brought up and read. Further discussion upon it might afterwards arise. It was the usage of the House, after a petition was read, to decide upon the propriety of its language, but the noble lord had volunteered his observations, and in doing so seemed to have taken the only means in his power, to get his petition rejected. (*Hear.*)

Lord *Cochrane* said, he had made his observations with a view to prevent any sort of reproach being cast upon him by the House for presenting the petition.

The petition was brought up and read. In the commencement of it, it stated that the House was not, in any rational or constitutional sense, a representation of the people.

Lord *Castlereagh* rose, and objected to this language.

Lord *Cochrane* observed, that the petition appeared to him only to state, that the House did not properly represent the people. Let it be read through.

The clerk then read it throughout. It complained of the constitution being subverted, and of the arts and designs of wicked rulers. With some exceptions, it was the same as the petition

from Saddleworth, which was rejected on the second day of the Session.

Lord *Castlereagh* remarked on the declaration that the constitution was subverted, and put it to the judgment of the House, whether, speaking such language, the petition should be received or not.

Mr. *Brougham* said, if he had taken up his idea of this petition from what fell from the noble lord, (*Cochrane*), he should have supposed it to be worthy of rejection; but now he had heard it read throughout, he found that it was not exactly similar to the petition which had been rejected. Here, then, consisted the great advantage of having petitions read. The objectionable passage in a former petition did not occur in this—he meant that which stated, that the debates in that House were repeated, protracted, and disgusting. On that ground he understood that petition to have been rejected. (*Hear.*) All he could say of the present petition was, that the wording of it was not extremely prudent, or very advocate-like. It contained a statement of the necessity of a Parliamentary Reform, carried to a little too much strength of language. But, then, the grounds on which the friends of reform argued, were precisely, that the House, as at present constituted, was not a due representation of the people. They did not deny the competency of Parliament, nor its legal right to enact laws for the government of the kingdom, till another mode of representation should be adopted. They only stated, according to their views, that the present system of representation was not constitutional or rational. He wished the noble lord opposite to attend more closely to the petition. If the two words “constitutional” and “rational”, which he seemed chiefly to object to, were left out, still the petition would be a general denial of the propriety of the present representation. In those two words objected to, the petitioners only said that it was not so.

The *Chancellor of the Exchequer* observed, that the former petition had been rejected, not merely for the particular and improper allusion to the discussions of Parliament, but on account of almost every part of it. The present petition differed from the former only in the omission of an offensive paragraph. From the present one he then read a paragraph, which stated that the proceedings of the House tended only to keep up the unrelenting lash of enormous taxation, to the utmost limit of human endurance.

Lord *Cochrane* did not intend to take upon himself any responsibility for the contents of this petition, and he hoped no unfavourable impression as to his motives or conduct would be made, either in that House, or without doors.

Mr. *Carver* remembered a petition on this subject, in which it was stated, that seats in that House were bought as notoriously as cattle at Smithfield market. It was better to encourage petitioners than to be fastidious. That was the opinion of Mr. Pitt. He (*Mr. C.*) was an old

friend of Parliamentary Reform, and he believed always should be so. Though he might disapprove of the language used, or some of the doctrines advanced, yet he should always be sorry to reject a petition. By rejection, the improper views and bad cause of individuals would be promoted.

Sir John Sebright declared himself a firm friend to the right of petitioning. He also was, and always would be, a friend to reasonable reform, and to measures of public economy; but the House might really expect to lose respect with the people, if it submitted to receive insults. (*Hear.*)

Mr. Lockhart believed, that the people, left to themselves, would express in a petition, what they considered their grievances, in their own language, much better than by yielding to some of their advisers. The improper terms of these petitions were owing to a sort of manufactory established for the object. They were the work of a few individuals. (*Hear.*) He had never heard, or read in history, that any legislative body had gained respect with the public, by losing its respect for itself. As to the question of magnanimity, the House had to reflect that they were to consult not only what was due to themselves, but what was due to the constitution and the country; and therefore it was essential for them to preserve their own dignity. An hon. and learned gentleman had endeavoured to construe away the meaning of certain offensive words; but what could the word "constitutional" justly mean, but the government of the country established by law? He believed the object of persons who drew up such petitions, if they had any object, was thus to deny, *a priori*, the validity of the proceedings of Parliament.

Sir Francis Burdett thought it should be shewn, that something in this petition was stated in stronger terms than what had been used in former petitions which had been received; some of which had certainly contained stronger expressions. Wilful offence might not be imputable to the petitioners in their way of setting forth their complaints and grievances. They might not desire to throw discredit or insult on Parliament. Unless the House really believed that they meant to do so, he thought they would not consider it their duty to reject the petition, but give it a reception similar to others. They would rather endeavour to do all they could to calm the public mind under the present circumstances.

Lord Cochrane thought, that the offensive parts should be more distinctly stated by the noble lord, (Castlereagh).

No answer was given; but the House divided. For rejecting the petition, 50: for receiving it, 17.—Majority, 33.

Lord Cochrane presented a petition for Reform from Macclesfield.—Laid on the table.

Mr. J. Smith presented a similar petition from Nottingham.—Ordered to lie on the table.

BANK OF ENGLAND.] Mr. Grenfell rose to move for a paper, to the production of which he apprehended there would be no objection. It was for an account of the particular periods at which the charter of the Bank of England had been renewed from the year 1695, down to the present period, stating the number of years for which each renewal was granted. His reason for making that motion was, that the market price of Bank Stock had risen 10 per cent. since yesterday morning, and during the last fortnight had risen altogether as much as 15 per cent. It was rumoured in the city, that the cause of that rise was an intended renewal of the Company's Charter, who were to advance a sum to Government to enable Ministers to go through the present year, and to receive as a bonus or bribe, nothing less than that renewal. (*Hear, hear.*) Such was the rumour, but he confessed he could not believe it had any foundation. The Charter had sixteen years unexpired, and he could not imagine that the Minister would so anticipate the resources of the country, or so prejudice any discussion that might arise upon its renewal, when the proper moment arrived. He viewed it as nothing more nor less than a calumny upon the Government.

The Chancellor of the Exchequer said, there was no objection to producing the return. With respect to the rumour, he could only say he was utterly ignorant of any such circumstance, and the mention of it by the hon. member was the first he had heard.

THANKS TO THE MARQUIS OF HASTINGS.] Mr. Canning rose to call the attention of the House to the recent transactions in India, and to propose a vote of thanks to the Royal and Indian armies, for their brilliant and successful achievements in the territory of Nepaul. He was confident, however the operations of this short but splendid campaign might be comparatively different from those more important and glorious victories which our arms had formerly obtained in the East, howsoever contrasted it might be with those more recent and matchless exploits which had received the unqualified congratulations of Parliament, there was scarcely any occasion in which the thanks of that House could be more justly bestowed. A want of geographical knowledge, the vast distance from the scene of action, and the important military operations which had so recently and happily secured the peace and tranquillity of Europe, might possibly operate on some minds so as to diminish the glory, and lessen the sense of the great and permanent advantages which would result from this Indian war. The degree of interest which belonged to those actions nearer home had, as it were, absorbed and exhausted those feelings of gratitude and admiration which might have been called forth by other actions. Both justice and policy, however, made it incumbent on the House, that the great and glorious successes of our arms in India should receive the tribute of their thanks. Justice, that noble and distinguishing

characteristic of our country, was not local; it extended to every part of the world, and every service performed to the state, deserved the notice of the British Parliament. In whatever part of our extended Empire—on whatever theatre, however circumscribed, our soldiers went forward to battle, they might be confident that their valour and exertions in the field would not be unthankfully remembered by their country. And when it was considered, that of the armies who served in India, there was one of a kind so peculiarly useful, that scarcely any kind of warfare could be undertaken without them, it would also be found by the House, that they were justly entitled to the consideration of the country. Further, he thought it sound policy, that when any achievement had been effected for the security of our Indian possessions, we should neither be sparing of our praise, nor too nice in considering the actual amount of the benefits we derived, contrasted with more splendid and enlarged operations. Before the war was commenced, Lord Hastings had recourse to various arrangements, and the Indian army was allowed to take possession of the districts in dispute, under a treaty which the existing royal power engaged to ratify. But this promise was not faithfully observed, and in consequence, a campaign was undertaken, which ended with so much glory and success. The right hon. gentleman felt himself unable to detail the operations of this military campaign, having no geographical positions to which he could refer; but he thought it fit particularly to state, that although it was the determination of Government, if possible, to detach from the enemy his more recent possessions, no addition whatever to the British territories was contemplated, except where there was no means whatever of restoring the former government. It was impossible, in the review of these brilliant operations, not to mention the names of some distinguished officers whose efforts had been most conspicuous. In the early part of the war the enterprising General Gillespie, in storming a mountain fort, lost his life, rashly it might be thought by some, but if rashly, it was hazarded under the impulse of heroic valour, and atoned for by his regretted fall. (*Hear, hear.*) Colonel Nicholls, the officer next in command, achieved the object of that division of the army. General Ochterlony, by a succession of splendid and successful operations, which those who had read the *Gazettes* with a soldier's eye would best appreciate, terminated the war in full possession of the whole western part of the Ghoorga territory. When the war was renewed, on the refusal of the enemy to ratify the treaty, that gallant officer, with full military and political powers, was directed to concentrate all his efforts against the capital, a service which he successfully effected, until within a few miles of that capital he was met with the ratification. No addition was made to the original treaty, derogatory to the honour or disparaging to the interests of the enemy. It

was felt by the Governor-General, that the Nepaul power was sufficiently crippled, and its resources sufficiently exhausted. This was the outline of the course pursued, both in the field and in the cabinet, by the Governor-General against this active and daring enemy. The Nepaul power was now reduced to a state which held out no temptation to other powers to look to it as a leader against us. The firmness of the Governor-General had carried this point to an issue; and he might venture to pronounce, without meaning to exaggerate the importance of our victory on this occasion, or to undervalue the former success and glory of our arms, that the head of the Indian government had laid the foundation of permanent security to the British possessions in the East. The right hon. gentleman concluded by moving a vote of thanks to the Marquis of Hastings, Governor-General of India, &c. for his military operations, by which the war had been brought to a favourable issue, and permanent foundations of peace established.

Lord Morpeth seconded the motion, and paid some compliments to the character of the Marquis of Hastings.

Mr. Brougham acquiesced in the motion, because it was confined to military operations; had it embraced any thing political, he should certainly have felt it his duty to call the attention of the House to that part of the subject. He had understood that great difference of opinion had prevailed on the policy of this Nepaul war, and that two of the most considerable members of the noble Marquis's government, Mr. Edmonstone and Mr. Dowdeswell, names well known in that House, and who had acquired the highest reputation during the unparalleled administration of the Marquis Wellesley, had differed materially on the course that was pursued. He should, however, abstain from going into this question, further than protesting against passing a vote for any thing beyond the mere military conduct of this war. He took it for granted that a vote would follow to the officers and army; but he could not refrain from observing, that the officers in the Company's service were most unfortunately—he would not at that time say more than unfortunately—excluded from the order of the Bath, with the trifling exception of those who succeeded to the command of battalions. It was certainly much to be regretted, that all the splendid triumphs of that fine army, that those unparalleled services of the Indian officers in the destruction of Tippoo's troops under my Lord Wellesley in 1799, should be thus rewarded. Here, six years might be taken to be the usual period in which a soldier attained the rank of a field-officer; but in the Indian army, he underwent a struggle with the climate, was removed from his family, and suffered many other inconveniences, for twenty years, before he could attain that rank in which, under this new regulation, he was entitled to this honour. Formerly, medals used to be given; but since the great extension of the order, medals were no

longer distributed; so that the Indian officers were now excluded from the only honourable mark of distinction to which their great and important services were formerly deemed entitled. Had the Marquis Wellesley and the Duke of Wellington been consulted on that limitation, in its bearing upon the officers of the Indian army, sure he was that the one, acquainted as he was with the merits of his old servants, and the other, feeling for his early companions in arms, would never have advised such a prejudicial exclusion. (*Hear, hear.*)

Mr. Canning, in explanation, stated that he never heard of any difference of opinion existing in the Council at Calcutta.

The motion was then carried *nem. con.*

Mr. Canning then moved that the thanks of the House be given to Sir David Ochterlony for his military conduct and talents displayed in conducting the Nepal war to a successful termination.—Carried *nem. con.* It was then voted that the House do highly approve of the courage and conduct displayed by the troops in the course of the campaign.

BANKRUPT LAWS.] Mr. Lockhart rose to move for the introduction of a bill to amend the bankrupt laws. The evil which he wished to remedy was, the multiplication of fraudulent bankruptcies to an extent which threatened the most frightful consequences to the commerce and morals of the country. He was far from meaning that kind of bankruptcy which had been on so many instances of late occasioned by the fluctuations of our currency, or the precarious situation of trade. Neither did he mean, for the prevention of the evil to which he alluded, to propose the formation of any new tribunal, or to throw any onerous burden on the courts that already existed. His remedy should contain very little of novelty in it. The notorious evil to which he now adverted, was defined in the very first statute passed on the subject of bankruptcy in the reign of Henry VIII. The preamble of that statute spoke of the practice of men obtaining possession of other people's property by fraudulent means, and then fleeing into foreign parts. Notwithstanding the numerous statutes which had passed successively since that time, fraudulent practices of this nature were daily on the increase: and this increase he was inclined to ascribe to the mode of examination pursued by the commissioners of bankrupt, which was mainly directed to the point, whether the bankrupt had concealed any part of his property, and only incidentally, if at all, to the arts by which he came into possession of that property, or how he had made away with it. When satisfied on the first of these points, the commissioners generally agreed to sign the certificate; the next part of the process was, for the bankrupt to obtain the signatures of 3-5ths in value of his creditors, and that once obtained, the whole only awaited the fiat of the Chancellor. Thus the bankrupt was again let loose on the world, whatever his fraudulent practices might

have been; without any distinction of character being made between him and the honest bankrupt, who had failed in his engagements through unavoidable misfortunes. The mode of remedy he meant to propose was, that the commissioners of bankrupt, instead of investigating merely whether the bankrupt had fraudulently secreted any part of his property, should also inquire into the means by which it came into his possession, and how he had made away with it; that they should examine into the whole of his transactions, and report on his conduct, which report should be submitted to the Lord Chancellor before he granted the certificate, together with their opinion whether it was proper that such a person should go free into the world. This, he conceived, would be attended with little difficulty or burden on the commissioners, who now amounted to about 70 in number. If he recollected right, there had been only two or three persons executed under the act making it felony for a bankrupt to conceal his property; one of these persons, of the name of Clarke, said, on his examination by the commissioners, that the fact was, he had spent the property which had come into his hand, on wine, women, and other extravagancies; but the commissioners, not believing this account, ascertained the fact of concealment, and on the evidence brought forward he was executed. He meant it, therefore, to form part of his bill, that the commissioners should inquire into the means by which the bankrupt got the property into his possession, and how he had spent it; and also, that a particular day should be set apart for such examination. The bill which he proposed was, in fact, founded on the principle of the Insolvent Act, which prevented fraudulent persons from taking the benefit of that Act, and remanded them back to confinement for a period of five years. This was the penalty he proposed for the punishment of fraudulent bankrupts, and which had this additional recommendation, that it introduced a uniformity into our law in regard to fraudulent debtors. He concluded by moving for leave to bring in a bill to make better provision for the repression of fraudulent bankruptcy.—Leave granted.

HOUSE OF LORDS.

Friday, February 7.

The Earl of Morton presented some petitions relative to appeals from the Court of Session in Scotland, which were referred to the Committee on Appeals.

HOUSE OF COMMONS.

Friday, February 7.

SCOTCH LUNATICS.] Lord Binning moved an address to the Prince Regent, praying that he would give directions to the parochial clergy of Scotland, to make returns of the number of lunatics in each parish, distinguishing those who

were in confinement, and those who were at liberty; also, their different sexes, &c. The noble lord said, that this motion was merely preparatory to a bill which he intended to bring in, for the erection of mad-houses in Scotland.—Ordered.

CAPE OF GOOD HOPE—MALTA.] The Cape of Good Hope Trade Bill went through a committee.

Mr. Robinson brought up a bill to extend the privileges of the trade of Malta to the port of Gibraltar, which was read a first time.

WAYS AND MEANS.] The Chancellor of the Exchequer having moved the order of the day for the House resolving itself into a committee, observed, that he intended to propose only such votes as would go to the renewal of certain usual annual taxes, and a grant of Exchequer bills, to replace those which were now out. The several duties on malt, sugars, &c. were then moved; as also, that 24,000,000*l.* be raised by Exchequer Bills for the service of the year 1817.

Sir G. Monck wished to know what occasion there was for hurrying that business forward, and how near the period was at which those duties would expire?

The Chancellor of the Exchequer said, it was customary to move them early after the meeting of Parliament. The existing acts would expire at different periods, some on the 25th of March, others not till June.

Sir G. Monck observed, that it might be usual to move those duties soon after the assembling of Parliament, but he thought, at the present moment, when a committee was about to sit to inquire into the income and expenditure of the country, it would have been more proper to wait till some report was received from that committee.

The Chancellor of the Exchequer said, that no inconvenience would arise from voting them at the present moment.

Sir G. Monck replied, that as the earliest period at which any of the duties expired was the 25th of March, there was room enough for delay.

The Chancellor of the Exchequer remarked, that although the duties now voted were of the nature of taxes, yet they were always anticipated by Exchequer Bills, in order to carry on the public service.

Mr. Calcraft considered the last argument as an additional reason for not voting them till the House received some account from the committee about to be appointed (*hear.*) Afterwards, there would be no opportunity of canvassing them; and he really believed, that one motive for not assembling Parliament earlier was, that there should be no time for previous inquiry.

The Chancellor of the Exchequer said, that the present votes had really nothing to do with any questions that might hereafter come forward upon the general financial resources of the country.

The resolutions were then agreed to, the House resumed, and the report was ordered to be received to-morrow.

PARLIAMENTARY REFORM.] Mr. Calvert rose to present a petition from the Lord Mayor, Aldermen, and Livery of London, in Common Hall assembled, praying for a Reform in Parliament, for public economy, abolition of sinecures and unmerited pensions, and for triennial Parliaments. How the petition came into his hands, he really could not explain; for it was usual, when the city of London petitioned Parliament, to have it presented by its own members; but he supposed some of those honourable gentlemen would be able to account for it.

Mr. Alderman Atkins said, the city members had all been deemed unworthy of presenting it, because they would not give a pledge to support it right or wrong. Never having a seat in that House when the great question of Parliamentary Reform was discussed, he was unable to come to any satisfactory conclusion in his own mind upon it.

Sir W. Curtis said, he was not in the situation of the honourable alderman, for he had sat in that House on many occasions when the question of Reform was agitated, and he was satisfied the constitution of that House was just what it ought to be, and therefore, to use an old adage, "it was best to let well alone." (*hear, hear, from the opposition benches.*) Entertaining that view, he had declared he would do all he could to oppose the petition. The honourable member who presented it, was, on the contrary, if he had read it correctly, a friend to annual parliaments and universal suffrage.

Mr. Calvert rose to order. The honourable baronet was misrepresenting him. So far from being a friend to the scheme of annual parliaments and universal suffrage, he considered them as most wild and dangerous. All he wished was, that the decays of the constitution should be repaired.

Sir W. Curtis was sorry he had misrepresented the honourable member, and was afraid it arose from his eyes not being so good as they were (*a laugh.*) He had at least construed the speeches he had read of that honourable member in that way. He had very little more to say. He was perfectly satisfied with things as they were. (*A loud laugh.*)

Sir J. Shaw approved of that part of the petition which prayed for economy and reduction; but the reform required, appeared to him visionary. Every thing called for retrenchment, and he thought the magnanimity with which the people had endured the burdens of the late contest entitled them to every relief which his Majesty's ministers could give.

The petition was then read.

Mr. Ponsonby rose merely to observe upon what had fallen from the worthy alderman, (Atkins) as to the sentiments expressed by his constituents with respect to their representatives. He sure, if the worthy alderman recollected

he would not say that all the four members for the city were unworthy of confidence. (*Hear, hear.*) He might affirm that himself, and two others, had forfeited that confidence; but he would surely add, that there was one, (Mr. Combe) who would not have been declared unworthy of it, if he had been capable of attending the meeting of the Common Hall. (*Hear, hear.*)

Mr. Calvert said, some reform was unquestionably necessary. A noble lord, (Cochrane) on a former occasion, had stated the way in which he got into Parliament for the borough of Honiton, by sending the bellman round the place, and offering ten guineas a piece for votes. He also could state a fact, which shewed the evils of the present mode of representation. He was one of six persons who had sent two members to Parliament, for which each member paid 4,500*l.* (*Hear, hear.*)

Mr. Alderman Atkins explained.

Mr. Lambton certainly understood the worthy alderman to affirm that all his brethren were convicted of being unworthy to present the petition now before them. He rose, however, for the purpose of stating, that he entirely concurred in every thing expressed by the petitioner: not only in what related to economy and retrenchment, but in all that concerned a Reform of that House. The time was now come when it would be no longer possible to delay the inquiry; and he trusted they would not only correct the abuses which existed, but, in a steady temperate and dignified manner, investigate the causes of those abuses. After what had been stated by a noble lord (Cochrane) it was too evident that seats might be obtained in that House by money, by interest, or, indeed, by any means but that of the fair, unbiassed, and unbought suffrages of the people. (*Hear, hear.*) At the same time, he was as little disposed as any individual to sanction those wild, foolish and disgusting principles of Reform which were promulgated by certain persons out of doors—principles (if they could be called so) which were founded upon the subversion of our constitution, upon the destruction of social order, and upon the destruction of all that was wise, permanent, and useful in our invaluable system of law and government.

Mr. Wynn said, he did not wish to take up the time of the House with any observations upon Parliamentary Reform; a notice upon that subject had been given, and when it was regularly brought forward, and some distinct propositions submitted, then would be the time for entering into the discussion. Some allusions, however, had been made to the declaration of a noble lord (Cochrane), who stated, on a former night, the way in which he first came into Parliament for the borough of Honiton: a statement which he heard, and he believed the whole House, with a disgust which it would be difficult to describe. He was aware, from the length of time which had elapsed, that the noble lord was exempt from the penalties he had incurred.

But was that all? He should have thought that no member could have stood up in that House, and gloried in his misconduct—gloried in his violation of the privileges of that House, his violation of the liberties of the subject, and of the principles of the constitution. Could they have expected that the noble lord himself would now turn round, and reproach those whom he had seduced into that crime? for a crime it was against the constitution of the country. Another honourable member had likewise stated, that he was one of six who returned two members to parliament, those members paying each 4,500*l.* for their seats. He knew not what period had elapsed since that transaction; but that also was a great substantive offence, and he owned he could not understand upon what principle honourable members in that House ventured to boast of crimes against the constitution, and common law of the land. (*Hear, hear.*)

Mr. Calvert explained, and regretted he had been misunderstood by the last speaker. He disclaimed the idea of having ever received the smallest emolument for the seats he had alluded to, but he had merely mentioned the circumstance, to shew the absolute necessity of Reform.

Mr. Wynn did not suppose the hon. gentleman had participated in the spoil; but he did say, that the transaction was punishable by the law of the country.

Mr. Brand said this petition was drawn up in the mildest and most inoffensive manner, and reflected high honour on the moderation and good sense of those who had superintended it.

The petition was then ordered to lie on the table.

Sir Francis Burdett presented a petition from the inhabitants of Manchester and Salford, praying for Parliamentary Reform and Retrenchment in the Public Expenditure.—Ordered to lie on the table.—The hon. baronet presented another petition from the inhabitants of Leeds, which was received, and ordered to lie on the table.

He then presented a petition from Bradford, which being read by the clerk, was found to be exactly similar to those rejected by the House.

Lord Castlereagh could not help regretting, that such petitions were manufactured by individuals in town, and signed by persons in the country, who appeared not to be aware of their nature. He felt it his duty, from a due regard to the consistency of the House, to move that this petition be rejected. It was impossible for the House to receive petitions containing such gross insults to its authority, and which he believed did not contain the real opinions of the people, but merely of those who drew them up.

Mr. Brougham warned the House not to believe, that because petitions were thus drawn up, they did not contain the sense of the people. It did not follow on any grounds, that because two petitions were the same in language, the persons signing those petitions were not

aware of the real objects for which they petitioned. He had spoken to individuals repeatedly, who attended public meetings for petitioning Parliament, and had been told by them, that finding petitions prepared at those meetings, finding them, if he might use the expression, cut and dried, they had signed them. (*Hear, hear.*) It would therefore be a monstrous proposition, and he could not caution the House too strongly against receiving it, to suppose that because half a million of the inhabitants of this country had signed petitions in exactly the same words, they were therefore insensible of the grievances under which the country was labouring, and were not desirous for a Reform, and, what was perhaps in the mean time of more consequence, of a complete and radical retrenchment in the expenditure of the public money. (*Hear, hear.*) This he particularly wished to impress on the attention of the House, and he called on any gentleman to shew him a single instance, where one individual who had signed such petitions had ever come forward to deny his being aware of the nature of what was stated in them. This in itself was surely important, and a pretty satisfactory proof, that however exceptionable the language might be, there existed no intention to offend. (*Hear.*)

Sir Francis Burdett said, the principal objection to this petition was, its being manufactured in London, and sent to the country. It however was rather singular, that Ministers never made similar objections when the petitions were in their favour, a pretty good instance of which was seen in the petition lately handed about by the merchants, bankers, and traders of London, and which without doubt was manufactured in a corner. It was well known, that at all public meetings, petitions and resolutions, were always prepared before-hand, in consequence of its being understood, that the general principles on which such meetings were convened were agreed on. The people now felt their grievances, and it was, therefore, not prudent to check them on a mere criticism of words. He saw no words in the present petition which could warrant its being rejected; there was no proof whatever of any intention on the part of the petitioners to offend the House, and when such was the case, it certainly was the duty of the House not to reject the petition.

The question was then put, and the petition was rejected without a division.

FINANCE COMMITTEE.] Lord Castlereagh moved, that that part of the speech of his Royal Highness the Prince Regent, at the opening of the session, which was particularly addressed to the House of Commons, be now read, and it being read accordingly; (see page 2,) his lordship observed, that the attention of the House had never been called to a subject in which the vital interests of the country were more deeply involved. It had been the misfortune of those who had for many years past sat in Parliament, to have had that duty to perform in times in which the intervals of peace had been so short

that the whole scope of public measures and expenditure had been calculated upon and governed by a war policy. Notwithstanding, however, the burdens which they were under the necessity of imposing on the nation, and the many hardships and privations to which the people had been exposed, they had still the consolation to reflect, that the object and effect of the exertions which they had made, and the course of policy upon which they had acted, had been to protect the country against a far greater calamity than any that, in the progress, or at the close of the war, had visited the nation. After having discharged these arduous duties, he trusted that they would now, with equal resolution, perseverance, and success, apply themselves to those measures which in time of peace were necessary to secure the stability and prosperity of the country, to recruit its resources, and prepare it for any future contest in which it might be called upon to engage. The time was now come when the House ought to consider what would be a proper permanent system for a peace establishment; and he was sure they would go along with him when he laid down this as an incontrovertible maxim, that no country, especially a country with such an accumulation of debt as pressed upon Great Britain, could ever consider its prosperity in time of peace established, on a firm and secure foundation, unless its expenditure was reduced, not only to the level but below the level of its revenue. The circumstances under which they came to the consideration of this important subject ought not to discourage them. It was impossible that, in the course of one year, the consequences of the great change which had taken place could have passed over; but he was not without hope, that the time when the principle of reduction would begin effectually to operate, would arrive at an earlier period after the close of the war, than it had done after the termination of the war in 1783. He trusted that the cause of economy had not lost any thing by delay, or by the course which had been pursued by the servants of the Crown. Proper inquiries had been going on, and he firmly believed, that though Ministers had begun with measures of reduction at the very earliest period that had entered into the contemplation of any man, these reductions could not possibly have been brought practically to operate sooner than they would now do. He was sure the House would be convinced of this, if they only considered, that no less than 300,000 men, soldiers and sailors, had been discharged since the termination of the war, and left to provide an honest livelihood for themselves, without disgracing the glories which they had acquired. The reduction was in fact as great as it could have been, whatever measures had been adopted with that view in the course of the last session. It was not his intention now to go minutely through the several heads of expenditure in the different

branches of our establishments for the present year. The House would have the whole matter more particularly under their view when the several estimates should be given in and examined: and, therefore, they would not now be required to vote sums for more than some months, so that the public service might be carried on in the mean time. His only object was to give such a general description of the estimates for the present year, compared with those for the last year, as would bring the difference in a general way under the view of the House. A general statement would be proper, before Parliament entered upon the investigation of that most important subject—the state of the finances of the country. It was the duty of Parliament now to enter upon that investigation, and he assured the hon. gentlemen opposite, that the servants of the Crown were so far from wishing to avoid, that they courted investigation (*hear*.) Much of the greatness and security of this nation depended on our navy and army: but glorious as had been the exertions of these branches of the public service,—and never before had the naval and military reputation of the country stood so high,—no army, no navy, had stood this country in greater stead, or had more contributed to its security, than its public credit. To support that credit, it was necessary that the expenditure should be placed upon a proper footing; and that, if he might use the expression, the nation should now begin to live within its income. They might differ perhaps about the means, but it must be the object of all to preserve the credit of the country unimpaired; and never had it happened that England, even when struggling under the pressure of distress, attempted to gain relief and ease by a failure in the performance of its honourable engagements. (*hear, hear*.) Having premised these general observations, he should now proceed, in as summary a way as was consistent with the object in view, to state the reductions in the several branches of the public service, and the estimates for the year, as compared with those for the last year. First, then, he requested the attention of the House to the subject of the army; and, in comparing the expense for the present year with that for the last year, the best mode, perhaps, would be to consider the troops in France and India as out of the question for the present, as these did not bear upon the estimates of the public expenditure of this country. With respect to the land forces, the number for last year for this country, Ireland, and the colonies, was 93,000 men—53,000 for the home service, and 40,000 for the foreign establishment. The number at home was to be reduced by 5,000 men, the reduction of the troops abroad was to be 18,000; making a total reduction of 23,000 men. He did not at present think it necessary to state the particular circumstances which had regulated these reductions: but had no hesitation in stating, that they were made under a

strong sense of the pressure of the moment. On that account Ministers had felt it necessary in a great measure to put out of view the military defence of the colonies against any external attack, and to consider merely what was necessary for internal security. He thought that the present circumstances of the country justified that policy, because there might be a price beyond which it would be improper to go for putting these colonies in a complete state of defence. But as to the home defence, there was no price that could be too great for that object; and the only question was, what was the proper and necessary force for the external and internal protection of the State, and the rights and liberties of the people? for events had pressed upon them of late which sufficiently proved, that the magistrates were unable to enforce the laws by means of the civil power alone. The number then for the service of Great Britain, Ireland, and the colonies, would be 81,016 men. The total number for which a vote had been taken last year was 150,000 men; the total number for which the vote of this year would be taken was only 123,000 men. The reason for this was, by the convention with France, the number of our troops there was to be reduced from 30,000 to 25,000 men, and the number of the Government troops in India from 20,000 to 17,000 men. The supplies for the regular land forces would be for this year about 6,513,000*l.*, and including the militia, 7,500,000*l.* The supplies for the commissariat and barrack departments for Great Britain 580,000*l.*, and for Ireland 300,000*l.*, making a total of 880,000*l.* The army extraordinary for this year would be 1,300,000*l.* The total charge for the army, except the ordnance, for this year would be 9,230,000*l.*, instead of 10,564,000*l.*, which was the supply for 1816, making a diminution of 1,334,000*l.* With respect to the ordnance, the supply for last year was 1,696,000*l.* For the present year, it would be 1,246,000*l.*, being a saving of 450,000*l.* This saving was effected by the reduction of 3,000 men, and other reductions in the artillery.

All the half-pay and retired pensions had been included in this calculation; so that the sum required for the regular forces actually on service was only about four millions. Gentlemen, when they talked of reduction, ought to consider, that when reductions took place, the half-pay and pensions for retired services must, on the faith of the legislature, be paid: and therefore the reduction in point of expense had by no means kept pace with the reduction in point of numbers, as compared with the sums paid to the troops when actually on service. When a body of troops was reduced, the expense was still continued to the amount of one shilling and three-pence or nearly one shilling and two-pence. He now came to the naval establishment. The number voted last year was 33,000 men; the number for this year would be only 19,000 men, being a reduction of

14,000 men. On a full view of the state of the navy, and the distresses of the country, those whose duty it was to attend particularly to this department of the public service were of opinion that this reduction might be made without danger. But it was not intended to make any reduction in the marine corps; and the reason was, that such a measure would render the speedy equipment of the navy at a future period a matter of very great difficulty. The vote, therefore, was to be taken for 6,000 men for this year, being the number voted last year. The charge for the navy, last year, was 16,114,000*l*. The charge for this year would be only 6,397,000*l*.; making a saving of 3,717,000*l*. In this charge of 6,397,000*l*. there was a sum of 500,000*l*. which would not appear in the estimate of the following years. It would be proper also to mention, that though the number of men was only reduced to 19,000 men, the charge was calculated with reference to that of last year, as if the vote had been only for 18,000 men. The reason was, that as you reduced the men, you also reduced the ships; so that there was a reduction not only of the expense for the men, but also of the expense for wear and tear. The noble lord then made the following recapitulation.

Army saving	1,784,000
Navy ditto	3,717,000
Miscellaneous	1,000,000

Total saving 6,501,000

SUPPLY.

Army	7,050,000
Commissariat and barracks, Great Britain	580,000
Ditto, ditto, Ireland	300,000
Extraordinaries	1,300,000
Ordnance	1,246,000
Navy	6,397,000
Miscellaneous, Great Britain and Ireland	1,500,000

Total 18,373,000

He had stated the estimate for the whole service of the year at this sum. He was not sanguine enough to suppose that he could form any certain anticipation of what would be required in the following year, nor did he think that either the affairs of a nation, or of an individual, could be so regulated that no contingency would arise. A permanent establishment was not, therefore, within the limits of his calculation; nor did he think that it could be called for, except by those who wished to pledge the Administration to a course of conduct which circumstances might render impossible for them to pursue. Charges might arise from a change of circumstances of which he was not now apprised; and it might be possible to make equally unexpected reductions, of every opportunity to do which his Majesty's Government would not fail to take advantage. He might state, however, some reductions which

might fairly be anticipated in next year. In the army there might be

A saving of	223,000
Extraordinaries	300,000
Ordnance	50,000
In the Navy, under the head of Transport Service	500,000

1,073,000

which would reduce the charge to 17,300,000*l*. This sum included not only the charges for the public service of the year, but that expenditure likewise required for services already performed, namely, pensions and half-pay. Under the head of the army, the addition to what would otherwise be necessary for this purpose

Amounted to	2,551,000
Navy	1,271,000
Ordnance	223,000
Pensions	400,000

4,345,000

which being deducted from the estimate for the year, would leave little more than 13 millions for services. When the House took a view of the charges, and lamented the extent of the expenditure, it should always be borne in mind, that a great portion of what was felt as a pressure had arisen during the war from provisions sanctioned by Parliament, and dictated by every principle of justice and gratitude towards the great merits of those who had contributed to bring it to so glorious a termination. This should be taken into the account in every comparison of the expenses of our present establishment with those of any former period. When we looked back to 1792 we should find, that this kind of charge did not exist at all; and the proper comparison therefore of the supplies of that year, with the estimate which he had just submitted, was not between them and 18 millions, but between them and 13,258,000*l*., at which the deduction of pensions and half-pay would leave the latter. The service of the present year could not be compared with that of 1792 without many allowances: the nation had then enjoyed profound peace for nearly ten years; there was no burden entailed on the country for former service; and Mr. Pitt endeavoured to bring down the establishments to as small a scale as possible in these favourable circumstances. The supplies for that year were 5,200,000*l*., a sum small indeed when compared with 13 millions; but it ought to be recollected, in addition to the other circumstances which he had mentioned, that in this vote there was only included the army of Great Britain, whereas the whole army of the empire was included in the present estimate. Ireland had then a separate charge of 1,000,000*l*., to defray which, added to sums voted for Great Britain, the whole army expenditure was raised to 6,200,000*l*. The charge, it might be said, was doubled even upon those data; but when we compared the extent of our establishments at the

two periods, we should likewise compare the extent of our empire, and the number of our colonies, the new state and organization of Europe that arose out of the French revolution and the subsequent predominance of French power requiring more constant vigilance and more effective means of defence than were then necessary. Independently, too, of these considerations, measures had been taken by Parliament that would have produced the effect of increasing our charges, though the service had remained the same. The pay of the army was nearly doubled in the interval, and the allowances to officers were greatly augmented. The pay of a regiment of cavalry then amounted to only 28,000*l.*, at present it was 38,000*l.*, making a difference of 10,000*l.* When this was taken into the account, there was nothing in the difference between 6 millions then, and 13 millions now, that would appear extraordinary. Part of the burden of expense which the country now bore might be expected annually to diminish. Of the 4 millions now given for half-pay and pensions there must be a falling in of a considerable portion every year, and a consequent reduction must take place of the public burdens. His Majesty's Government would take care to call officers to active duties who were now on half-pay, to supply the place of those who died, and their half pay would thus be saved. A certain proportion of the pensions would annually be available for the public service by the decease of those who enjoyed them. A hundred thousand men were now in the receipt of pensions and half-pay. He had made enquiries as to what, upon ordinary calculations, might be expected to accrue annually from the falling in of their allowances. By assuming the medium age of 40, one half of the whole would cease to exist in the course of 20 years, making 2,500 annually; and, as the allowances are four millions, the sum becoming available every year for the public service, in the reduction of the public burdens, would be 100,000*l.* His right hon. friend (the Chancellor of the Exchequer) would explain the details of the finances, but he (Lord C.) hoped that he should not err in the great results when he stated, that, taking the estimates at 18 millions, with the interest of the debt provided for, there would have arisen a surplus of a million and a half, if the Consolidated Fund had not fallen off. Even with this defalcation, if we had only the expenditure and income of Great Britain to consult, we might entertain the most sanguine hopes, not only of a complete correspondence, but of a favourable balance. The state of the revenue of Ireland, however, which by the act of last session was consolidated with that of Great Britain, would require assistance, and turn the scale against us. Ireland had borne her part in all the toils and dangers of the war: she had contributed her utmost to its happy conclusion; and the measure of consolidating her revenues with those of Great Britain, though it might throw an additional pressure on the finances of the latter, was both politic and just. But while

he deprecated all gloomy views of our situation, he was as little disposed to deny, as he was ready to lament, that the country was suffering under the severest pressure in every branch of its industry and resources; that this distress was as universal as it was severe; and that, from the highest to the lowest, through all classes, the hand of Providence was heavily felt. (*Hear, hear, hear.*) But no State in Europe was exempt, and in comparison, Great Britain was happy, though this could not lighten our distress. The desire of the affluent to relieve the unfortunate was, however, happily great. (*Hear.*) And this generous sympathy bound all classes together in this happy land. In the highest quarter, the Head of the Government sympathised with them, and was prepared to share their privations; and from the spontaneous movement of his own mind, had expressed his determination to abstain from receiving, in the present state of distress, so much of the Civil List as he could refuse, consistently with maintaining the dignity of his station, without contracting a debt which Parliament would disapprove of incurring. (*General cheering.*) His Royal Highness had commanded him to inform the House, that he meant to give up, for the public service, a fifth part of the fourth class of the Civil List; which, it ought to be observed, was the only branch connected with the personal expenses or the royal state of the Sovereign; for all the other charges, except the Privy Purse, were as much for paying public services as any other sum comprehended in the public estimates. (*Hear, hear.*) That branch of the Civil List amounted to 209,000*l.* and his Royal Highness offered out of this and the Privy Purse 50,000*l.* for the public service. (*Hear.*) His Royal Highness had directed and applauded the exertions of the people, he had shared in their glories, and now generously sympathised in their sufferings, and determined to share their privations. (*Hear, hear.*) Liberal, however, as was this grant, his Royal Highness's duty, more than his wishes, compelled him to limit it. But the Civil List had last year been reduced as low as possible, and as no debt was to be incurred upon it, his Royal Highness could not make a permanent tender of this reduction, without contracting a debt, which might lead to a degradation of the Crown, by compelling it to call upon the people to pay it. But he had made a sacrifice which he (Lord C.) was sure they would appreciate—(*Hear, hear.*)—It was not the saving but the principle, that was important—(*Hear, hear.*)—The feeling it manifested would be universally consolatory, and would be received as a proof of the warm sympathy which his Royal Highness felt in every calamity that affected his people.—The servants of the Crown had resolved to follow this example of their Royal Master, and to give up that part of their salaries which had accrued to them since the abolition of the Property Tax. (*Hear, hear.*) This would amount to a sum not unworthy the public acceptance, nor unbecoming their station. The only other branch of the subject which he had to bring

under the attention of the House related to the formation of a committee for the purpose of inquiring into the income and expenditure of the country. The course he had at first proposed to pursue was that of appointing a secret committee by ballot. He certainly found, on a former night, that this course of proceeding had created great alarm among hon. gentlemen opposite; and he found this alarm especially expressed in a speech of an hon. and learned gentleman (Mr. Brougham), in which there was an anticipation of the names of the members of the committee then chosen by ballot, which was certainly not distinguished on account of its novelty (*a laugh*): for he believed, that an ingenious and witty member of former Houses of Commons (Mr. Sheridan) had been in the habit of making similar anticipations when committees were formed by ballot, to the great amusement of the House. It could not be denied, however, that the mode of ballot had been the old practice of Parliament, and was perhaps to be preferred to any novelty of more recent introduction. It was the way, in fact, in which the Finance Committees of 1791 and of 1797 were formed, which had published such a voluminous mass of able and useful reports. He was aware that in 1807 a different course of proceeding was followed: that a Finance Committee was then formed not by way of ballot; but really, if he took a view of the mode in which that Committee was framed, he thought it not much in favour of the mode of appointment by ostensible nomination in the House. It would be in the recollection of many gentlemen, that the Committee of 1807 originated with Mr. Biddulph, who brought forward a motion for the appointment of a Committee to inquire into the emoluments of all public offices, for the purpose of ascertaining what retrenchment could take place in their expenses. Now it was naturally to be expected, from the principles of independence and absence of undue influence so strongly recommended by gentlemen opposite, in such appointments, that they who formed the government of that day would have left the honourable member (Mr. Biddulph) to name his own Committee. But what was the fact? The Chancellor of the Exchequer of that day (Lord H. Petty) took the whole matter into his own hands, and did not allow Mr. Biddulph to name any member at all. (*A laugh, and hear, hear.*) What then was the material difference between this course of proceeding, and that by way of ballot, which had been held up to ridicule? He did not think that the balance of argument was at all against the ballot. He would not deny that this proceeding by open nomination had been followed in several other instances since 1807: and as there was nothing which he more deprecated, on an inquiry of such vital importance, than a want of liberality on either side; as it was a subject not in his opinion of political contest, but of deliberate and solemn investi-

gation; if by any admission on his part he could avoid a contest, he was prepared to do it on the present occasion, and to nominate the committee openly in the House. (*Cries of hear, hear, from all sides.*) But before he mentioned any names, he would endeavour to describe what the qualifications of the members ought to be. As to their being perfectly impartial, and without feelings of preference to this or that side of the House, it was not to be expected; for he believed he could hardly name 21 individuals who came under this description. (*Hear.*) But he confessed he had not observed, that the sentiments of that small class of men who wished to be considered as neutral and independent were treated with any respect by gentlemen on the opposite side; on the contrary, the House must have remarked, that if any class of persons were treated by them with more contempt, asperity, or sarcasm than another, it was that which set up a species of claim to independence and impartiality. (*Hear, and a laugh.*) This kind of claim seemed, indeed, to be resented by gentlemen opposite with peculiar acrimony; so that he could not expect to form a committee out of that rare and pure class of members which would be at all acceptable to them (*A laugh*). He must frankly confess, that though he did not share that spirit to its full extent with which gentlemen opposite seemed imbued, yet he believed, that the splendid and comparatively happy situation which the country enjoyed was produced in a great degree by the fair, manly, and liberal conflict of parties, and that it was by their determined competition that truth, wisdom, and public virtue were often elicited. (*Hear, hear.*) It was from that conflict of opinion that he expected the proper sifting of the important questions relative to the income and expenditure of the country that would come under the examination of the committee; and when the spirit now abroad, which aimed rather at destruction, under the pretence of reform, had evaporated, he had no hesitation in thinking, that the sober good sense of the country would settle into an approbation of what was right to be done in its present situation, and that it would be materially assisted by the investigations and recommendations of the committee. With regard to its formation, he was aware that no proper confidence would be placed in it, if official men, or the expectants of office, predominated in its formation. But, on the other hand, he was confident that no Judge sitting on the bench would wish to decide any question without the assistance of the opinion and arguments of gentlemen at the bar, so, in like manner, it was desirable that the country gentlemen who were on the committee should have the assistance of that class of public men who were in office at present, as well as of others who might aspire to fill the same situations on the event of any change of administration, as men best calculated to afford

a variety of useful information on the public revenue and expenditure. Hence, he had selected a variety of members from the two latter classes, as well as from gentlemen who were not looking forward to office. The House, however, would not trust implicitly to the investigations of their committee; which was rather intended for the purpose of probing the circumstances to the bottom that might come before it, than of dictating measures for the adoption of the House. Parliament, of course, could make no abdication of its own peculiar functions in favour of the twenty-one gentlemen who would go to form the committee. He should rejoice if gentlemen of both sides of the House went into it with an ardent wish to contribute their best services to the salvation of the country, amidst its present difficulties, rather than to obtain any temporary triumph over one another. (*Hear, hear.*) He should propose, that there be referred to the committee all the papers relating to the proposed reductions in our establishments for the present year, together with a view of all the reductions made by Ministers in the course of last year, and which would shew that they had not been neglectful of their duty to the country. He had to notice, however, as one cause of the delay with which these reductions had been attended, the great mass of unaudited accounts with which the different branches of the Government were incumbered. When these were in some degree cleared away, there would be more opportunity for operating with effect. He likewise proposed, that a statement of the income, charge, and expenditure, of the country for the last year, should be laid before the committee, together with the estimates for the present year, and similar estimates of their probable amount for the years 1818 and 1819, so far as such estimates could be framed at present. The committee might also probably extend their researches into other years, until we could fairly look to the formation of a peace establishment on sound principles of public economy. He should be unwilling, indeed, to fetter the proceedings of the committee in any degree, especially into any part of the expenditure and revenue of the country for the three years to which he had more particularly referred. He should conclude with proposing the appointment of a committee, to consist of 21 members, "to inquire into and state the income and expenditure of the United Kingdom, for the year ended the 5th of January 1817, and also to consider and state the probable income and expenditure (so far as the same can now be estimated) for the years ending the 5th of January 1818, and the 5th of January 1819 respectively, and to report the same, together with their observations thereupon; and also to consider what further measures may be adopted for the relief of the country from any part of the said expenditure without detriment to the public service." Before he sat down it would be right to mention, that he pro-

posed the committee should be invested with full powers to send for persons, papers, and records (*hear, hear*); that they should possess all the means of pursuing their inquiries to the bottom.

The noble lord concluded with reading the following list:—

Lord Castlereagh,	Mr. Arbuthnot,
Chancellor of the Ex-	Mr. Frankland Lewis,
chequer,	Mr. Huskisson,
Mr. Ponsonby,	Mr. N. Calvert,
Mr. Banks,	Mr. Davies Gilbert,
Mr. Long,	Mr. Cartwright,
Mr. Tierney,	Mr. Holford,
Lord Binning,	Mr. Edward Littleton,
Sir J. Newport,	Lord Clive,
Mr. Peel,	Mr. Gooch,
Mr. C. W. Wynn,	Sir T. Acland.

Mr. Tierney begged the House to recollect, that he had last year assumed the probable estimates for this year at 19 millions, so that he had not been far out, the necessary documents being before the House. The noble lord, however, had left out rather a *material feature* in his case (*a laugh*), which was the income which was to meet this expenditure. He was far from wishing to encourage a spirit of despondency; but he felt most strongly, what it seemed his Majesty's Ministers were at last brought to feel, that now was the time for probing the subject to the bottom. He was glad that Ministers at last saw what every body else had long seen—that the expenses of the country should be reduced to some reasonable proportion with its means. From the best estimate which he could make, and he had no reason to believe that his results differed from those of the noble lord, there would be, under all circumstances, a sum of 3 millions to be made good; and he was quite sure that, in the main, the taxes would be found to have diminished rather than increased. He was glad to find that the Sinking Fund was to be spared. He had always maintained one uniform opinion on the necessity and excellence of that deposit; in the midst of the warmest hostility against Mr. Pitt, he had always done justice to the usefulness of that measure; and in spite of all that was now said against it, notwithstanding all he heard and all he read in opposition to that plan of finance, he still retained his original opinion. Nothing but evident and absolute danger, nothing but the prospect of peril, threatening the very existence of the State, could induce him to consent to have recourse to that sacred fund. (*Hear, hear.*) The example of reduction in the highest quarter had certainly come late, but it was well that it had come. There could be no doubt that the Regent had all along been disposed to make this sacrifice to the sufferings of the people; and it must surely be matter of deep regret, that Ministers had not sooner advised this honourable step. They must the more regret this delay, because the timely offer of such a concession on the part of the Crown would have allayed much of the discontent which had dis-

played itself in so turbulent a manner. He was glad also to learn, that a reduction was to take place in the salaries of the principal officers of the Crown. Ministers, however, must not take credit to themselves for this proceeding: it had been extorted from them, and did not come in that shape or season to entitle them to praise. The noble lord, in treating this part of his speech, had lowered his voice as if the subject was not particularly agreeable to him (*a laugh*); but he understood the noble lord to say, that this scheme of reduction could not be made without an Act of Parliament. It might be so, but yet he could not help thinking that the noble lord was mistaken. He recollected an instance in point: Sir James Pulteney, when in office, had given up the whole of his salary without calling for the sanction of any statute. And here he would take the opportunity of saying, that he did not at the time, nor did he now approve of the circumstance of a man of large fortune accepting office, and refusing any salary: it was an invidious precedent, operating to the prejudice of official men of moderate incomes. But though he thought it unfair that a man of great wealth should make a parade of receiving no salary at all, yet he conceived the quantity of salary suited to the duties of an office to be a very different question, and he certainly could not see the necessity of passing an Act of Parliament to enable men to give up part of their salaries if they thought fit so to do. Surely they might be indulged in so laudable an inclination, without the intervention of legislative authority. (*A laugh.*) He would say nothing as to the mode of this intended reduction, except merely to urge that the rate of charge for the property tax was no criterion as to what ought to be its amount. With respect to the main object of the noble lord's speech, the formation of a committee of financial inquiry, the noble lord had thought proper to abandon his favourite scheme of ballot: he had admitted, that a sudden change had taken place in his opinion on this point; and yet, most inconsistently, he was very angry that any other person should find fault with what now appeared untenable even to himself. He had, very unnecessarily, rated an hon. and learned friend of his for reviving what he was pleased to call an old joke of Mr. Sheridan's. To be sure, his hon. and learned friend knew quite as well as the noble lord that it was an old joke; but it was also a very good joke, and never could have been applied more fairly than on an occasion where the noble lord had made such a parade of an impartial method of choosing a committee. The fact was, that the noble lord had selected his committee, not from any wish to accommodate the views of the Opposition, but from delicacy to the feelings of certain members of his own side of the house. There was, indeed, a considerable number of members in that house belonging to that class of persons who "do good by stealth, and blush to find it fame." (*A laugh.*) This respectable body of

representatives, though for the best of reasons doubtless they lent their aid to Ministers, yet were not without their feelings (*a laugh*): they had a sort of sense of decency, and it required sometimes a good deal of management to keep them in good humour. Their scruples made them sometimes a little restive, and unless certain forms of decorum were preserved to satisfy their consciences a little, they were apt to say to a Minister—"If you don't do so and so we shan't vote for you." (*A laugh, and hear, hear.*) It was from delicacy to the sensibility of these gentlemen, that the noble lord had found it necessary to make show of candour in his mode of choosing the committee; though with what reluctance he acted might be judged from the long funeral oration which he had pronounced on his poor departed friend the ballot. (*Laughter.*) What he (Mr. T.) wanted, with respect to a proper and efficient committee, was different from what the noble lord seemed to wish. There was business and labour enough on this subject, not merely for one, but for three or four committees. The House must set their shoulders to the task of examination, and go to work in a determined manner. A separate committee might be necessary to examine the accounts and state of the affairs of the army, and the commissariat, and other branches connected with it, and to probe them to the bottom. Another committee might be requisite to inquire into the affairs and expenditure of the colonies. Another would be also desirable and requisite to inquire respecting the civil offices, and report on the practicable reductions in them; which last object he had particularly in view. He considered that there was nothing efficacious to be granted; but that it seemed intended to draw a curtain to prevent the public from obtaining a full view of the public expenditure. (*Hear.*) The numerous and important subjects which might come before this proposed committee, if it devoted its labours to them, might render it impossible for them to produce a sufficient report till a period of the session when it was not likely that there would be a full attendance. Another point to which he wished to advert was, the principle of the nomination of the committee. The noble lord said, that the committee should comprise gentlemen of all descriptions, those on all sides most conversant with public topics. He was ready to agree with what he had heard of party men being useful to the country; it was useful that there should be such men acting on honest principles, and clinging together for great objects: no great good could be done to the country without it. (*Hear.*) As to what were termed the neutrals, there had been one neutrality, an armed neutrality, which joined one of the belligerents, and were all directly promoted and placed upon the staff. (*Hear, hear.*) The noble lord knew very well that such neutrals went out to fight with double colours in their hold. (*Hear, hear.*) He had also contended,

that a great advantage was to be derived from having gentlemen in office placed upon the committee. Now he (Mr. T.) had no objection upon a new committee of finance that the Chancellor of the Exchequer and others should sit in it: they would be able to make many statements and explanations, and therefore might be useful to the labours of the committee. They could not, with all their ingenuity, make much alteration in figures, and therefore so far he would trust them. But the matter was widely different when it turned on the question of abolishing offices; since the holders perhaps of these offices were themselves to sit and vote in the Committee. He thought it his duty to object to any of the officers of Government being appointed members of the Committee, when other members possessed a sufficient judgment on the subject in this particular. He did not, however, want the Committee to be without their valuable assistance; he did not at all object to the Committee hearing them as counsel, but he did object to their making part of the jury. They might be very respectable gentlemen, and he had an unfeigned respect for some of them, but in such an inquiry he would rather have the honour of a different company. (*Hear.*) The noble lord had made some allusions on the subject of influence, to the committee appointed on the motion of Lord Henry Petty, when he was Chancellor of the Exchequer. The fact on that occasion was, that Lord Henry Petty had proposed one more member than was usual. There was only one minister in that committee, the then Chancellor of the Exchequer, whose name, in the customary manner, as the mover, was first put to the vote. There were 22 members instead of the usual practice of 21. Mr. Biddulph, he believed, moved for an additional member to the committee (a gentleman who then represented Lincoln); and the answer to that motion was, that there was already one more member on it than usual, and therefore the proposition was not necessary. Now it was his (Mr. T.'s) intention to take the sense of the House on the question, whether, on this occasion, the holders of offices should sit in the Committee. All might probably agree to their presence in a committee as far as it related only to financial statements; but he wished to stop the second instruction, in order to have a committee named that night to consider what reductions could be made of offices or salaries, and composed of members unconnected with office, and who were commonly called the independent members. (*A laugh.*) By the appointment of committees, dividing the examinations, the House might have a tolerable certainty of getting the reports during the session: but if not, they could never satisfy the minds of the public, who would only see that they had appointed a Committee of 21 with no great probability of doing any thing effectual, and who would not out of doors express themselves with as much courtesy as he

felt obliged to shew within. (*Hear.*) If nobody else did, which he hoped some one would, he should feel it his duty to propose a second instruction for the naming of a committee, by a good and fair selection, which ought to be met by Ministers honestly, fairly, and above board. He must, in honesty, tell the House, that one great object with him, respecting the Committee, was the reduction of the influence of the Crown. The fourth class of the civil list, he understood to be the only class in which the Prince Regent had a direct personal interest. He wished, however, to examine the third class, and probe into the various recent arrangements concerning foreign ministers, and their pensions. (*Hear.*) He wished to know whether, under all the circumstances, the House would entertain the idea that they were not to look into the establishments—the expenditure of the double court of Windsor and Carlton-house, with all the extra grooms and lords of the bed-chamber. (*Hear.*) He did not desire to take away any thing from the real splendour and dignity of the Crown: but if none of these offices were abolished, there would arise a question as to the propriety of such officers holding their seats in that House. (*Hear.*) There were not less than 60 of these gentlemen, all of whom were liable to be dismissed at pleasure. (*Hear.*) If they deducted their number from some of the ministerial majorities, the result would appear, that the fair and free sense of the House was against the measures of ministers. He did not mean to say that gentlemen holding offices acted unjustly and unconscientiously in their votes: they acted with their party, and he threw no blame upon them for that. But yet, it must in fairness be observed, that they had an additional stimulus. (*Hear.*) He remembered what the late Mr. Fox had said on this subject: he had observed, that a gentleman's holding an office during pleasure might not be a reason for his vote; but that it was a symptom of the vote he might be expected to give. (*Hear.*) The only real road to the certainty of economy was by taking away this kind of influence. Many members were connected by the ties of relationship to those who were in power. He hoped, therefore, that the noble lord would agree to a practical mode. Opportunities would, of course, arise for objections to be made to any particular names proposed: but let the House desire the noble lord to leave out the names of the holders of public offices, and to act with downright honesty. (*Hear, hear, hear.*)

The Chancellor of the Exchequer could not agree with the right hon. gentleman that, instead of one committee, there ought to be different committees for the separate investigation of every branch of the public services. With respect to the financial statements of the right hon. gentleman, he would endeavour to set him right in one or two instances. And first, as to the gracious communication from the Prince

Regent, it could not have been made at an earlier period of the session, as his Royal Highness had not been able to ascertain or compute what reduction he could make in his expenditure. Upon what personally concerned the members of his Majesty's Government, he was only anxious that the sacrifice which they meant to make might not be construed as in any way admitting a principle of taxation upon office. What they had done was merely voluntary: and he had no doubt that other gentlemen who held offices under the Crown would follow the example which was set them from the highest quarter. As to the Sinking Fund, he had heard with great pleasure the sentiments which had been expressed, that steady and inviolable faith ought to be kept with the public creditor. But although the right hon. gentleman was very wrong in his details with respect to that fund, it was much more important to notice an error which he had made in summing up his account of the income and expenditure. In making up his account of the income, the right hon. gentleman had stated only that of the British Consolidated Fund; but in the charge he included the whole of the expense of a great part of that of Ireland, to the amount of 3,000,000*l.*; so that he was wrong in no less a sum than this 3,000,000*l.* In regard to the balance between our income and expenditure, it was very satisfactory to think, that during the last year, notwithstanding the heavy disadvantages under which the finances of the country laboured, the navy debt reduced to the extent of 1,000,000*l.*, while that of the Exchequer Bills was increased by exactly the same amount. In the Consolidated Fund there had certainly been a considerable deficiency. For the four quarters ending the 5th of January, 1817, the total amount was about 1,000,000*l.* The actual deficiency was 400,000*l.*, to which was to be added the arrear of the property-tax unappropriated, which made it up to the sum which he had stated. During the year there had been a deficiency in most of the branches of the public revenue, which on some branches was more, and on others, might on the whole be fairly calculated at a diminution of 10 per cent. on the whole revenue. In the Customs it was as much as 20 per cent.; but in the other branches it was much less, taking it on the whole at what he had stated it to be. He would ask whether, considering all the circumstances of the last year, this deficiency was to be wondered at, when it was considered that, in former years, there had been a deficiency of 10 per cent. occasioned merely by a bad harvest. It must certainly be a great satisfaction to the House to know, that, notwithstanding the diminution of the income which had rendered it necessary to anticipate the taxes by issuing Exchequer Bills to a very considerable amount, yet great progress had been made last year in the diminution of the public debt, a progress much greater than under all the circumstances of

the case could have been expected, and certainly greater than he had felt himself last summer warranted in holding out to the House. The amount of the public debt paid off in this country was 19 millions of stock, and in Ireland one million, making together 20,000,000*l.* of stock, or about 19,000,000*l.* of money. Under these circumstances it might naturally be supposed that the unfunded debt must have been greatly augmented; but he was happy to say that such was not the case. On the 5th of January, 1816, the amount of outstanding Exchequer Bills was 41 millions and a half, and on the 5th of January, 1817, 38 millions and a half, besides six millions which the Bank held in consequence of an advance which it had made to Government. There was therefore an increase of about three millions in the unfunded debt: but there was at the same time a diminution of two millions of navy debt, and of 500,000*l.* of army bills: so that, in fact, there was no actual increase of the unfunded debt in this country. In Ireland the unfunded debt had been increased by the issue of three millions of Exchequer Bills; so that deducting the increase of the unfunded debt in Ireland from the decrease of the funded debt in England, it would appear that the actual diminution of the total debt of the united kingdom was about 10 millions, not of stock but of money, in the course of the last year. This statement would afford solid grounds of hope for the future; and he thought it necessary to say thus much, in order to take off any unfavourable impression made by the speech of the right hon. gentleman. (*Hear, hear.*)

Mr. Grenfell was convinced it was highly desirable to keep up the Sinking Fund, under the meaning of its being a fund to provide for the extinction of public debt: but the hopes of the noble lord appeared to be confined to making income square with expenditure. The honourable gentleman (Mr. Tierney) had stated his opinion, that it would fall short; he (Mr. G.) wanted to know what could be applied this year to extinguish debt, except by borrowing money.

The Chancellor of the Exchequer hoped that a considerable sum would be paid off in the course of this year, though not so much as in the last. The amount of the estimate was 19 millions odd. The interest of the unfunded debt was 1,900,000*l.*: the whole 20 millions odd. Taking old naval stores, the lottery, and other branches, there would be eight millions odd, applicable: to which add 14 millions, and there was a total of 22 millions, exceeding the supply by about 1,400,000*l.*

Mr. Grenfell observed, that if any excess of expenditure should take place, he could not conceive how the Government could manage without resorting to a loan.

The Chancellor of the Exchequer repeated that his calculations as to the present year were founded upon the produce of the fund alluded to within the last year.

Mr. *Saville* expressed the fullest confidence in the views of his Majesty's Ministers; but said, that he should rather wish to have the proposed Committee nominated like an ordinary election committee; or if that plan were objected to, that the names of all the county members only should be put into the glasses.

Mr. *B. Shaw* asked, whether it was to be understood that the produce of the Sinking Fund would be applied *bond fide* to the reduction of the public debt, or to the payment of the current expenses of the year?

The *Chancellor of the Exchequer* replied, that the produce of the Sinking Fund would be applied solely to the purpose for which it was destined, conformably to the several acts of Parliament.

Sir *C. Monck* opposed the resolutions of the noble lord, as unconstitutional and unsatisfactory.

Mr. *Brand* said, the confidence of the country could be regained by no measures so effectually as by a motion for the appointment of a committee; but it must be a very different committee from that of the noble lord which would produce such an effect. The people of England did not place confidence in the gentlemen on the opposite bench when they professed economy—they remembered too well that they had made the same professions last year, and yet that they had immediately after such professions created useless offices, and increased the salaries of many officers. (*Hear, hear.*) It was at this very moment proposed to continue an office vacant by the death of Lord Buckinghamshire, that of clerk of the pleas in Ireland 4000*l.* a year, which, in a report of a finance committee of the House, was declared to be one which ought not to be continued. (*Hear, hear.*) When the vice-treasurership of Ireland was created, that measure had been reprobated as one of the most barefaced jobs which had ever come before the House. This office of clerk of the pleas was continued with the very same views which had given rise to the vice-treasurership of Ireland, and would, in all probability, be bestowed on the same individual for whom the other office had been created. (*Hear, hear.*) He would again warn the right hon. and honourable gentlemen opposite, if they persevered in this measure, if they did not yield to the feelings of the people, and allow a fair inquiry to be instituted as to what retrenchments might be effected, what useless places abolished, what pensions enjoyed by undeserving individuals withdrawn, they would never regain the confidence of the people, nor be able to execute with effect the functions placed by the constitution in their hands. He should move as an amendment, to leave out all the latter part of the motion of the noble lord, and in lieu thereof, in the first place, move, That the select committee to be appointed should inquire into what reductions since 1798 had taken place in the salaries and emolu-

ments of the different persons holding public offices, and consider what other measures might be instituted for further reducing the expenditure of the country.

The *Speaker* said, it would be necessary for the hon. gentleman, in the first place, to move, by way of amendment, that the second part of the motion of the noble lord should be omitted; and if that was agreed to, then the hon. gentleman might move that his amendment be substituted.

This suggestion having been adopted, the *Speaker* put the question accordingly.

Mr. *Gipps* then rose, and said, that he disapproved of allowing men in office to have seats in the committee; and although it was with considerable reluctance that he objected to any part of the noble lord's motion, yet he could not vote in favour of that part of it. (*Hear, hear.*)

Lord *Castlereagh* said, nothing could be more absurd than for the House to agree to such an amendment.

Mr. *Brougham* would venture to predict, that every salutary object would be evaded by the overwhelming mass of papers with which the committee would be inundated. A separate investigation by a committee confined to one specific object, was the point to which all eyes were turned—an investigation how far useless places could be abolished—how far sinecures could be destroyed—how far the patronage of the Crown, in or out of Parliament, could be abridged. (*Hear, hear, hear.*) At a time like the present, when the last shilling was wrung from a suffering people, it became of importance that no burdens, however small, should be sustained, but such as were absolutely necessary. A great deal had been said by the noble lord against the manner in which the committee of 1807 had been appointed; but a more unfounded clamour never had been raised. His noble friend (the Marquis of Lansdowne) had acceded to the committee the moment it was proposed by Mr. Biddulph; and Mr. Biddulph, feeling satisfied that the subject was about to be taken up by abler hands, waived the further prosecution of the measure. The subject for inquiry was the same then as at present, the reduction of useless expenditure. The charge now brought against the noble marquis was, that, in striking the committee, he had not chosen any of the gentlemen on the opposite side of the House—that he did not seek for destroyers of sinecures and abolishers of useless offices among those gentlemen who then happened to sit on the side where he now sat. But had his noble friend done so, he would have frustrated the very object which he had in view, and Mr. Biddulph would never have consented to withdraw his motion. This would have made the very gentlemen judges who were parties, for they were either holders of the offices and sinecures which it was proposed to abolish, or expectants (*hear*); they

expected that they would soon fill them, and they grudged every moment which his noble friend and those in office along with him held their places: and they contrived by a base manœuvre to trip up their heels. (*Hear, hear.*) His noble friend had, therefore, taken the appointment of the committee out of their hands, and appointed a fair committee; and if they wanted an eulogium of that committee, they would find it in what speedily followed. When the noble lord opposite and his friends came into office, nothing more was heard of that committee, and others were substituted to them, because it was feared that they would have done their duty, and proposed to cut down all sinecures and useless places. He had a light suspicion that matters would go on very differently in the present committee. The noble lord had proposed six gentlemen from his own side of the House, and then six gentlemen from the other side; and certainly nothing could, arithmetically speaking, be more exact, with reference to the two parties; but then it would be found that the six individuals taken from his side of the House would be without any followers; whereas the other six from their office would be found, somehow or other, to possess more influence among the nine neutral men, as they had been called. Of the other nine members, he would not say that all would follow the six ministerial members: but this he would say, that they would not follow the other side; and that in all questions of reductions which should be opposed as trenching too much on the influence of the Crown, the six opposition members would stand alone, or at most gain over one or two members from the neutral side. It had been said that men in office were necessary to be on the committee, for the sake of affording the necessary information; but when there was a power of sending for persons, papers and records, he could not see that they were required in the committee as members. No man had ever opposed more strenuously than himself that groundless clamour which accused public men of receiving too great a proportion of the public money. It would be much nearer the truth to strike a balance, and say that some were paid at too high a rate, while others were paid moderately. But former times were different from the present, and a different rule of conduct ought to be adopted. It was not merely, as had been stated, the defective harvest which had caused the deficiency in the revenue—there was a falling off in the quarter before it was known that the harvest could be bad—there was a falling off in the produce of the customs, the excise, and the assessed taxes, and the deficit was gradually increasing, and would continue to increase. This shewed that something was rotten in the State, though he hoped it was not incurably rotten. The Chancellor of the Exchequer had said, the House ought not to be astonished at finding only such and such a deficit, when they recollected the circumstances

of the country, and the extreme distress which prevailed. Why, certainly there could be no doubt that it was because the trade and industry of the country had fallen off, that taxes and every thing else had fallen off in the same proportion. They had either the prospect of not being able to pay the interest of the national debt, or they must cut down the establishments still more, and, under the present distressed circumstances of the country, diminish the salaries of the great Officers of State. The communication of the intended reduction on the part of the Prince Regent, as far as it went, was of a nature to give great satisfaction. He trusted, that this example would have imitators among all those in the immediate neighbourhood of that illustrious personage (*a laugh*): he trusted that the Officers of State would go and do likewise—that they would give up somewhat to the difficulties of the times, and the unprecedented embarrassment of the finances. He understood that the noble lord had intimated a reduction of a tenth—but that was not the proportion which ought to be given up—he hoped the example of his Royal Highness would be followed to the very letter. It did not signify to talk now about keeping up dignity and splendour. If he were consulted at this moment of apprehended danger to the constitution, he should reply, that the best safeguard of the monarchy was the reign of the monarch in the hearts of the people. (*Hear, hear.*) He should add, that it was not by tawdry and expensive decorations that the good-will of the people could be conciliated: that desirable object could only be attained by acts which shewed a sympathy between the higher and the lower classes, and joined wealth and poverty in a friendly bond. The Ministers themselves would be more deeply rooted in their stations, if, instead of supporting the vain splendour of the court, they would prosecute the great object of economy in all its various branches, and in every department of the State. (*Hear, hear.*)

Mr. Canning doubted whether the proposed estimates were not rather lower in some points than it was proper they should be. If any danger was now likely to arise, it certainly was not from the extent of our military establishment, but from the very reverse. The influence of the Crown had been for years on the decrease—from the days when those saviours of the country, the Whigs, had passed the Septennial Act. Gentlemen opposite had no right to assume, that the object of the committee was to diminish the influence of the Crown, and to state that as a reason for excluding official men. If a committee were specifically formed to inquire whether that influence had not been increased, and ought not to be diminished, then, indeed, it might be right to reject the members of Government—but he denied, that the committee now contemplated, had any such object in view. This committee was to be appointed to consider what could be done in the way of reduction, although

probably no very considerable relief could be expected from its labours. In observing on that part of his noble friend's speech, in which he stated, that he and his colleagues meant to give up a part of their income, the learned gentleman (Mr. Brougham) had observed, that the House should call for something more extensive than this voluntary sacrifice. This way of receiving such a proposition, was not very encouraging to any fresh instance of self-denial. Never, till the learned gentleman had stated his sentiments, had reduction in the salary attached to office, been considered but in one of these two ways; 1st, as taking its share fairly with the other burdens of the country; or, 2dly, as manifesting sympathy and commiseration for the sufferings of the people. But the learned gentleman seemed to think, that considerable relief might be effected by the reductions he spoke of. If, however, he looked to the labours of former committees, and examined their opinion on the subject, he would not see any great reason for supposing, if his suggestion were complied with, that it would produce the effect which he seemed to imagine. He did not mean to say, that every possible reduction ought not to be made. They ought to take all that they could, on the principle of *quantum valeat potest*—but still, he was convinced, the effect would not be such as the learned gentleman expected. The only point they had to consider was, whether any reduction could be made in the public expenditure—and, in that view of the question, he contended, that official men, in a fair and reasonable proportion, were necessary to the correctness of such an inquiry. But, it was said, if official men sat on the committee, it would put an end to any inquiry that might now be set on foot, with respect to irregularities in their offices. But this was not the case. If gentlemen looked to the Order-book, they would find, that notices of four motions of that description were given for four different days, with which the Finance Committee could not interfere. The present time was not advantageous or proper for going into a discussion on the duties of this committee; but, with respect to its formation, it did appear to him, that no ground was stated to shew why the House should not repose the same confidence in it, that they had hitherto placed in committees of finance and expenditure, nor could he see in the names of that committee (and he could speak without reserve, his own not being in the number) any one that could excite the smallest suspicion of an improper bias.

Mr. Wilberforce, after the best consideration of the subject, could not give an entire approbation to the appointment of the committee. It would be unfair not to acknowledge, that the sacrifices which the Prince Regent had offered to make, presented an example worthy of imitation by the Ministers of the Crown. The appointment of a committee to inquire into the reductions possible in the civil and military establishments was highly expedient; but he was

much afraid that no report could be made to the House in sufficient time to be useful for present purposes. His mind was pretty fully made up on this point, when he heard the noble lord say, that it might sit one year or two years, or perhaps three years. If this were the case, what benefit could be expected to result from its labours? Could it be even expected to last out its full time? Was there not one idea intimately associated with such a committee—namely, that the dissolution of Parliament would put an end to its existence? If only the length of time were considered, that alone was a great objection to it. On a former occasion, on which you, Sir (addressing the Speaker), sat with so much ability, no report was made till a considerable time after the formation of the committee. His right hon. friend had said, that official men were improper persons to sit on such a committee; but it would be highly injurious to the constitution and to the welfare and interests of the country, if official men had not seats in that House. But the question now was, whether on a committee appointed to consider what reductions could be made in the national expenditure, official men were proper persons to assist: and surely, where one great subject of discussion would be the possibility and mode of reducing offices, no persons could be so proper to advise as official men who possessed the best information. With respect to the influence of the Crown, he contended, in opposition to the right hon. gentleman who spoke last, that it had increased very considerably of late years. When he considered the great increase of our establishments, military, naval, and fiscal, together with our vast colonial possessions, it was impossible not to see that the influence of the Crown was exceedingly augmented. It in fact met every man every where: and while he deprecated as much as any man those attempts which had been made to inflame the public mind and excite a contempt for our excellent constitution (which, as the hon. and learned gentleman had said, was the only form of Government that could secure the happiness and independence of a nation), he by no means granted that the way to reconcile the people to their sufferings, and to quiet their minds, was by refusing to make such reductions in every department, as could be effected without injury to the public service. It was of extreme importance with regard to the estimation in which Parliament was to be held by the people, that we should act in a way to secure their good opinion and confidence. Their tempers might be a little soured by their sufferings; and they might, under the influence of such feelings, look with jealousy on a committee so appointed, as not to hold out any hope of substantial relief. He concluded by observing, that so great was the influence of the Crown, that it would be very difficult for any members of the committee to maintain opinions different from the wishes of the Government; and therefore, while he acceded to the first pro-

position, he could wish that both sides of the House should concede something towards forming a committee, in which party interests might not predominate either way. (*Hear, hear.*)

Lord Lascelles conscientiously believed, that the intentions held forth this night would be carried into practice. The country, however, would be better satisfied with the committee, if there were not so many official men upon it. For himself he would say, that if any member of that committee should come down and complain of any obstruction to the furtherance of any object of retrenchment, he would support any motion founded on that complaint. With respect to the expenditure, he could not but hope that we had now seen the worst times: commerce seemed to be improving, and he hoped that the relief of the agricultural interests would follow. With these explanations, he should certainly give his vote for the committee as at present composed.

Mr. V. Fitzgerald (in reference to what had fallen from Mr. Brand), defended his conduct as Chancellor of the Exchequer for Ireland, and said, that whatever situation might be intended for him, he could at least say, that no one had ever retired from office who was less liable to the charge of being mercenary than himself. He had not, however, the slightest reason to suppose that the office of Vice-treasurer for Ireland was intended for him.

Sir Thomas Acland thought it impossible for any person not to feel, that a great part of the benefit to result from any investigation, must depend on having men on the committee who were acquainted with business. As little should he expect any success, unless those in the habits of Opposition also formed a part of it. The noble lord had stated that his real object was the reduction of our expenditure, and he believed him to be sincere; for if insincere, what an awful responsibility did he incur in the eye of the House and of the country!

Mr. Ponsonby said, the question before the House was, how it should attain that object, which all agreed was one of great anxiety, both within and without. The proposal of the noble lord (Castlereagh) had been to appoint a committee for considering the income and expenditure of the country. The proposal of the hon. member for Hertfordshire, was to divide this labour—to have one committee for considering the income of the country, and another for considering the expenditure: and the question was, which of these modes would prove the best. The hon. baronet, (Acland) and the noble lord (Lascelles) thought that the assistance of official men was essentially necessary to the committee. He would ask them, which was most likely to convince the country that the House was in earnest, the appointment of 21 or 42 individuals to perform the same quantity of labour; the appointment of one committee for the consideration of two objects, or two committees who

might each confine their attention to a more limited inquiry? The fate of the country was in the hands of that House, and it was necessary to shew, that they were determined to reduce the burdens of the people. On the score of reduction, the noble lord had stated what had given him great satisfaction: approved of the resolution of his Majesty's servants to abate a portion of their salaries; they owed it to the country: but he would go farther, and say, that there was no individual whatever receiving a salary, that ought not to be willing to reduce it. He spoke this as an interested person, and he thought the reduction proposed was not sufficient: for his own part he was ready to go farther. (*Hear, hear, hear.*) To be sure, the private means of others might not enable them to go so far this way as his own happily enabled him; nor did he think that any thing he could contribute, would be sensibly felt as a diminution of the great public burden: but if he were followed by others, he was certain something might be done to alleviate the pressure of that burden; and above all, to shew that the servants of the Crown were not such as ignorant and unprincipled men had represented them to be. In estimating the amount of the reduction to be made, the rise in the value of money should be taken into consideration: 90% now, was more than 100% a year or two ago, and this difference of value should be a criterion of the reduction. But there were many situations held under Government, where the emolument was so small, that it would be cruel to propose a reduction, and cruel to receive it. (*Hear, hear.*) The parties who would relinquish in such case, would be more distressed than any portion of the community that might be benefited by their deprivation. He again repeated, however, that it was the duty of his Majesty's Ministers to make such a reduction as might relieve, in some degree, the sufferings of the nation: but above all, it was their duty, in making the reduction, to shew, that the members of that House were not such as they had been represented by the partizans of a turbulent faction.

Mr. Gooch professed himself a strong advocate for economy, and declared that the statement which had been made by the noble lord, was completely satisfactory to him.

Mr. Calcraft was surprised beyond measure at the hon. gentleman who had just sat down: he had expressed himself a friend to economy and to speedy reform and relief; and yet he was satisfied with the committee of the noble lord, which was to sit three years; this he deemed a speedy relief. He congratulated the constituents of the hon. gentleman: but he should be much surprised if they were satisfied with such tardy retrenchment, and such ambiguous reform. He thought the proposal of a noble lord (Lascelles) to support any member who proposed an amendment on the proceedings of the committee, wholly inefficacious.

A division then took place upon the original question; when the numbers were,

Ayes - - - - - 210

Noes - - - - - 117

Majority for Ministers - - 93

While strangers were shut out for the division—

Sir J. Sebright said, that he had been named by the present Ministers a Member of the Civil List Committee, but he found he could do nothing, as they refused the powers necessary to render it effective, and made it, in fact, a gross delusion upon the public. He considered the present Committee to be also a gross imposition, and would not put his foot into a Committee so constituted, as by so doing he should be lending his aid to mislead and delude the country. He declared that he was as hostile as any man, to the factious and misguided part of the community; but that now was the time when it became the imperative duty of all independent members and country gentlemen to come forward, and to support such measures as would conciliate the rational and moderate part of the community. He therefore declined to be a member.

Lord Castlereagh said, that the present Committee had the powers which had been refused to the Civil List Committee.

Sir J. Sebright.—I am aware of that; but I owe it to my country not to contribute, to practise a gross and scandalous delusion upon the public.

Lord Morpeth said, his health would not allow of regular attendance; but that, even if that objection did not exist, he thought the constitution of the committee was such, as not to merit the confidence of the country.

A second division subsequently took place, upon the question, whether Lord Binning or Mr. Tremayne be appointed on the committee.

The numbers were,

Ayes, for Lord Binning - - 178

Noes, for Mr. Tremayne - - 136

Majority for Ministers - - 42

A third division occurred on the question, whether Mr. Huskisson or Mr. Tremayne be elected to form one of the committee.

The numbers were,

Ayes, for Mr. Huskisson - - 180

Noes, for Mr. Tremayne - - 129

Majority for Ministers - - 51

HOUSE OF LORDS.

Monday, February 10.

FRENCH LOAN.] The Lord Chancellor stated, that the noble earl (Lauderdale) had sent him an intimation that it was not his intention to bring forward this day the motion of which he had given notice relative to the loan to the French Government. The intimation that the noble earl would not make the motion to-day did not

imply that he would not make it to-morrow; and therefore, in order to give him the opportunity of bringing forward his motion to-morrow, if he thought proper, he moved that the House be summoned for to-morrow. Ordered accordingly.

HOUSE OF COMMONS.

Monday, February 10.

The Speaker informed the House, that he had received an answer to the vote of thanks to the engineers and artillery, sappers and miners employed in Lord Exmouth's fleet. This head of service was omitted in the original vote.

PARLIAMENTARY REFORM.] General Ferguson presented a petition from Dysart, in Scotland, praying for Reform and Retrenchment. The hon. member could not refrain, on this occasion, from adverting to the unparalleled distresses of the people; and must declare, that the measures adopted by the noble lord (Castlereagh) and his colleagues, by the mockery of a committee, was only an insult to the feelings of the people. He must also observe, that he had always been a friend to Reform; at the same time, he should ever oppose the visionary scheme of universal suffrage. Ordered to lie on the table.

Mr. Bennet presented a petition from the town of Kilmarnock, praying for Parliamentary Reform. The hon. member stated, that the meeting at which the petition was agreed to, was most numerous; and the conduct of those assembled at it was most peaceable.

Mr. Brougham felt the highest satisfaction at this statement. In general, however, the numerous meetings which had taken place had been most praiseworthy and peaceable. This conduct on the part of the people, and the numerous petitions presented nightly, signed by hundreds and by thousands, proved what the general sense of the people was. With respect to the proceedings of the committee now sitting, to inquire into the reality of the disaffection said to exist in various districts, he trusted the report of that committee would prove the rumours unfounded. He however wished to refrain from saying any thing till the report should come before the House, when it would be their duty to give it a full discussion. He trusted every one would come to that discussion with an unprejudiced mind. One thing, however, he must advert to, and express his regret at; it was a circumstance which had taken place within the last twenty-four hours. He did not consider it necessary to speak more plainly; but he must express regret at seeing politics introduced into a place where no secular consideration ought ever to be suffered to intrude. (*Hear, hear.*) This course had been adopted in the worst times of our history, and for the worst purposes. He hoped such a course was not now to be adopted.

The petition was ordered to lie on the table.

IRISH DISTILLERIES.] Mr. *Fitzgerald* (the Knight of Kerry,) moved for an account of the quantity of grain used in the distilleries of Ireland, since the last commencement of distillation as likewise the quantity exported from Ireland since last September. He thought that Government should look into the subject, with the view of ascertaining whether policy did not require, in the present circumstances of Ireland, with respect to the means of subsistence, that the existing laws both regarding distillation and exportation should be suspended.

Mr. *Peel* would not object to the production of the accounts, though it might be difficult to make them up so as to give the requisite information from the lateness of the period at which distillation commenced. He did not hesitate to say, that all the inquiries made by Government shewed the impolicy of interfering with the existing laws, and the unfounded nature of the censure directed against the Irish administration. The suspension of distillation was not necessary, nor would it be of any service to Ireland. At present, illicit distillation was nearly checked, and he deprecated the adoption of any measures which might excite it to additional activity, with all its baneful influence on the morals, the peace, and the tranquillity of the people.

The motion was agreed to, and the accounts ordered accordingly.

LEATHER TAX.] Mr. *Bennet* moved for an account of all drawbacks on leather, as likewise the duties charged upon leather in the four last quarters. Ordered.

Mr. *Brougham* hoped his hon. friend would not content himself with moving for the accounts but would found some proceeding upon them. When it was considered that the additional tax was last year carried with a smaller majority than almost any other tax, there might be some hopes of its repeal. Nothing could tend so much to quiet and sooth the minds of the lower orders in this season of irritation, than to take off some of the burdens that peculiarly affected them.

Mr. *Bennet* said, he had moved for the papers, that the House might be in possession of the requisite information for future proceedings. A noble lord (Althorpe) might take up the subject, as he did last session.

CAPE OF GOOD HOPE.—MALTA.] The Cape of Good Hope trade bill was read a third time and passed.

The Malta trade bill was read a second time.

HOUSE OF LORDS.

Tuesday, February 11.

FRENCH LOAN.] The Earl of *Lauderdale* stated, that he found it would be inconvenient for some lords, if he were to make his motion relative to the French loan on this day. He

therefore moved, that the order for summoning the House be discharged, stating, that he would bring forward the motion on some other day, after having ascertained what day would be convenient. The order was discharged accordingly.

HOUSE OF COMMONS.

Tuesday, February 11.

PARLIAMENTARY REFORM.] Lord *Folkestone* presented a petition voted yesterday by a numerous assembly of persons in Spa-fields. He knew none of the parties who signed it, and from some parts of its prayer he dissented; yet, as the language was respectful, and as in these days of suffering no obstruction should be offered to the petitions of the people, he willingly performed his duty in presenting it.—The petition was read, and ordered to lie on the table.

Lord *Cochrane* presented a petition from a numerous body assembled at Portsdown-hill, in Hampshire. The meeting, he said, was respectably attended, and the utmost harmony prevailed, though the troops had been called out, ball cartridges distributed, and the guns of the garrison loaded. (*A laugh.*) This petition prayed for universal suffrage: that was, for the right of every man aged 21 to vote. Ordered to lie on the table.

Lord *Cochrane* then presented a petition from the journeymen tailors of the metropolis. The petition was read. It complained of the want of business, owing to absentees, and the pressure of taxes, which prevented their customers from wearing so many clothes usual; and prayed for redress, for reduction of Expenditure, and Reform, stating, that this was the first time the petitioners had ever interfered in political business. (*A laugh.*) Ordered to lie on the table.

Lord *Cochrane* presented a petition for Reform from Lymington. It was read, and when the question that it be received was put,

Mr. *Lockhart* wished to hear a passage of it read over again by the clerk, as it appeared to him objectionable. It was accordingly read, and alleged in substance, that the state of the representation was so corrupt and perverted, that the House of Commons, instead of being the guardian of the people's rights, was employed in nothing but levying burdens upon them; and instead of exercising a control over Ministers, became the tool of Ministers in controlling the people.

Lord *Caslereagh* objected to this language.

Lord *A. Hamilton* thought, that as it was not intentionally disrespectful, and contained no direct or studied insult, it should be received.

The House divided, when there appeared

For receiving the petition . . . 43

Against it . . . 72

Majority . . . 29

Lord *Cochrane* then presented a petition for Reform from the town of Wick, in Scotland, and animadverted with warmth on the scandalous conduct of an hon. member, who had voted against receiving the last petition without having heard a word of its contents. (*Loud cries of hear, hear.*) If any one circumstance more than another furnished one of the strongest arguments and motives for Parliamentary Reform, it was this—that an hon. member should go to the question, and divide against the petition, without having heard it. He trusted the House would hear again of no such lamentable example of disregard to the prayers of the people, and of neglect of the chief duties of a member of Parliament, “otherwise, I hope,” said the noble lord, addressing himself to the Speaker, “it will be marked and reprobated by you, Sir.” (*Loud shouts of hear, hear.*)

Sir *Francis Burdett* said, how could this House, with any fairness, be considered as the representatives of the people, if, when a Minister pronounces his dictum against the reception of a petition, this dictum should be taken as a sample of a House falsely calling itself the Commons’ House of Parliament? (*Order, order.*)

The *Speaker* spoke to order. It was unpardonable to say that this House was not the Commons’ House of Parliament; such language was not to be endured from any gentleman. (*Cries of hear, hear.*)

Sir *Francis Burdett*.—Whether it was language which the House would not endure he could not say: “but at any rate,” addressing himself to Mr. Speaker, “I may be permitted to add, that after what you yourself once said, as to what would be the feelings and language of our ancestors with regard to practices which had been proved to exist in the mode of procuring seats in that House—after a noble lord opposite had been himself detected in one most nefarious and disgraceful practice, that of bartering a public office for a seat in that House, (*loud and tumultuous shouts of hear, hear,*) we may surely be permitted to drop a little our pretensions to unsullied purity of character. Unless indeed the people complain specifically of that abominable traffic in which the noble lord was detected, unless they may venture to complain in words as decent as the act itself was vile and indecent, I know not how the question of Parliamentary Reform can be brought under the consideration of the House or of the public. (*Hear.*) And here he could not help expressing his displeasure at the attempts made both within and without that House, to throw obstructions in the way of petitions. Magistrates had not contented themselves with warning the populace of the danger they were exposed to from riotous, violent proceedings, but they had in the basest manner calumniated the people, for they had done every thing which malice itself could devise, to throw obloquy on public meetings; nor were such attempts without their reward. There had, unhappily, been

some parts of the kingdom disgraced by riots, but he defied any man to say, that these riots had proceeded from the friends of Reform. Yet exertions had not been wanting to give such riots the most alarming aspect, and the late attack on his Royal Highness had furnished a favourable opportunity for so doing. (*Hear, hear.*) To support such exertions, we had the solemn mockery and impiety of a prayer to Almighty God, for the preservation of his Royal Highness’s life from the traitorous attempts made against it. (*Hear, hear.*) Every temple in England was made to ring with falsehoods and base insinuations against the people in consequence of this prayer, or, to express it more properly, this most solemn mockery, this gross insult to common sense! That an attack had been made on his Royal Highness none could doubt, but, for one, he expressed his decided conviction of no plan whatever being formed against his life; and he was certain, had that illustrious individual been allowed to follow the dictates of his own mind, he would never have adopted the measures which had since taken place. He could assure the House, that there at this moment existed a well-grounded dissatisfaction in the country with the system so long, unhappily, carried on, which might lead to scenes not different from those in a neighbouring country; which perhaps the noble lord had seen without disgust, but which he (Sir F.) could not witness without dismay. Alarming, indeed, was the very supposition, (God forbid it should ever be realized) that such scenes should ever take place here; but he was afraid they could only be prevented by a radical reform of abuses, and by a timely attention to the desires of the people. (*Hear, hear.*)

Mr. *Samuel Thornton*, the Bank Director, said, that having heard the first part of the petition, the language of which he did not approve, he happened to go out before it was finished, but having frequently attended and heard similar language in petitions which had been rejected by the House, he conceived himself justified, on his return, in voting for its rejection.

Lord *Castlereagh* was confident the House would always consult its dignity respecting the petitions presented to it, and would always see, with the greatest jealousy, that these petitions were expressed in at least proper language. He could not avoid stating his firm opinion, that the hon. baronet on the other side was actually endeavouring to mislead the country by the line of conduct he was now following, and by his attempts to persuade the country that the House would not receive their petitions. (*Cries of order, order.*)

The *Speaker* remarked that the noble lord was entitled to be heard out; though it would be best to confine himself to what was immediately before the House.

Lord *Castlereagh*.—The reason why he had objected to the petition, was its assertion that

Parliament was assembled solely for the purpose of imposing burdens on the people. As to the hon. baronet, he (Lord C.) was glad to remark, that the reproof he received from the chair had made him recant his aspersions on the House. [Sir F. Burdett, "I did not recant."] Why, then, it might be safely said, that the hon. baronet came there that night to atone, by a studied insult on the House, for the reproaches which had been cast upon him elsewhere for his absence from these meetings. He should never feel himself called upon to reply to any personalities levelled against himself when mixed up with an attack on the House. (*Hear.*)

The petition from Wick was ordered to lie on the table.

CLOTH-DRESSERS.—MACHINERY.] Lord *Lascelles* presented a petition from a numerous body in Leeds, and the parts adjacent, cloth-dressers, who complained that the introduction of machinery had thrown many of them out of employment. They prayed that some relief might be afforded them by the wisdom of Parliament. The noble lord had explained to the petitioners themselves, that the question relative to machinery was a matter of deep consideration; nor did he flatter them that Parliament could be able, considering the state of the woollen manufacture in other countries, to afford them any relief on this head. There was another prayer in the petition; these people entertained the impression, that if driven to emigrate to other countries, the existing laws threw obstructions in their way, as being manufacturers. The noble lord told them, that considering the state of manufactures in other countries, neither could he give them much encouragement on this head; but at any rate their petition should be submitted to the deliberate consideration of Parliament.

The petition was then brought up and read.

Mr. *Brougham* said, that to adopt any measures to check the use of machinery, would be as impolitic as it was impracticable; but it was surely very hard on the petitioners that any impediments should be thrown in their way so as to prevent them from bettering their situation by emigration, if they were so disposed. This branch of the ancient policy of the country required the serious consideration of the House. Nothing could be more wicked than attempts to destroy machinery, such as the country had lately witnessed; yet at the same time the feeling which existed against machinery must be a ground of formidable alarm; for it shewed that, instead of now being, as it lately was, a source of wealth, it was the cause of the most severe distress to a great body of the people, because the hands thrown out of work by the introduction of machines in one branch could not find employment in other lines. This was a serious evil, well deserving the attention of Parliament.

The petition was ordered to lie on the table.

SINECURES.—MARQUIS CAMDEN.] General *Ferguson*.—As almost all the petitions which

have been presented to this House on the subject of Reform, pray for an abolition of sinecures, and as I now see a noble lord (Castlereagh) in his place, I beg to ask, whether the report in circulation is true, namely, that a noble marquis, one of the greatest sinecurists in the country, has, in consideration of the almost unanimous feelings of the nation, and the general distress, surrendered his sinecure?

Lord *Castlereagh*.—I am happy in answer to state, that the noble marquis alluded to (Camden) has, in lieu of the fees of office, accepted the regulated salary of 2700*l.* a-year. (*Hear, from all sides.*) The noble marquis had wished for the opportunity; but considering such offices in the light of vested interests, and that the example might be viewed as imperative on others under similar circumstances, had not communicated his decision. The example of the illustrious personage at the head of the Government had, however, put an end to every objection, and the noble marquis at once availed himself of the opportunity. (*Hear, hear.*)

General *Ferguson*.—I am exceedingly gratified with the intelligence now communicated to the House, and I trust in God that the example would be followed by others. (*Cheering.*)

POOR RATES.] Mr *Peter Moore* presented a petition from the city of Coventry, praying for a reduction of the public burdens. Such had been the increase of the poor rates in that town, and so severely was their pressure felt, that there was hardly a house in which a distress had not been levied for their collection.

Mr. *Butterworth* likewise bore testimony to the enormous and almost intolerable burden of the poor rates in Coventry.

Mr. *Lockhart* could not help availing himself of this opportunity to express his conviction, that unless that branch of taxation which immediately affected the necessities of life was greatly diminished, or funded property made, as it ought in justice to be made, equally contributory to the poor rates, they could not long continue to be paid. Their payment was, however, intimately connected with the whole system of public credit, and the stock-holder might be assured with the due discharge of the interest of the national debt. Unless something substantial was done, and the present system entirely altered, it was clear that we must proceed from bad to worse, and that the most alarming consequences would ensue.

The petition was ordered to lie on the table.

DRAWBACK ON PAPER.] On the motion of Lord *A. Hamilton*, there was ordered to be produced, a memorial from the University of Glasgow to the Treasury, dated March 15, 1816, setting forth the hardships imposed upon them by an act annulling the drawback on paper formerly allowed for books printed at the University press.

UNFUNDED DEBT.] Mr. *Curwen* moved for an account of the unfunded debt on the 1st of January 1817. Ordered.

GREENWICH HOSPITAL.] Sir C. Monck moved for various papers relative to the rental of the estates of Greenwich Hospital, lying in the counties of Northumberland and Durham, for several years back, as well as accounts or the repairs made on the same estates during a similar period. Ordered.

CUSTOMS.] Mr. Brougham remarked, that in consequence of the enforcement of the Continental system under the influence of Bonaparte, the usual annual accounts of the shipments made to the Continent during the war had not specified the ports to which the various vessels sailed from this country. There could now, however, be no objection to such specification; and he should therefore move for an account of the number of vessels which had sailed during the two last years from the various ports of this country to all parts of the world, up to the latest period that the account could be made up, distinguishing British from foreign vessels.

The papers were ordered: as were also accounts of the produce of the annual customs for one month, ending the 5th of February, 1816, and 5th February, 1817, respectively; together with similar accounts of the produce of the excise for the same period in each year respectively.

EXCHEQUER BILLS.] Mr. Brogden brought up the Exchequer Bills Bill, which was read a first time.

HOUSE OF LORDS.

Wednesday, February 12.

The Cape of Good-Hope trade bill, brought up from the Commons, was read a first time.

A person from the Bank presented the annual accounts respecting the reduction of the national debt; and a person from the Treasury presented accounts of the pensions on the Scotch Civil List. Laid on the table.

CATHOLICS.] The Earl of Shaftesbury moved, that message be sent to the Commons, to request that they would communicate to the House of Lords the report of the select committee, relative to the laws and ordinances of foreign states respecting Roman Catholics, their intercourse with the Holy See, &c.

The report was afterwards brought up, and ordered to be printed.

USELESS PLACES—REFORM.] Earl Grosvenor, after expressing his hope that it would soon appear that there was no foundation for the alarm which had been felt from apprehended dangers to the constitution, stated his anxiety that what he was now about to say should not be misrepresented or misunderstood. Petitions had lately come to Parliament from all quarters of the Country, the object of which might be classed under four heads:—1st, Retrenchment in the military expenditure; 2nd, Retrenchment in the civil expenditure; 3d, the abolition of useless places and sinecures; and 4thly, Reform in Parliament. With respect to the first

two points, he had called their lordships' attention to them in the course of last Session; and entertaining, as he did, a constitutional jealousy of the Ministers of the Crown, he had endeavoured, but without success, to persuade their lordships to refer the matter to a committee of their own, instead of leaving it to a committee appointed by the Ministers. He had hoped, that the office of third Secretary of State, with all its train of minor offices, would have been abolished; but in that he had been disappointed. As to the military expenditure, Ministers, when they brought that first under the notice of the House, appeared to think, that it could not be further reduced; but rather that it might be necessary to increase it. In six or seven days after, however, they altered their tone on that subject, and the expenditure was further reduced; and now a committee had been appointed in the other House, to investigate the state of our finances, from which he had no great expectations—a committee which was already known under the name of the humbug committee. That committee might last for the whole Session: it might last beyond the period of the existence of the present Parliament. The consequences of a dissolution of Parliament were known, and all the labours of the committee might be rendered fruitless. On that subject he might feel it his duty in the course of the Session to submit a motion to their lordships. With respect to the next point—the abolition of useless places and sinecures—he was clearly convinced that it was his duty to submit a motion to their lordships on that important question; and gave notice, that on this day fortnight he would bring forward that motion. It was his object to have the opinion of their lordships on the principle; and with that point he meant to couple that of granting offices in reversion. He would submit that motion in the hope of meeting with the concurrence of their lordships; but if he should stand alone in that House on this question, that House would stand alone in the opinion of the Country. On the subject of Parliamentary Reform, also, he felt that he ought to state his opinion. He had never entertained but one opinion, which opinion coincided with that stated by a man who had rendered the most essential services to the Country, the last time he brought the subject under the consideration of the other House—he alluded to the late Mr. Pitt; whose opinion was favourable to a moderate Reform. If, therefore, a bill should come into their lordships' House for carrying into effect a Reform in the shape proposed by him (Mr. Pitt,) he would support it. With respect, however, to universal suffrage and annual Parliaments, he thought that these objects, if attempted to be carried into effect, would produce only confusion, and were besides utterly impracticable. But he did not, therefore, think that those who entertained such notions ought to be punished for them—that they ought to be hanged, drawn, and quartered.

He did not think that a Judge Jeffries ought to be sent among them; nor that the mouths of men, like Major Cartwright for instance—a very respectable individual for any thing he knew to the contrary—should be stopped, not by argument or persuasion, but by force. But though he was adverse to annual Parliaments, it did not therefore follow that he was friendly to Septennial Parliaments. He had well considered the subject, and looked upon Septennial Parliaments as a direct infringement of the liberties of the people. The Septennial Bill passed at a time of danger—of danger to the succession. It might be a proper measure at such a time; but when the danger was past, the Septennial Act ought to have expired with it, and to have been erased from the statute book. With respect to useless places and sinecures, he had heard that one of them had been given up, and this proved how happy it would have been if such places had been long ago suffered to sink in emolument to the level of the duties to be performed. He concluded by again giving notice of his intention to submit a motion on the subject of useless places and sinecures on that day fortnight, and moved that the House be summoned accordingly. Ordered.

HOUSE OF COMMONS.

Wednesday, February 12.

PARLIAMENTARY REFORM.] Lord Milton presented a petition from Leeds, in Yorkshire, praying for Parliamentary Reform.—Ordered to lie on the table.

The noble lord then presented a petition from Dewsbury, praying for retrenchment, and a more extensive representation of the people. In the latter part of the petition he could not join, though he would strenuously support every measure of retrenchment.

Lord Castlereagh, observing on a passage in the noble lord's speech, said, there had been much misrepresentation respecting the office of Registrar of the Admiralty (Lord Arden's sinecure,) for since the cessation of war, the profits of it were extremely diminished.

Mr. Brougham was sorry to hear this remark of the noble lord's, which seemed made for the purpose of quieting the minds of those sinecurists by whom he was supported, and to allay the fears of those who expected places in future. (*Hear, hear.*)

Lord Cochrane presented a petition from Glasgow, for Reform, and urged the necessity of granting the honest desires of the suffering people. He believed that the noble marquis (Camden) had given up the larger part of his sinecure, purely from what had passed at public meetings, and from what he had thence collected of the general feelings of the nation.

Mr. Wilberforce observed, that the office of Teller of the Exchequer was not given to Lord Camden personally: it was given to his illustrious father, with the general approbation of the

nation, as a reward for his great public services, and a compensation for his pecuniary sacrifices by the relinquishment of great legal emoluments, in accepting the office of Lord Chancellor, which, partaking of the nature of a political as well as judicial office, was held only during pleasure. (*Hear, hear.*) For his part, he had always been unfriendly to the mode of rewarding public services by sinecures, and had uniformly voted against them: but he could not forget that some distinguished men had argued that they were not an ineligible mode of paying for services in high offices, for which no half-pay on retirement was provided. They had argued, that perhaps the cheaper way of rewarding such services, was by retaining a small number of sinecures, similar to that conferred on the late Lord Camden, than by providing pensions on retirement. No person, aware of the propriety of paying such a high officer properly, could avoid seeing that this argument was of great weight in the scale; and so strongly was Parliament impressed with this, that they had provided a pension of 4,000*l.* a year on retirement to every person who had filled the office of Lord Chancellor. If ever there was a public man who merited the enjoyment of such a reward, and the continuance of it in his family for another life, by his zeal for the public liberty, it was the late Lord Camden, (*Hear, hear.*) who had held the office of Chancellor only for a short time. This office of Teller was given him only for one life, when he was far advanced in years, when the emoluments were by no means so great as they afterwards became, and his lordship was advised to procure the reversion of it for his son, from a regard, no doubt, for the interests of his family. It was given to the late Lord Camden, not as a matter of court favouritism; it was not the result of court intrigue, but the reward of long-continued and disinterested public services. (*Hear, hear.*) He rejoiced, however, in the sacrifice which had been made, and was sorry that his honourable and learned friend (Mr. Brougham) saw only one star in the horizon, while in reality, there might be many others following it, though they had not yet come in sight.

Mr. Brougham received the last observations of his hon. friend as a spark of light bursting through the darkness, and gladly hailed the rising of more such stars than had yet appeared in the horizon: which, when they did, should certainly make him retract the expressions of despair and dependency he had previously used. Nothing could be more just than the eulogium which his hon. friend had passed on the late Lord Camden; and if that noble lord had not obtained his sinecure through any Court intrigue, surely this ought to sink deep into the hearts of those who received and held such offices, without any shadow of such a title to reward as all mankind agreed to ascribe to Lord Camden.

The petition was then brought up, read, and ordered to lie on the table.

PRISONERS.] Mr. *H. Addington* presented a copy of the rules and regulations of the King's Bench prison.—Ordered to be printed.

The Hon. Mr. *Bennet* asked, whether the report on the Fleet and Marshalsea prisons were yet ready?

Mr. *H. Addington* replying in the negative, or at least that it had not come to the office to which he belonged,

Mr. *Bennet* observed, that he had the same answer from the right hon. secretary last year. (*A laugh.*)

CATHOLICS.] A message from the Lords requested a copy of the report laid before the Commons in the last Session of Parliament, on the jurisdiction exercised by the Pope in the different states of Europe.

On the motion of the *Chancellor of the Exchequer*, the message was complied with.

PUBLIC ACCOUNTS.—COLONIAL AUDIT-OFFICE.] A person from the Exchequer presented accounts of Exchequer Bills deposited with the Bank. Accounts were likewise presented of the sums given to the commissioners for the reduction of the national debt during last year; and of the different periods at which the Bank of England charter had been renewed, with the terms of renewal.

Mr. *Lushington*, from the Treasury, presented accounts of the sums paid to France for prisoners of war. Also a return of all warrants by which colonial accounts were transferred from the General Audit-Office to the Treasury, or the Colonial Audit-Office. They were all ordered to be printed. When the last papers were presented,

Mr. *Huskisson* thought himself called upon to make a few observations, with the intent of removing an imputation on his character which the present papers would sufficiently clear. He was not present when they were moved for, but he felt obliged to the hon. and learned gentleman (Mr. *Brougham*) who had done so, for the opportunity which he had thus given him of correcting a misstatement or misrepresentation that had gone abroad through the usual channel, affecting deeply his character or integrity. In that statement it was mentioned, that 50,000*l.* had been issued to him by order of the Treasury, as agent for a colony; that no account had been required of him how that money was expended; that the Treasury, out of favour to him, had issued a warrant to the General Audit-Office, not to intermeddle in auditing his accounts, but to transfer them to the Treasury. It insinuated a charge of gross corruption on the part of the Treasury, first to favour and then to shelter him. The accounts on the table would shew how grossly unfounded such charges were.

Mr. *Brougham* declared, that in moving for the papers, he acted under no conviction of the truth of this charge, nor had he made any allusion to the right hon. gentleman. His object was different. At a late period of the session, two years ago—at a period when the House was

generally thin, when there was no great desire to canvass proposed measures, when no important business was expected, and when, for that very reason, the most important business was often transacted; he knew that an office for auditing colonial accounts was formed, and such accounts were to be transferred from the General Audit-office of Public Accounts, at Somerset-house, to this new board. A chairman and three members were appointed to this board, at a time when an expensive establishment, that cost the country 60,000*l.*, existed for a purpose of the same kind. The duties of the Audit-office of Somerset-house were important indeed, and expedition was of the greatest consequence. The multiplicity of their business was made the ground for this new establishment; and though he always was averse to the creation of new offices, if expedition was attained, his objections would be diminished. His motion for papers, therefore, was directed to the object of gaining information what the new board had done; how it was proceeding; what relief it afforded to the office of Somerset-house; or, in short, what we had gained on this additional establishment towards the dispatch of public business.

Mr. *Lushington* took the opportunity of stating, that when he was asked, on a former evening, about the number of officers in the Colonial Audit Department, and if the place of the President was filled up, he was not quite correct in his answer, when he said it was not filled up, as he had since understood that it was.

Mr. *Brougham* then asked, if the President, on whom the most important duties devolved, did not go out to Malta to examine one account, and whether he had not there died?

Mr. *Lushington* replied, that he had died at Malta, and he believed had gone out to audit one account.

Mr. *Brougham*.—Then the House and the country are to understand that this office is a sinecure, and that Government has filled up a sinecure. (*Hear, hear.*)

GAME LAWS.] Sir *Samuel Romilly* rose to move for the repeal of an act which had been only seven months in existence, which had been hurried through the House at a very late period of the last session, amidst a multiplicity of other public bills, had been read a third time at one o'clock in the morning, then sent up to the Lords, where it equally passed without any remark, and finally received the Royal Assent at the very close of the session. It was an act of the most unjustifiable severity, upon the merits of which, the deliberate sense of the House ought at least to have passed: though he believed that the great majority of the House did not even so much as know of its existence. (*Hear, hear.*) The act to which he referred was on the subject of the game laws; and it put the illegal destruction of game on the footing of felony, by rendering the offence liable to the penalty of transportation for seven years. Nay, it did still more: for it made

not merely the act, but the mere attempt to kill game by night, in an enclosed place, a felony, rendering the offender liable to transportation for the same period. The bill enacted, that if any person be found in an enclosed place by night, not merely with a gun, but with a net, or any other engine for killing game, he shall be liable to the above penalty, at the discretion of the magistrates met at the quarter sessions. It was not his intention to represent the game laws in an odious point of view: but he must remind the House, that there was this obvious distinction between them and other penal laws, viz. that the latter were made for the protection of the poor as well as the rich: but this was not so with the game laws, which affected only the former, and therefore ought not to be clothed with such extraordinary severity. Let us next see, said the learned gentleman, how the act defined the period of night. Now the night of these wise legislators extended from eight at night till seven o'clock in the morning, from the month of October to the month of March. He had heard much of the omnipotence of Parliament, but he never understood that it could change day into night (*hear, hear, and a laugh*); though every gentleman must be aware, that the sun was up three-quarters before seven in the month of October, and, therefore, three-quarters of an hour before these legislators still pronounced night. This definition rendered almost every qualified man in the country liable to the operation of the act; for, as the sportsman was generally an early riser, if found in any enclosed place for game before seven o'clock, he became liable to transportation. It was also to be considered, that this discretionary power of infliction was left to the country magistrates, a body of men whom he highly respected, but who, considering their personal feelings on matters of this kind, ought not to be trusted with discretionary powers which were too large to be intrusted even to the judges of the land. In this instance, he could not be justly charged with any desire to innovate, or any contempt for the wisdom of our ancestors, the usual bugbears which had been conjured up when he proposed any alteration of the law: on the contrary, this act itself must be viewed as an innovation, not the fruit of ancient wisdom, but of a wisdom only seven months old. He moved for leave to bring in a bill to repeal the said act.

Mr. Frankland Lewis said, he thought the act ought to be moderated, not entirely abolished.

Colonel Wood was in favour of the repeal, but suggested, that lords of manors might be enabled to appoint deputations, and grant licenses to the occupiers of land for taking game.

Sir Ed. Knatchbull had no objection to the repeal, provided some other measure were to be substituted for it.

Mr. Pansby said, it was very fit that another bill should be introduced, and that no question could be more deserving of consideration.

Mr. Banks agreed, that there were objections

to the act as it was now framed, but considered them to be so partial that it would be better to amend than to repeal it.

Mr. Curwen thought sufficient ground had been laid for repealing the act. The whole system of the game laws had long been admitted to be unjust and tyrannical, constituting the party judge in his own cause, and investing him with extraordinary powers. He should rejoice by seeing this act done away, a new one introduced for the purpose of making game private property, and enabling it to be sold legally. He trusted, too, that it would induce a necessity of revising the whole code.

Mr. G. Banks, as one of the committee by whom the bill had been framed, exculpated himself from any possible imputation of precipitancy in preparing it.

Sir M. W. Ridley by no means meant to cast any imputation on gentlemen acting as magistrates in the country, for whom, on the contrary, he entertained great respect: but certainly they were more interested on the subject than he wished them to be. He most cordially supported the motion for the repeal of the act.

Mr. Lockhart expressed his anxiety to see the act very considerably amended. That could not effectually be done by any interpolations; but would best be accomplished by a repeal of the act, while the bill repealing it might contain a clause to punish poachers for such proceedings as led to felony and murder. As to making game property, he had always opposed, and should always oppose any attempt at a measure so visionary and impracticable. Where a large and continued extent of ground was possessed by one lord of the manor, it might be done; but where, as in most cases, a manor was interspersed with small freeholds, the only consequence of it would be to beget a system of trespass and ill neighbourhood in every parish, as well as eventually to cause the total destruction of the game itself—a circumstance that would be extremely injurious to the community, as the amusement of sporting frequently, at present, induced gentlemen to reside on their own estates. He had observed in France the evils resulting from an abandonment of the sports of the field by the gentlemen of the country, who had in many instances, substituted for them amusements of a description very unfavourable both to their fortune and to their character. He should be sorry to see English gentlemen driven to make such an exchange; and he should also much regret to see them deprived of the means of shewing civility and attention to their neighbours, who did not enjoy privileges similar to their own. He allowed that the game laws were anomalous (for the subject was anomalous); but he denied that they were unjust. Their general tendency was to attach country gentlemen to their homes, and to preserve those links that bound them to their tenants and to the poor.

Mr. Wilberforce admitted the many benefits

and the constitutional advantages which resulted from the residence of country gentlemen on their estates; but he must still maintain, that the game laws were both severe and unjust. It was a sufficient condemnation of them that they inflicted heavy punishments on acts which were not in themselves criminal. He concurred with his hon. and learned friend in thinking, that the House should be extremely careful in legislating on this subject, when it was considered that it was one with regard to which they had an interest as well as a power peculiar to themselves. He could not help thinking, that the preservation of game might be effected without so many invidious enactments. If game were criminally obtained, it must be criminal to allow it to be openly sold. If the selling were unlawful, the purchasing must be unlawful also. (*Hear.*) But it was not right to make up in severity for a defect of power, in cases of mere amusement; that was a principle which ought ever to be confined to crimes and offences of a high magnitude. No doubt, however, if it were enacted, that licenses might be granted, no person in a liberal situation of life would purchase in future, except from those who were legally authorized to sell.

Colonel *Wood*, in consequence of what had been thrown out, gave notice of his intention to move for leave to bring in a bill, empowering magistrates to grant retail licenses for the sale of game. This power of selling game had, indeed, never been entirely taken away before the 28th of Geo. II. He had understood from some of the largest proprietors of game in the kingdom, that they would undertake to supply the public with game, and to undersell the poacher.

Mr. *Huskisson* agreed, that the enacting part of the bill was wholly repugnant to the preamble: but though its repeal might therefore be necessary, considerable inconvenience might take place, unless some measure were immediately to follow, providing against the danger of armed combinations invading private rights at night.

Sir *S. Romilly* had not the least objection to the introduction of some other measure. He only hoped that some other gentleman would feel it his duty to undertake the task: but the repeal of the bill of last year was a necessary previous proceeding.

General *Mitchell* recommended, that the clause which made it a felony to carry arms at night should be preserved in any bill that might be proposed.

Sir *E. Brydges* thought the present bill very objectionable, but should be sorry to see it repealed without a pledge for the introduction of some enactment against persons carrying arms at night.—The question was then put, and leave given to bring in a new bill.

On the motion of Sir *S. Romilly*, an account was ordered of the number of persons who had been confined in gaol since May last (for England, Scotland, and Wales) under the operation of the game laws.

HOUSE OF LORDS.

Thursday, Feb. 13.

No public matter of any importance occurred: after some routine business, the House adjourned.

HOUSE OF COMMONS.

Thursday, Feb. 13.

TITHES.] Sir *James Shaw* presented a petition from that portion of the City of London which is subject to the payment of Tithes, praying for a revision of the Tithe Laws.

A petition to the same effect was presented by the Sheriff of London from the Common Council. Both the petitions were read and laid on the table.

PARLIAMENTARY REFORM.] Lord *Stanley* presented a petition from the town of Crompton, in Lancashire, praying for annual parliaments and universal suffrage.—He would give his hearty vote for a moderate Reform, but could not go the length of this prayer.

The petition was read and ordered to lie on the table.

Lord *Stanley* presented similar petitions from Fairesworth, Oldham, and Great and Little Bolton, in Lancashire.

They were all read, and laid on the table.

Mr. *B. Wilbraham* presented a petition from Thomas Lyon the younger, of Warrington, containing a justification of the conduct of those who had been charged the other night, with forcibly seizing a petition which had been agreed to be presented to the House, praying for Parliamentary Reform. (see page 103.) The facts of the case were, that about seven o'clock in the evening of the day mentioned, the petitioner was engaged in his counting-house, and on a sudden heard a hue and cry in the street; being a constable, he ran out to give his assistance, as he thought he was in duty bound to do. He saw a crowd of persons there assembled, and a man of the name of Richard Burrough in the custody of two constables. After inquiring into the cause of his apprehension, he took him to the House of Mr. Coates just by, when Burrough acknowledged that he had, "by way of joke," carried off the petition. It being believed that Burrough had not acted with any criminal intention, he was permitted to go at large, and the petitioner took the petition so seized into his own custody. He was applied to for it afterwards, but did not give it up, conceiving that the application was not made by competent persons. The petition concluded with praying, that the House would dismiss from their minds any prejudices which might have arisen from the vile, malignant, unfounded, and false attack which had been made upon the petitioner and his uncle, the magistrate.

Mr. *Brougham* thought that the attack which

had been made by the petitioner upon those who in the mildest way had brought forward the accusation was entirely unjustifiable. (*Hear.*) He trusted the House would observe the great nicety of the petitioner's conscience, who had been afraid to give the petition back to its right owners, though they had made a formal demand of it. (*Hear, hear.*)

Lord Stanley thought it due to the petitioner to state, that from all he had heard of his character, it was most respectable. He had no concern in this transaction and never interfered until he heard a cry in the street. As to the subsequent retention of the petition, he certainly was not justified in that. (*Hear, hear.*) He was also much to blame, when he took Burrough into the House of Mr. Coates, for neglecting to call any of the parties who knew the whole transaction, at once acquiescing in the statement of the party concerned. He also should have considered, that if the petition were not delivered up immediately, it became useless, and mere waste paper.

Mr. C. W. Wynn said, there could be no doubt but that the petitioner, in the exercise of his office, should have taken both the person who committed the outrage, and the property seized, before a magistrate. When the transaction was discovered to have been a mere joke, he should have released the prisoner, and have returned the property to the right owner. He was, however, very much surprised that the petition now presented to the House said not one word, whether the other petition had, or had not been returned to its right owners. He believed that the petitioner was only chargeable with an error in judgment, and thought that no further steps should be taken in the business.

Sir F. Burdett asked, whether the petition had been restored or not?

Mr. B. Wilbraham could not give any positive answer. It was most obvious that no plot had existed to seize it.

The present petition was then laid on the table.

COURT OF KING'S BENCH.] Mr. Casberd obtained leave to bring in a Bill to facilitate the progress of business in the Court of King's Bench, by making it competent to one of the Judges of that Court to sit apart from the others, for the purpose of taking justification of bail: and enabling the other judges in that interval to sit *in banco*.

COURT OF CHANCERY.] Sir John Newport moved for an Account of all Sums paid for Copies of Proceedings in the Court of Chancery, in this country, and to whom paid, for the last five years. Likewise an Account of the Sums paid on the same account, in the Court of Chancery in Ireland.—Ordered.

SAVINGS BANKS.] Mr. Rose brought in a Bill for the Better Protection of Savings Banks, which was read a first time.

SALT DUTIES.] On the motion of Mr. Cal-

craft, it was ordered, that there be laid before the House an Account of the Duties on Salt, for the last year, together with an Account of the Drawbacks on the Exportation of Foreign Salt.

ASSESSED TAXES.] Mr. Saville moved for a Particular Return of the Receipts of the Assessed Taxes for the years 1815-16-17.—Ordered.

MADHOUSES.] The Madhouse Regulation Bill was brought up and read a first time.

HOUSE OF LORDS.

Friday, Feb. 14.

There being no business of importance before the House, on the motion of the Lord Chancellor, their lordships adjourned till Monday.

HOUSE OF COMMONS.

Friday, Feb. 14.

SECRET COMMITTEE.] Mr. Robinson observing that a formal omission had occurred in the instructions given to the Committee of Secrecy, who were appointed to examine into the papers referred to them, but were not instructed to report, begged to move that that inaccuracy be corrected. The present committee, from that omission, though they had finished their labours, could not lay them before the House. The motion that it be instructed to report, was accordingly agreed to.

SAVINGS BANKS.] Sir J. Newport rose to move for leave to bring in a bill to protect and encourage Provident Institutions, or Savings Banks in Ireland. The English bill for similar purposes was necessarily modified to the peculiar circumstances of a country where poor laws existed, and had in its provisions peculiar reference to them and other local details. In Ireland the case was different. There was no system of poor laws, and consequently there could be no enactments in the bill which he moved for leave to introduce, connected with them. There were other sources of distinction between the state of the two countries, which evinced the propriety of separate measures, and rendered one plan inapplicable to both. There was a statute still in force in Ireland, which precluded a banker from giving interest for balances in his hands. This restriction, so far as it would affect Provident Institutions, he would propose to repeal. Another provision, which he regarded as quite necessary to the protection and encouragement of such institutions, would go to secure those who deposited their savings in them, from being endangered by the bankruptcy of the banker in whose hands they were placed, and he would do this by making them first creditors.—Leave granted.

PARLIAMENTARY REFORM.] Lord Cochrane, in presenting a petition from Dumbarton, in Scotland, praying for reform and retrenchment, wished to know whether the same facility should not be given to petitioners to have them

sent up free of postage, as was allowed to the Benevolent Institution at the London Tavern.

The *Speaker* said, there had been a legislative provision passed two years ago, and which he found in an Act where he would not have thought of looking for it, namely in the East India Ship Letter Act, which allowed all petitions to come free, not exceeding the weight of six ounces.

The petition was then laid on the table.

Lord *Cochrane* next presented petitions from Bridgetown, Anderston, Gorbals, Baronry Parish, Bonhill, Campsie, Govan, all in the vicinity of Glasgow. They prayed for a reduction of taxes, and radical reform.—Ordered to lie on the table.

Mr. *Brougham* presented a petition from the Ward of Aldgate, stating that the grievances under which the country laboured, arose from the inequality of representation, and the gross inattention of Parliament, in not checking the enormous expenditure; and praying the House to take the situation of the country into its early consideration. As to Universal Suffrage, as a right, Mr. B. said, there was but one opinion in the House, or among rational people out of it. How far the duration of Parliaments should be curtailed, was a matter for future consideration. The delusion as to Universal Suffrage should be dispelled before it was too late.

Lord *Cochrane* thought, that lists of the people, as taken for the Militia service, might be kept up, and all such as were liable to serve should be allowed to vote. He would, on such a subject, rather trust to the wisdom of the people, than to that of this House; for the people always judged coolly. (*A laugh.*) He held it essential to the interest of the people, that Parliaments should be annual, and chosen by house-keepers at least.

Mr. *Ward* said, the coolness of the people was sufficiently proved by the petition from Hampshire, presented by the noble lord, who appeared every night with petitions, like a mercer with his commodities under his arm. Charges of corruption were easily made; but, perhaps, they were none of the purest whom the people had chosen to carry their petitions to the House, for the noble lord himself had given a gratuitous avowal, that it was to the bellman of Monmouth that the House was indebted for the honour of his company, and the city of Westminster for the advantage of his talents.

Mr. *W. Wyndham* could not extend his charity so far as to believe that the persons who sent forth such delusions among the people, believed what they said. The Parliament of 1694 was now revised, because they, it was said, extended the duration of Parliaments to three years. Now the meanest child could tell, that before that time, Parliaments were unlimited.

Mr. *Brougham* said, that on all occasions he had gone as far as he could in support of the rights of the people; but he would not be a

party to delude the people with falsehoods, such as that 1200 years ago, (that is the monstrous assertion) their ancestors enjoyed a perfect constitution. Good God! Sir, we have no annals of such a period. Yet these were the doctrines of these wiseacres out of doors. He did not accuse the people of England, but those who manufactured petitions with so much historical and antiquarian research, and then brought charges of ignorance and dishonesty against those who did not subscribe to such absurdities. These petitions proved nothing less than that the people were the victims of these delusions.

Lord *Cochrane* said, that knowing the honour of the man in whom these petitions originated, (Major Cartwright) he could not help stating, that he knew him to be sincere, however mistaken. As for any allusions to himself, they would fall as the stone that was thrown at a carriage the other day. All that he would say was, that he knew not, nor was he connected with, any one who entertained a desire of overturning any part of our constitution.

The petition was then laid on the table.

Lord *G. Cavendish* presented petitions from several places in Derbyshire, praying for Reform.—Laid on the table.

The Malta Trade Bill was read a third time and passed.

The Exchequer Bills Bill was read a second time.

HOUSE OF LORDS.

Monday, Feb. 17.

A person from the Carnatic Commissioners presented another report from these commissioners, which was laid on the table.

A person from the Treasury presented papers relative to Davis' Straits.—Laid on the table.

The Malta trade bill, and Exchequer-bills' bill, were brought up from the Commons, and read a first time.

The Cape of Good-Hope trade bill was read a second time.

The Earl of *Lauderdale* gave notice, that he would to-morrow move for any official intimation given by Ministers on the subject of the French loan; and moved that the Lords be summoned, which was ordered.

HOUSE OF COMMONS.

Monday, Feb. 17.

Papers were presented from the commissioners of the Herring and Whale Fisheries.

Sir *James Graham* brought up the report of the City Gas-light Committee, and a bill pursuant to the recommendations therein contained was afterwards brought in, and read a first time.

The Exchequer-bills' bill was read a third time, and passed.

GAME LAWS.] Sir *S. Romilly* brought in his bill for repealing the act of last session relative to the game laws, which was read a first time.

Sir *Edward Knatchbull* intimated his intention to introduce some new measure for the purpose of providing against the evil which it was the object of the act about to be repealed to have remedied. He hoped, however, that the honourable and learned gentleman would not press the second reading on so early a day as Monday.

Sir *S. Romilly* said, he did not intend to press the second reading on Monday, but was willing that it should be deferred from time to time, in order to furnish an opportunity of receiving such amendments as the measure might appear to require.

Mr. *Banks* wished to know certainly when the second reading would be moved, as it was his intention to oppose it. He thought it not advisable that the whole act should be repealed on account of one or two objectionable clauses; and was persuaded, that in the larger part it was a measure essential to the interests of the country.

Sir *S. Romilly* consented to put off the second reading till Tuesday fortnight; but was somewhat surprised at the intended opposition of the hon. gentleman, as an hon. baronet had already announced the introduction of some new measure in consequence of this repeal.

COURT OF KING'S BENCH.] Mr. *Casbnd* brought in his bill for facilitating the progress of business in the Court of King's Bench, (see page 169,) which was read a first time.

PUBLIC EXECUTIONS.] Mr. *Holford* presented a petition from a person named John Thomas Waters, complaining of the frequency of public executions, and praying the House to enact some other mode of punishing crimes.

This petition was ordered to lie on the table.

Mr. *Bennet* called the attention of the House to the subject of this petition, which though only signed by one individual, expressed the sentiments of many benevolent persons. On the important subject of inflicting the punishment of death, it prayed the House to consider whether it might not, in all cases except murder, be commuted for imprisonment. Although we boasted that we were the most civilized people in Europe, our criminal code was the most severe of all. Neither in America nor France was death ever inflicted, except for the crime of murder. In the latter country, the practice had been, for the last 30 years, to send delinquents to penitentiary houses, where their morals were reformed, and they came out valuable members of society. It was seldom, he feared, that persons committed for offences in this country came out of prison with any improvement whatever in their moral sentiments. As the public attention was now drawn to the general subject of this petition, he trusted that it would speedily fall under the consideration of the House.

CONDAMNED PRISONERS IN NEWGATE.] Mr. *Bennet* adverted to the notice he had taken

last year of the condemned persons in Newgate. He now found that three sessions had passed without a report being made by the Recorder, and on Wednesday the fourth session would commence. There were 73 men and 15 women under sentence of death. He believed there was a proverbial tardiness in every thing respecting the law officer who was to bring these matters before the council, except on political subjects. In all cases that met him, the tardiness of that noble lord was highly inconvenient. He hoped not to hear again that no practical inconvenience had arisen. It was not a question of the sufferings of the unfortunate wretches; that was clear enough; but it was a blot on the administration of justice. Persons were executed at periods when their crimes were forgotten. Of those under sentence, some probably would yet suffer, and scarcely any of the thousands of spectators would remember the cause. This was a great grievance. Why has not the report been made earlier? He moved for an account of the number of convicts under sentence of death in Newgate, and of their crimes, and dates of their conviction.

Lord *Castlereagh* could hardly believe a member wished for information, when he applied without notice, and brought with him such means of information: making a speech at the same time of the most inflammatory tendency, calculated to infuse a notion that the laws were not administered in justice and mercy; and mixed up with pregnant insinuations against the conduct of the highest legal character. Delays were attributed to the noble lord (Eldon), whose name, it was said, was always accompanied with tardiness in justice. This was a most unfounded charge. No man who had held that high office had been more respected even by those who entertained political differences. All had borne unequivocal testimony to his purity, and to his merits. In the hon. gentleman's inquiries into the state of prisons, in which he had, no doubt, meant to do good, he must have learned that the delay did not rest in that quarter. The Recorder made the reports, and waited till all the cases were properly examined into. If there were any delay, it must have been in the usual course: he entreated the hon. member, that in the next tale he had to tell, he would give notice, that the servants of the Crown might procure information. Neither himself nor his learned friend (the Attorney-General) could at once give all the information.

The Attorney-General assured the House, that he did not rise to defend the character or conduct of the noble lord (the Chancellor), which would be both unnecessary and offensive. It was not by his lordship's delay that the report was not made earlier. Of his own knowledge he could say, that if the hon. member had sought proper sources of accurate information, he would have found that the great number of convicted persons made one reason for the delay. They were, it seemed, no less

than 88. He remembered the Old Bailey Sessions, when beginning on Wednesday, were seldom attended by the judges after Saturday: now they lasted a fortnight, or longer, and the Recorder had to attend all the time, frequently trying prisoners. He was happy to say, that no part of the public administration during this long reign had been attended to with such uniform anxiety, care, and deliberation, as what related to the cases of unfortunate criminals. After sentence was pronounced, it was the employment and the duty of the Recorder to examine the particulars, to consider the character of the evidence, to read all through and digest it, and to communicate the result with his own detailed opinions to the Lord Chancellor. Each individual case then went before the King or Prince Regent in Council. He had lately conversed with the Recorder, who regretted much that he had not had time enough to prepare his report for the Lord Chancellor. He had stated his immense labours, and the time which the sessions occupied. There were then 60 unreported cases; and he could state, on the Recorder's authority, that he was not then in a condition to make his report satisfactorily. There was not an unnecessary delay, but only a delay as far as was consistent with justice to individuals.

Sir *M. W. Ridley* regretted any circumstances that occasioned delays in justice. Certainly, they were indebted to the hon. member for the notice he had taken of so important a branch of public administration; and he did not think the grounds assigned of sufficient weight to warrant the conduct complained of. Whatever might be said respecting dilatoriness in the Lord Chancellor in the public business, he could say, from his own personal knowledge of him, that the last proceeding in which his lordship could be dilatory would be in a case in which he might have to recommend mercy. (*Hear.*)

Mr. *Abercrombie* said, that of all the strong arguments in support of the alterations recommended by his learned friend (Sir *S. Romilly*) he had heard none more convincing than the statements and explanations now made. It appeared necessary accurately to inquire into all the circumstances of the convictions of which he could not be supposed to doubt the justice. Inquiry was made with a view to see whether a commutation of punishment could take place: but if they were commensurate with the offences, there need be no difficulties or delays. Too large a discretionary power was given, instead of providing adequate and appropriate punishments for offenders.

Mr. *Bennet* did not impute want of ability, honesty, integrity, propriety, acuteness of decision, or intelligence, to any decisions of the Lord Chancellor. He only complained of delay; and in all committees of inquiry he had found instances of the delay. What the Attorney-General said might be a reason for report-

ing last sessions, but none against reporting for the first of the three sessions. It was high time that the system should be changed, and that adequate punishment should be inflicted speedily. If the Recorder was unable to go through the duties, some one else should be employed. The duty had clearly not been done. He had no other opportunity of noticing the subject, as the sessions began on Wednesday. There were several hundred convicts waiting to go to transportation or the hulks. Delays were always to be met with. The city members could say whether they had not complained, and found no redress. He made no apology for what he had said, and he should not be deterred either by the compliments or the censures of the noble lord from doing his duty on this subject. The account was ordered.

PARLIAMENTARY REFORM.] Sir *F. Burdett* gave notice, that he should postpone his motion on the subject of a Reform in the representation of the people, till after Easter. The hon. baronet then presented three petitions in favour of Reform: the first from the parish of Christ Church, Spitalfields; the second from Rippon and its vicinity; and the third from Carlisle and its vicinity, which were severally ordered to lie on the table.

Sir *C. Morgan* presented a petition from the freeholders, clergy, &c. of the county of Monmouth, praying for economy in the public expenditure, and a radical Reform in Parliament. Ordered to lie on the table.

Mr. *Brougham* presented a petition, signed by a number of most respectable inhabitants of the Ward of Castle Baynard in the city, praying for a Reform in the representation. The petitioners deplored the intemperate manner in which too many of those who pretended to be friends to the cause of Reform conducted themselves. They prayed for a return to the ancient usage of triennial Parliaments, and such other Reform as should be deemed most advisable. Read, and ordered to lie on the table.

Lord *Cochrane* observed, that he held a petition in his hand, which prayed for annual parliaments and universal suffrage, and it would therefore, he imagined, incur the disapprobation of an honourable and learned gentleman (Mr. *Brougham*) who had lately thought fit to attack not only the opinions, but the character of the reformers. Their opinions had been described as chimerical and absurd, and such as must originate in sinister designs. He should say something more of this presently; but in the mean time he should content himself with the words of Blackstone, who maintained, that the right of inflicting punishments was founded on the consent given by every individual to the law which ordained it. How, then, could the present system of representation be deemed adequate? In Scotland there was a population of two millions, and only 2,700 voters; and according to the theory laid down by Blackstone, the representatives of the people so elected

could not legislate so as to bind the country at large. (*Cries of order, order, chair, chair.*)

The *Speaker* said, he must appeal to the House whether this was language which ought to be permitted. (*Hear, hear*)

Lord *Cochrane* was sorry that the House had not heard the whole of the sentence, as he apprehended that then there would have been found nothing to offend.

The *Speaker* regretted to say, that the sentence had been too complete.

Lord *Cochrane* contended, that he had done nothing more than draw an inference from the principles laid down by Blackstone, and that such opinions might be entertained without any danger to the constitution. He had himself reflected deeply on the existing system of representation, and the result was, a conviction that any system must be better than the present. The hon. and learned gentleman, indeed, might have had a little consideration for the errors of the reformers, as it was not long since that he had professed the same principles. The hon. and learned gentleman who now represented a rotten borough, had on the 23d of June, 1814, at a period when it was a question as to his (Lord *Cochrane's*) expulsion from that House, and a vacancy for the city of Westminster was expected, declared at a public meeting, in a speech which was considered as a statement of his political creed, that annual parliaments were necessary, and that representation ought to be co-extensive with taxation. He had not the smallest doubt in his mind that these words were used; but in order to leave no doubt on the minds of the House, he would read them, not from any report taken by others, but from the learned gentleman's own hand-writing, in a copy furnished by himself two days after the delivery of the speech. (Here the noble lord read a paper, which was in substance as follows):—"That as often as the reformers had called for annual parliaments, they had been told, that the enemy was at the gate ready to take advantage of their political contests. This argument was now gone by, and he conceived that it would be superfluous for him to reason on a principle, with respect to which they were all agreed, viz. that suffrage should be co-extensive with taxation. He would mention, however, as a fact, for the truth of which he might appeal to his hon. friend the member for Middlesex, that a great improvement always took place in the conduct of their representatives in the last year of the duration of a Parliament, inasmuch that more good was often done in the last year than in the five or six which had preceded it. Such a fact must necessarily induce the suspicious to believe that this amendment was produced by the knowledge that they were in a short time to return to their constituents. He begged also to correct a toast which had been given, viz. "a full, fair, and free representation in Parliament," by adding the words "of the people;" for he held, that

the nobility was adequately represented, and that the court was fully represented, but that there was very little representation of the people." The noble lord, after reading these extracts, remarked, that there was no man in the country who wore shoes, or who eat bread, that did not contribute to the taxes. It was pretty clear too, that the hon. and learned gentleman who had fallen foul of the reformers, had once entertained opinions which he now denounced as chimerical and absurd.

Mr. *Brougham* trusted, that a very few words would be necessary to shew, that a more groundless aspersion never had been cast on the consistency or character of a public man. He charged, not so much the noble lord, as those who had put a brief into his hands—not with having made a false accusation, but—with rashness in not waiting till the time should arrive when that ample discussion should take place which would supply the proper opportunity for stating his opinions on the subject. He had reserved the disclosure of his opinions for that occasion, and he knew not how those, in whose hands the noble lord was an instrument, were justified in launching imputations against him, or in asserting that he had abandoned the principles which he formerly avowed. This was a gross misstatement: the speech which the noble lord had thought proper to refer to, had been made at a dinner at the London tavern of the friends to Parliamentary Reform. In addition to the late Mr. Whitbread, the member for Middlesex (Mr. Byng), and the member for Hertfordshire (Mr. Brand), were present, and he could appeal to them for the accuracy of his statement. He freely admitted that he had made use of the words ascribed to him, and he had subsequently committed them to paper, in order to guard against misconception on questions of such constitutional nicety and importance. He then thought, and continued still to think, that with a view to the integrity of the constitution, it was expedient that the elective franchise should be co-extensive with direct taxation. No man could suppose that direct taxation was to include the beggar in the streets, or every one who, in purchasing the necessities of life, paid more for them in consequence of the taxes. The noble lord might call this universal suffrage, and he would not dispute with him about the meaning of a word; but he ought to know that there were two classes of reformers, one of which held the opinions of which he was an humble advocate, and the other which maintained the justice and policy of extending the suffrage to every individual. With regard to his more early opinions in favour of moderate, gradual, and he might add, rational Reform, he was not conscious that he had ever departed from them. He had always contended in that House, and out of it, that the present system of representation might be greatly improved by throwing open various close boroughs, and by extending the suffrage,

particularly in Scotland. He had always maintained, that those who wished to go farther ought to be content with gaining these points in the first instance, because they would be so much nearer to their object, and have so much the stronger ground to stand upon. As to the miserable motives which had been imputed to him for the supposed change of his opinions, as if he could prostitute himself to the avowal of principles other than the genuine sentiments of his heart, or as if he wished, like some others, to ride into the House on the shoulders of the rabble, (*Hear, hear,*) he should merely say, that he treated them with the contempt which they deserved. The only pain which he felt at this discussion was from the observation of the follies, the madness, the false practices, and the base expedients resorted to, in order to separate the people from those who wished them best, and for no other purpose that he could imagine, but to gratify personal spleen, or to attain some private object in which the people had no sort of interest. (*Hear, hear.*)

The Hon. Mr. Ward was satisfied, from very long acquaintance with the hon. and learned gentleman, that he could not be justly accused of any culpable inconsistency. He rose, however, only for the purpose of marking his declaration, that he had told the reformers, that if they had ulterior objects, they ought, nevertheless, to support a limited Reform in the first instance, for that would do very well for a beginning. (*Hear, hear.*) These were memorable words, coming from such authority: and whenever the question should be agitated, he should remind the House of the expression, and oppose himself to every project of moderate or of radical Reform, however specious, that might be brought forward by any party.

Sir F. Burdett trusted, that few persons in the House would be found disposed to agree in opinion with the hon. gentleman who had just sat down.—It was somewhat satisfactory to him to find, that the hon. gentleman who expressed himself so alarmed at any alteration, who complained that inroads were making on the constitution, that this very gentleman was sitting behind those who had themselves made more alterations, and been guilty of more inroads on the constitution, than any other set of persons whatever: and who, besides all this, had actually bought up the Irish parliament: this was not mere rumour, not a vulgar error, it was offered to be proved by the then Speaker of the Irish House of Commons. The hon. gentleman had been a supporter of all those inroads, and yet he was so determined to oppose the removal of the most disgusting blot in the government of the country, that when any amendment was proposed, when any abuse was to be driven from its strong hold, he immediately alarmed us with the terrors of alteration and inroad. With respect to the unfortunate subject of the present discussion he should only add, that the hon. and learned gentleman

(Mr. Brougham) had clearly explained what he meant by the expression that representation should be co-extensive with taxation: by this he meant direct taxation, and he (Sir F.) was convinced that a right of suffrage to that extent would be quite sufficient. (*Hear, hear.*) Indeed he was persuaded, that such a measure would be perfectly satisfactory; that it would answer every useful end; and that, if it were adopted, we should hear no more of universal suffrage; but he could not but lament that gentlemen who knew that there ought to be some Reform, who knew that a majority of the House was returned by about two hundred members connected with the Treasury Bench, that those gentlemen should lose themselves in animosities and bickerings, instead of uniting together for the common cause they had so much at heart. After the practices carried on in the present mode of representation, and the exposure of abuses too notorious, he did lament that those who opposed these abuses should waste their strength in acrimonious disputes wholly unconnected with the real merits of the cause they embraced.

Mr. Brand animadverted on the expressions of the hon. gentleman opposite (Mr. Ward), that he should ground many observations on a future occasion, on the imputed design of those who advocated Reform, to aim at obtaining small points at first, in order that they might thence proceed to objects of greater importance. The hon. gentleman had chosen to take great alarm at this idea, and to discover in it the commencement of an attack on all that was established in the constitution; but whatever that hon. gentleman might insinuate, they who had the cause of Reform at heart were the very last who meant, by ostensibly professing at first constitutional amendments, to bring about ultimate revolution; and therefore he must enter a protest against such imputations as had been cast on them by the hon. gentleman. He agreed with the hon. baronet in lamenting the differences that had arisen between the common friends of Reform: but he lamented much more, that among those who professed to be friendly to it, some had breached chimerical systems which were only likely to mislead the multitude, and to be productive of inconvenience and mischief. (*Hear, hear.*) He agreed, that all who were acquainted with his hon. and learned friend would allow, that with his enlightened understanding he was the last person likely to fall into errors of this description, and that it was most injudicious in the noble lord thus to level against him an attack so unfounded. He hoped that the noble lord would at least abstain from personal reflections against those who were disposed to co-operate in the cause, and that in the great discussion of it which must shortly take place, he would come to the House without any feelings of individual hostility.

Mr. Curwen reprobated the means taken to

inflammé the public mind at large meetings, and to impress an idea that the House was hostile to the welfare of the people.

Lord *A. Hamilton* took occasion to remind the hon. gentleman (Mr. Ward) what had been his former sentiments, and to ask whether he could find no abatement of his severity, when he recollected that he had been the supporter of those who once advocated Reform. The question was shortly to be brought forward; but he begged to say, that in nothing which had passed on the subject in that part of the country with which he was connected, was there any ground for the insinuations that had fallen from the hon. gentleman. He himself was as decided as any man could be against annual parliaments or universal suffrage; he knew them to be impracticable, and the very proposal could be productive of nothing but mischief.

Mr. Ward entered into an explanation of his former opinions. It was very natural for one so distinguished as the noble lord to be ignorant of the opinions of one so little distinguished as himself; but they who knew him would say, that he had always, even at the hazard of offending those with whom he acted and sat, distinctly disclaimed any Reform in Parliament such as had hitherto been proposed: he now protested against the logic of the noble lord, that because he (Mr. Ward) had acted with Mr. Pitt, and Mr. Pitt had admitted the necessity of Reform, he (Mr. Ward) must do the same.

Lord *A. Hamilton* explained. All that he contended was, not that the honourable gentleman had actually supported Parliamentary Reform, but that the recollection of his former connections should have prevented him from contending that all those who supported moderate Reform had some ulterior object in view.

Mr. Canning could not avoid making some observations on what had fallen from an hon. baronet (Sir F. Burdett), who deprecated the circumstance of the true reformers thus disagreeing among themselves, and failing to unite for the general cause. It was indeed very natural that they should wish to remain friends till they had extorted something from the House, though perhaps none of them knew exactly what. Five or six different plans had been proposed, but the hon. baronet did not wish any farther exposure of these political haberdasheries, till the question should come on to be discussed in earnest. Now he differed altogether from the honourable baronet, and he entreated any gentleman who might have a pocket plan of Reform, to produce it forthwith, in order that the House might have some opportunity of judging of its merits: he was sure that no man who saw into what beautiful experiments he was to be initiated, could be so foolhardy as not to accept immediately the advantages that were offered. He was not present when the dispute alluded to by the hon. baronet arose; but as far as it involved the question of Parliamentary Reform, he thought the

noble lord (Cochrane) exceedingly ill used, and he exhorted him to adhere to his plans, whatever might be the consequence. But where was this Reform, so much insisted on, to take place, or what were we to gain by it?—The additional attachment, it would be said, of numbers who were now dissatisfied, and the consequent accession of strength to be derived from unanimity and numbers. Certainly, if he were to count the signatures of petitions, the demands for universal suffrage were out of all number the most important; but he knew that they who endeavoured to browbeat the house at first into the reception of these petitions, were now come round to caution the people against the adoption of principles which would prove not only the ruin of that house, but of the country itself. He therefore warned the House not to give way in the smallest degree to any of the proposed plans for Reform.

Mr. Tierney believed, that the right hon. gent. opposite was the only gentleman in the country who thought that no practical good could arise from any possible alteration in the frame of Parliament. That he should be alarmed at any extensive or sweeping plan was perfectly natural; but to say that every possible plan of amendment must be viewed with alarm was indeed too much, and he did not think the right hon. gent. could find a single individual who would second such a proposition. As to annual Parliaments and universal suffrage, after all that had been urged against them, the noble lord now heard the right hon. gentleman advise him to go on in his undertakings! (*Hear, hear, hear.*) He who hated all Reform, who augured danger and ruin from the very commencement of alteration, now begged the noble lord to proceed in the most extensive of all innovations. If, after that, the noble lord ceased, he must think he was acting for the reformers: if not, that he was only playing into other hands. The right hon. gentleman had treated with a sarcastic kind of humour the wish expressed by an honourable bart. that the noble lord and the honourable and learned gentleman and the other friends of Reform might make up their differences.—Why was this sneer? had the right honourable gentleman a monopoly in making up differences? (*hear.*)—How did the right honourable gentleman and those about him contrive to make up their differences? (*hear, hear.*) After that specimen of reconciliation, surely no difference of opinion, however wide, among the friends of Reform, might not be easily adjusted. (*hear, hear, hear.*) The honourable gentleman opposite (Mr. Ward) had laid in his claim, whenever this subject came to be discussed, to sound the alarm to the country, in consequence of an expression which had fallen from his honourable and learned friend. And what was the amount of the honourable gentleman's objection to this expression? That if any thing were reformed, the door would be open to the mob and to unlimited Reform! This doctrine he

(Mr. T.) feared was entertained on other descriptions of Reform besides Parliamentary. There was reason to fear that a late surrender by a noble marquis began to be considered as a dangerous "beginning." He had no doubt, that among a certain class of individuals the honourable step taken by lord Camden was held to be the most mischievous proceeding on the subject of Reform that had hitherto taken place, opening a door to the mob into which they would rush, and then who could tell whose place or salary would be safe (*hear, hear.*) For himself he felt perfectly convinced, that while the noble lord on the Treasury Bench was making a very rational speech the other evening in favour of practical economy, many who were seated near him viewed him with extreme horror, as uttering sentiments essentially injurious to the public service (*a laugh.*) The effect of this alarm had indeed been in some degree apparent: for all at once the career of reduction had stopped short: and no hope seemed to be cherished that the splendid example of the Prince Regent would be further followed (*hear, hear.*) We were to be perfectly satisfied with what had been done (*hear.*) It was rather extraordinary, considering the alarm expressed by the honourable gentleman opposite, lest any Reform whatever should be entertained, that he should have been at one period Chairman of a Committee on Sinecures, by which it was declared that it was not necessary that two paymasters should receive one salary. It was surprising, considering the sentiments now avowed by the honourable gentleman, that he could ever consent to be a party to a declaration so dangerous to the Constitution (*a laugh.*)

Mr. Lytton defended the conduct of his friend Mr. Brougham at the meeting alluded to, and expressed himself willing to share with him all the odium that might fall to him in the cause of Reform: the worst enemies of that Reform were those designing innovators whose advocate the noble lord was.

The petition, which was from the township of Harborough, in the county of Leicester, was then read.

Lord Cochrane then congratulated the house and the country on the difference of language and tone in the hon. and learned gentleman (Mr. Brougham). He had deemed it important to shew the opinions of the honourable and learned gentleman, not with a view to blame him, but to hint that he should have been less severe in his exposure of that body whose interests he ought to support. He appealed to the House whether any thing personal had commenced with him: he had stated his opinion that triennial Parliaments could effect no good, and that the disfranchisement of rotten boroughs alone would avail nothing; corruption would still continue: majorities be gained as easily as ever; and ballots be conducted at the Minister's pleasure. No change of a radical nature would arise from such a measure; while it was admitted on all

hands, that more good was effected in the last year of a Parliament than in all the preceding: this arose from the consideration of gentlemen that they must so soon appear before their constituents. He would now say, that unless the galleries were open, and the public admitted—(*Order, order from the chair.*) He trusted, however, that the subject would undergo a full and free discussion, and that some benefit must result even from that.

Mr. Brougham said, that he had never altered his tone in the least on this subject, or on whatever related to the assertions and statements of the noble lord, or of his supporters, abettors, and backers, out of doors. He meant to make this final avowal of his difference of opinion with the noble lord. One subject touched upon by the noble lord did indeed involve very serious considerations. The noble lord had alluded to a certain kind of influence: not the influence of the Crown in that house; not that of any set of well-informed persons; not the instructions given to members by their constituents; not to the sense of the people duly expressed: but to an influence of another sort, which might be exercised, and which, it appeared, might mean intimidation. Warmly as he (Mr. B.) felt in the cause of Parliamentary Reform, he was convinced that, if ever obtained, it must be obtained by means far other than those of intimidation. (*Hear.*) He was among those who would deprecate any attempt to shut the doors of the House of Commons against the people of England: but because he sincerely desired constitutional Reform, he must oppose every idea of menace, and would, if it should appear necessary, be ready to move to adjourn a debate on the subject *sine die*; or, if that were not sufficient, to adopt other means to prevent the exercise of the influence alluded to.

Lord Cochrane appealed to the candour of the House whether he had thrown out any intimidation. He had only stated his hope that the House would do that which the people expected. The petition was then ordered to lie on the table.

AGRICULTURAL DISTRESS.] Mr. Dickinson presented a petition from certain owners and occupiers of land in the counties of Somerset and Gloucester, and other places in Great Britain, praying for protecting duties on all the productions of the soil of the united kingdom, payable on the import of similar productions from foreign countries. The petitioners stated, that the cause of the present depressed state of agriculture could alone be found in the import of corn, wool, hides, tallow, butter, cheese, and seeds, and almost every other production of the soil of the united kingdom, from foreign parts, without payment of countervailing duties; because they had the evidence of facts, that during a war of twenty years of unparalleled expenditure, and as long as the advance in price of rent, produce and labour, kept pace with the increase of our national debt and taxes, every part of the com-

munity flourished and prospered in defiance of such expenditure and taxation, because during the war the difficulty and expense of importing such productions had all the effect of protecting duties; but on the return of peace the country became so inundated with foreign agricultural produce, not subject to the taxes paid by the growers of such produce in this country, as to paralyse the agriculture of the united kingdom, and with it every branch of commerce and manufacture.

Mr. *Curwen* said, undoubtedly the distresses of the agricultural classes could not be stated higher than they actually were; but he did not wish to see them relieved by measures such as those recommended in the petition. It was not by bounties on exportation—it was not by raising the price of grain and other produce, that they could hope for relief. Had he been in Parliament at the time the Corn Bill passed, he should have voted for it; but he should have voted for it, not because he conceived such a measure would have a tendency to raise prices, but because by affording protection to the grower, it would have the effect of enabling the consumer to have a certain supply at a cheaper rate. It was not by increasing the issue of paper-money, or any other bolstering-up system, that relief was to be obtained. He trusted, that the measure which he should shortly bring forward, was one which could not fail to have the effect of affording an essential relief to the agricultural interest.—The petition was ordered to lie on the table.

NAVY ESTIMATES.] Sir *G. Warrender* proposed the Estimates for the ordinary service of the Navy. The number of men was 19,000. The expense was calculated at 6*l.* 6*s.* per man a month, which was lower than the expense of the last year, when it was 6*l.* 15*s.* 10*d.* The Estimates were for six lunar months only, which left the subject open to the future consideration of the Finance Committee and of the House. He concluded by proposing a vote of 19,000 seamen, including 6,000 Royal Marines, for six lunar months, beginning April 1, 1817.

Mr. *Tierney* observed, that in 1792, the allowance per man for all the ordinary expenses of the Navy was 4*l.*, since which time it had got up to near 7*l.* He hoped it was now ascertained that the reduced estimate of 6*l.* 6*s.* would cover all probable expenses, as the reason of the former increase of the estimate was the experience of the insufficiency of the sum before granted, and the inconvenience of the arrears thus created.

Sir *G. Warrender* observed, that the proportion of Marines to the Naval force was much greater than on any former occasion. In the year 1792, there had been 10,000 men, of which 4,400 were Marines; in 1800, there had been 18,000, of which 4,600 had been Marines. As to the estimated allowance per man, it was formed after the most mature consideration, though it was not possible exactly to foretell the actual expense.

The motion was carried.

The following sums were then voted:—216,600*l.* for wages; 293,700*l.* for victualling; 255,100*l.* for wear and tear of shipping; 22,800*l.* for ordnance for the shipping.

The House resumed, and the Report was ordered to be received to-morrow.

WAR SALARY OF THE SECRETARIES OF THE ADMIRALTY.] Lord *Milton*, after various observations on what Lord *Exmouth*, in his dispatches, had denominated a war of two days with Algiers, and on the Secretaries' salaries having been increased on false pretences, moved, "that the issue of any additional salary to the Secretaries of the Admiralty, in consideration of the Expedition against the Dey of Algiers, which terminated in hostilities, is uncalled for by the Order in Council of the 15th of January 1800, and is therefore an improper application of the public money."

Mr. *Croker* said, the noble mover had attributed rapacity and meanness to him, and averred that he had obtained the increase of salary solely for himself. By the Order in Council, the salary of the first Secretary was fixed at 3000*l.* per annum during peace, with an additional 1000*l.* in time of war; the salary of the second secretary was 1500*l.* in peace, and 2000*l.* in war. Now he had demanded the increase of a quarter's allowance, but it was his right, agreeably to the Order in Council, which allowed a higher salary in time of war; and it was a duty he owed to his successors as well as to himself. If hostilities had not actually taken place, no such demand would have been made: and as to the shortness of the war, there was much additional labour in the preparation, and the last war with France was begun and ended in a day.

Mr. *Calcraft* thought it a mean and petty business to demand an increase of salary for a two days' war. He admired the hon. Secretary's zeal for his successors! The Lords of the Admiralty should have stopped this proceeding.

Sir *J. Yorke*, Mr. *Jones*, and Sir *G. Hope*, all maintained the propriety of Mr. *Croker's* demand; which Admiral *Markham* reprobated.

Mr. *Tierney* thought the Admiralty had exhibited gross neglect in sanctioning such a claim. It was a mockery to talk of additional labour. The Office was infinitely overpaid in time of peace by 3000*l.* a year—the Chancellor of the Exchequer might as well claim additional pay for the labour of issuing Exchequer Bills.—(*Hear and laughter.*)

Lord *Castlereagh* defended the increase of salary, and said, he felt unmeasured disgust to see abroad that spirit of detraction against all public men, and to witness that readiness in Gentlemen to appeal to the unsound part of the people, in order to depreciate and degrade the character of public men.—(*Hear, hear, and much laughter.*)—And what was all this outcry about? For the enormous sum of 220*l.* But it was laid hold of to excite discontent against the servants of the Crown.—(*Hear!*)

Mr. *Lamb* thought there was an essential dif-

ference between a war of two days, and one in which our fleets covered the seas. He had heard nothing but quibbling and special pleading. He, too, thought public men should not be degraded. We can establish, he said, that office shall not degrade the man, but it is out of our power to order that the man shall not degrade the office. (*Loud cries of hear!*)—They were repeatedly told of the base motives imputed to men in office—how important was it then, that odium, envy, and obloquy, should find no meanness, no sordid baseness, to glut its appetite!—how important, that the vices, if any, of public men, should be somewhat of an ambitious and generous nature; and not those of a low, paltry, and worthless mind!—(*Hear, hear, hear!*)

Mr. Barclay could not but sanction by his vote the right of the hon. Secretary to the increase of salary, though he should still retain a private opinion as to the policy of enforcing that right.

Mr. W. Smith said, admitting the official arguments alleged, still the increased salary should have been only for *two* days.

On a division, the numbers were, for the motion, 114—Against it, 169—Majority, 55.

MALT DUTY BILL.] In a Committee on this Bill, the *Chancellor of the Exchequer* proposed a clause, authorizing the Lords of the Treasury to receive the voluntary tender of His Royal Highness the Prince Regent, and such other tenders from persons receiving official salaries as they should voluntarily offer.

The clause was agreed to, and the report was brought up, and ordered to be taken into further consideration on Wednesday next.

LIST OF THE MAJORITY

WHO VOTED FOR MR. CROKER'S WAR SALARY.

Abdy, Sir W.	Brogden, J.
Abercrombie, R.	Browne, D.
Acland, Sir T.	Brydges, Sir E.
Addington, Rt. Hon. J. H.	Butler, Hon. C.
Alexander, J.	Calvert, John
Allan, Geo.	Calvert, N.
Ampley, Lord	Campbell, Gen. A.
Arbuthnot Rt. Hon. C.	Canning, Rt. Hon. G.
Ashurst, W. H.	Canning, G.
Atkins, J. Ald.	Castlereagh, Visc.
Babington, T.	Chetwode, Sir J.
Banks, Geo.	Clements, H. J.
Banks, H.	Clive, Visc.
Barclay, C.	Clive, H.
Barne, N.	Collins, H. P.
Bathurst, Rt. Hon. C.	Colthurst, Sir N.
Bective, Earl	Cotter, J. L.
Bentinck, Lord W.	Cotterell, Sir J.
Beresford, Sir J.	Courtenay, T. P.
Beresford, Lord G.	Cranborne, Visc.
Bernard, Viscount	Croker, J. W.
Binning, Lord	Crusbie, J.
Blair, J.	Cust, Hon. W.
Bloomfield, Sir B.	Dawson, G.
Bourne, W. S.	Daly, Jas.
Bridport, Lord	Davis, R. H.

Davis, Hart	Money, W. T.
Desbrow, E.	Moore, Ld. H.
Doveton, G.	Moorsom, Admiral
Douglas, W.	Morritt, J. B.
Drummond, J.	Neville, R.
Dunlop, Gen.	Nicholl, Sir J.
Dundas, Rt. Hon. W.	Ogle, H. M.
Edmonstone, Sir C.	Osborn, J.
Egerton, Sir J.	Paget, Hon. B.
Egerton, W.	Pechell, Sir T.
Ellison, C.	Peel, Sir R.
Estcourt, T. G.	Peel, Rt. Hon. R.
Falkiner, Sir F.	Phipps, Hon. E.
Fane, Thos.	Pole, Rt. Hon. W. W.
Farmer, S.	Protheroe, Ed.
Fitzgerald, Rt. Hon. Vesey	Quin, Hon. W. W.
Fitzhugh, W.	Robinson, G. A.
Frank, Admiral	Robinson, Rt. Hon. F.
Garrow, Sir W.	Rochfort, G. H.
Glerawley, Lord	Rose, Rt. Hon. G.
Gooch, T. S.	St. Paul, Sir H.
Goulburn, H.	St. Paul, H.
Grant, A. C.	Shawe, B.
Grant, C. jun.	Sheldon, R.
Graves, Lord	Shepherd, Sir S.
Hall, B.	Shiffner, G.
Hamilton, Hans	Singleton, M.
Harvey, C.	Smith, C. Ald.
Holford, G. P.	Somerset, Lord G.
Holmes, W.	Somerville, Sir M.
Hope, Sir G.	Stewart, Hon. J.
Horrocks, S.	Stirling, Sir W.
Hulse, Chas.	Strahan, A.
Hume, Sir A.	Sullivan, Rt. Hon. J.
Huskisson, Rt. Hon. W.	Suttie, Sir Jas.
Jackson, Sir J.	Sutton, Rt. Hon. C. M.
Jenkinson, Hon. C.	Swann, H.
Jocelyn, Visc.	Taylor, J.
Jones, J.	Taylor, Watson
Irving, J.	Thynne, Lord J.
Iacon, E.	Townshend, Hon. H.
Law, Hon. E.	Valletort, Visc.
Leader, W.	Vansittart, Rt. Hon. N.
Leigh, J. H.	Wallace, Rt. Hon. T.
Leigh, Thos.	Walpole, Lord
Littleton, E. J.	Ward, R.
Lockhart, W. E.	Warrender, Sir G.
Long, Rt. Hon. C.	Webber, D. W.
Lubbock, Sir J. W.	Wedderburn, Sir D.
Loftus, General	Welby, Sir W.
Lowther, J.	Wellesley, W. Long
Lowther, Lord	White, M.
Lowther, J. jun.	Wilberforce, W.
Lushington, S. R.	Wilson, C. E.
Lyster, R.	Wrottesley, H.
Maberley, J.	Yarmouth, Earl of
Maitland, E.	Yorke, Rt. Hon. C.
Manners, R.	Yorke, Sir Jos.
March, Earl of	
Marryat, J.	TELLERS.
Meyler, R.	Grant, C. jun.
Milne, P.	Osborne, J.

LIST OF THE MINORITY.

Abercrombie, Hon. J.	Baillie, J. E.
Althorp, Viscount	Baring, Sir Thomas
Anson, Sir George	Barnett, James
Atherley, Arthur	Birch, Jos.
Bastard, E. P.	Brand, Hon. Thos.
Bolland, John	Brougham, Henry
Bennet, Hon. H. G.	Burdett, Sir Francis

Burrell, Walter
 Burrell, Hon. P. D.
 Cally, Thomas
 Calcraft, John
 Calvert, Charles
 Carew, R. S.
 Carter, John
 Caulfield, Hon. H.
 Cavendish, Lord G.
 Cavendish, Hon. H.
 Curwen, J. C.
 Deerhurst, Lord
 Dickinson, Wm.
 Duncannon, Viscount
 Dundas, Hon. L.
 Dundas, Charles
 Ehrlington, Viscount
 Elliot, Rt. Hon. W.
 Fane, John
 Fazakerley, S. N.
 Fergusson, Sir R.
 Fitzgerald, Kt. Hon. M.
 Fitzroy, Lord John
 Folkstone, Viscount
 Frankland, Robert
 Fremantle, William
 Gordon, Robert
 Grenfell, Pascoe
 Gurney, Hudson
 Hammersley, Hugh
 Hamilton, Lord A.
 Hamilton, Sir H. D.
 Heathcote, Sir G.
 Heron, Sir Robert
 Howard, Hon. W.
 Howorth, Hump.
 Hughes, W. I.
 Hurst, Robert
 Jervois, G. P.
 Knox, Hon. Thos.
 Lamb, Hon. W.
 Lambton, J. G.
 Latouche, Rob. jun.
 Lytton, Hon. W. H.
 Lockhart, J. I.
 Methuen, Paul
 Macdonald, James
 Mackintosh, Sir J.
 Markham, Admiral
 Martin, Henry
 Martin, John
 Monck, Sir Charles

Morland, S. B.
 Morpeth, Viscount
 Moore, Peter
 Newman, R. W.
 Neville, Hon. R.
 Newport, Sir John
 North, Dudley
 Nugent, Lord
 Ord, William
 Ossulston, Lord
 Paget, Hon. C.
 Peirce, J. Dupree
 Peirse, Henry
 Philips, George
 Piggot, Sir A.
 Ponsonby, Right Hon. G.
 Ponsonby, Hon. F. C.
 Power, Richard
 Prittie, Hon. F. A.
 Proby, Hon. Captain
 Pym, Francis
 Ramsbottom, John
 Ramsden, S. C.
 Ridley, Sir M. W.
 Romilly, Sir Samuel
 Russell, Lord William
 Russell, Lord G. W.
 Russell, Lord John
 Russell, R. G.
 Saville, Albany
 Scudamore, Robt.
 Sharp, Richard
 Sefton, Earl of
 Smith, John
 Teed, John
 Thompson, Thos.
 Tavistock, Marquis
 Taylor, C. W.
 Tierney, Right Hon. G.
 Vernon, Granville
 Wood, Thomas
 Wright, J. Atkins
 Walpole, Hon. G.
 Waldegrave, Hon. W.
 Warre, J. A.
 Webb, E.
 Wilkins, Walter
 Wynn, C. W.

TELLERS.

Milton, Viscount
 Smith, Wm.

tranquillity, and to report to the House as they shall see occasion.

Ordered to Report,

That the Committee have met, and have proceeded in the examination of the papers referred to them.

Their attention was in the first instance directed to those which relate to the metropolis; and they have found therein such evidence as leaves no doubt in their minds that a traitorous conspiracy has been formed in the metropolis, for the purpose of overthrowing, by means of a general insurrection, the established Government, laws, and constitution of this kingdom, and of effecting a general plunder and division of property.

In the last autumn, various consultations were held by persons in the metropolis engaged in this conspiracy. Different measures, of the most extensive and dangerous nature, were resolved upon: partial preparations were made for their execution, and various plans were discussed for collecting a force sufficient for that purpose. But at a subsequent consultation another plan was adopted, which was, to get a great number of men together to see what force could be raised; and it was agreed, that the best way to get them together, would be to call a public meeting. Spafelds was fixed upon as the place affording the greatest facilities for entering the town, and attacking the most important points in the city. In pursuance of this design, and in order to assemble in the neighbourhood of London a great number of the poorer classes of the community, and particularly of those in whose minds the pressure of the times might be supposed to have excited disaffection and discontent: advertisements were inserted in newspapers, and handbills were industriously distributed, inviting the distressed manufacturers, mariners, artisans, and others, to assemble at that place, on the 15th of November. A large body of people accordingly assembled at the time and place prescribed. The most inflammatory language was there held to the multitude, having a direct tendency to excite them to outrage and violence; and the meeting was in fact followed by some acts of plunder and riot. A petition to his Royal Highness the Prince Regent was agreed to at that meeting, and an adjournment to Palace-yard on the first day after the meeting of Parliament was proposed: but the 2d of December was subsequently fixed upon (on the proposition of one of the persons concerned in the plans already described) for another meeting in Spafelds; and that day appears to have been determined upon for the execution of their design.

Various schemes were formed for this purpose: amongst them was a general and forcible liberation of all persons confined in the different prisons in the metropolis: into some of which, in order to facilitate its execution, an address to the prisoners was introduced, assuring them,

HOUSE OF LORDS.

Tuesday, Feb. 18.

PARLIAMENTARY REFORM.] Lord *Erskine* presented a petition from Glasgow, praying for Annual Parliaments and Universal Suffrage. Laid on the table.

REPORT OF THE SECRET COMMITTEE.] The Earl of *Aberdeen* presented the Report of the Secret Committee, which he moved should be read. It was accordingly read at the table, as follows:—

REPORT,

By the Lords Committees appointed a Secret Committee to inquire into certain Meetings and Combinations, endangering the public

that their liberty would be restored under a new Government; announcing the intended attack upon all the prisons for that day; apprising the prisoners that arms would be ready for them: exhorting them to be prepared with the national tricolour cockade, and to co-operate by the most violent and sanguinary means to ensure success.

It was also proposed to set fire to various barracks, and steps were taken to ascertain and prepare the means of effecting this purpose. An attack upon the Tower and the Bank, and other points of importance, was, after previous consultations, finally determined upon. Pikes and arms to a certain extent were actually provided, and leaders were named, among whom the points of attack were distributed. It further appears, that the interval between the two meetings was employed, with unremitting assiduity, by some of the most active agitators, in taking regular circuits through different quarters of the town. In these they either resorted to the established clubs or societies, or laboured in conversations, apparently casual, at public-houses, to work up the minds of those with whom they conversed into such a state of ferment and irritation, as to render them, when collected in sufficient numbers, for whatever ostensible purpose, the fit and ready instruments for the execution of any project, however rash and desperate. In the course of these circuits, one of their chief objects appears to have been to take every opportunity of attempting to seduce from their allegiance, the soldiers of the different guard and at the barracks. The principal persons concerned in this plan, actually proceeded to Spafields on the second of December, some of them with concealed arms, and with ammunition previously prepared: they had also provided themselves with tricolour flags, and with a standard bearing the following inscription:—"The brave soldiers are our brothers: treat them kindly." And also with tricolour cockades, evidently adopted as the signal of revolution. After much inflammatory language, a direct invitation was by one of these persons addressed to the multitude, to proceed immediately to actual insurrection: and it appears quite certain, that the acts of plunder which were perpetrated for the purpose of procuring arms, and the other measures of open insurrection which followed, were not accidental or unpremeditated, but had been deliberately preconcerted, as parts of a general plan of rebellion and revolution. There appears also strong reason to believe that the execution of those projects at that particular time, was expected by some of the associations in distant parts of the country. The conspirators seem to have had the fullest confidence of success; and a persuasion has subsequently been expressed amongst them, that their plans could have been defeated only by casual and unexpected circumstances. Even after the failure of this attempt, the same plans appear not to have been abandoned.

Your Committee are deeply concerned to be compelled, in further execution of their duty, to report their full conviction that designs of this nature have not been confined to the capital, but have been extended, and are still extending, widely in many other parts of Great Britain, particularly in some of the most populous and manufacturing districts.

At the meeting of the 2d of December in Spafields, that part of the assembly which had not engaged in acts of plunder and insurrection before-mentioned, came to a resolution to adjourn the meeting to the second Monday after the meeting of Parliament; namely, the 10th of February: and it appears by the papers referred to the Committee, that meetings in various parts of the country, conformably to a plan settled by the leading persons in London, at an early period, were intended to be held on the same day.

It appears manifest, that the persons engaged in various parts, both of England and Scotland, in forwarding the plans of revolution, have constantly waited for the example of the metropolis. Intelligence of the event of the meeting there on the 2d of December was anxiously expected: and as the first report of the beginning of the disturbance excited in a high degree the spirits of the disaffected, so its speedy suppression produced the expression of strong feelings of disappointment. Had it even partially succeeded, there seems much reason to believe, that it would have been the signal for a more general rising in other parts of the kingdom. Since that time it appears to be the prevailing impression amongst the leading malcontents in the country, that it is expedient for them to wait till the whole kingdom shall (according to their expression) be more completely organized, and more ripe for action.

What is meant by completely organizing the country, is but too evident from the papers before the Committee. It appears clearly that the object is, by means of societies or clubs, established, or to be established in all parts of Great Britain, under pretence of Parliamentary Reform, to infect the minds of all classes of the community, and particularly those whose situation most exposes them to such impressions, with a spirit of discontent and disaffection, of insubordination, and contempt of all law, religion, and morality; and to hold out to them the plunder and division of all property, as the main object of their efforts, and the restoration of their natural rights; and no endeavours are omitted to prepare them to take up arms on the first signal for accomplishing these designs.

It is on these grounds that your Committee have been led to look with particular anxiety to the formation, principles, and conduct of those societies or clubs, by which the ends of the disaffected have been hitherto so much forwarded, and are expected by them to be finally accomplished. Many of these societies pass under the denomination of Hampden Clubs. Under this title societies of very various descrip-

tions appear to have been formed, all professing their object to be Parliamentary Reform. This name and their professions may have induced many persons to become members of such societies, who may not be aware of the ultimate intentions of many of their leaders; and the Committee would by no means ascribe to all these societies, the same practices and designs which they have found to be but too prevalent amongst a large number of them; but they find that, particularly among the manufacturing and labouring classes, societies of this denomination have been most widely extended, and appear to have become some of the chief instruments of disseminating doctrines, and of preparing for the execution of plans, the most dangerous to the public security and peace.

Others of these societies are called Union Clubs, professing the same object of Parliamentary Reform, but under these words understanding Universal Suffrage and Annual Parliaments, projects which evidently involve not any qualified or partial change, but a total subversion of the British constitution.

It appears that there is a London Union Society, and branch Unions corresponding with it, and affiliated to it. Others of these societies have adopted the name of Spencean Philanthropists; and it was by members of a club of this description, that the plans of the conspirators in London were discussed and prepared for execution.

The principles of these last associations seem to be spreading rapidly among the other societies which have been formed, and are daily forming, under that and other denominations in the country. Among the persons adopting these principles, it is common to disclaim Parliamentary Reform as unworthy of their attention. Their objects are avowed in a handbill dispersed by the society of that description in London, and in numerous other publications. These objects are, "A parochial partnership in land, on the principle that the landholders are not proprietors in chief; that they are but the stewards of the public; that the land is the people's farm; that landed monopoly is contrary to the spirit of Christianity, and destructive of the independence and morality of mankind."

The societies under these different names are so numerous, and so various, that it has been difficult to obtain a complete view of all of them, or to comprehend them under any general description.

The country societies are principally to be found in and in the neighbourhood of Leicester, Loughborough, Nottingham, Mansfield, Derby, Chesterfield, Sheffield, Blackburne, Manchester, Birmingham, and Norwich, and in Glasgow and its vicinity; but they extend and are spreading, in some parts of the country, to almost every village. In addition to all the arts of seduction, resort is also had to a system of intimidation, and threats are held out to those who refuse to

join. Their combinations are artfully contrived to secure secrecy in their proceedings, and to give to the leading members undisputed authority over the rest. Oaths of secrecy have been frequently administered, some of which are of the most atrocious and dreadful import.

They do not, however, trust to this security alone to prevent discovery: their proceedings are seldom reduced to writing: they pass and are communicated by word of mouth. The more numerous meetings delegate all authority to a managing committee; and by that committee, and by meetings of delegates from the committees of different societies, every thing of importance is transacted.

The committees themselves are also cautious of reducing any of their proceedings to writing, communicating with each other only by delegates and missionaries.

It appears that, in some parts of the country, arms have been lately procured by individual members of these societies in considerable quantities, which can only have been done with a view to the use of force. Subscriptions are also generally required, which, although the amount paid by each individual may be very small, may produce, from the large numbers of the contributors, no inconsiderable fund.

The destructive objects which the leading members of these societies have in view are demonstrated by their publications and by their proceedings, all equally calculated to inflame the minds of the members, and in general of the poorer classes of the community. At the ordinary meetings of these societies, which are often continued to a late hour, their time is principally employed in listening to speeches tending to the destruction of social order, recommending a general equalization of property, and at the same time endeavouring to corrupt the morals of the hearers, and to destroy all reverence for religion. The landholder has been represented as a monster which must be hunted down, and the fundholder as a still greater evil; and both have been described as rapacious creatures, who take from the people 1*sd.* out of every quatern loaf. They have been told that Parliamentary Reform is no more than a half measure, changing only one set of thieves for another; and that they must go to the land, as nothing short of that would avail them. Another principal employment of their time is to listen to publications of the same description as the speeches, containing the same doctrines, and leading to the same purposes: and the meetings are frequently terminated, particularly in London, by profane and seditious songs, and parodies of parts of the liturgy, in which the responses are chanted by the whole company. By such means, and by the profession of open infidelity in which some of the members indulge in their speeches, the minds of those who attend their meetings are tainted and depraved; they are taught contempt for all decency, all law, all

religion and morality, and are thus prepared for the most atrocious scenes of outrage and violence.

Amongst the most effectual means of furthering these dangerous designs, the Committee think it their duty particularly to call the attention of the House to the unremitting activity which has been employed throughout the kingdom, in circulating, to an unprecedented extent, at the lowest prices or gratuitously, publications of the most seditious and inflammatory nature, marked with a peculiar character of irreligion and blasphemy, and tending not only to overturn the existing form of Government and order of society, but to root out those principles, upon which alone any government or any society can be supported.

The Committee cannot but consider the late attack upon His Royal Highness the Prince Regent, on his way from opening the present Session of Parliament, as an additional and melancholy proof of the efficacy of this system, to destroy all reverence for authority, and all sense of duty, and to expose to insult, indignity, and hazard, the person of the immediate representative of the Sovereign, even in the exercise of one of the most important parts of his royal functions.

It appears to be an essential part of the system to take advantage of the opportunities afforded by public meetings, convoked either by the leaders of these societies, or by others, in the metropolis, and in populous places and districts; to address the multitude in terms of unprecedented licence and violence, amounting even in some instances to an open declaration, that in case of non-compliance with their petitions, the Sovereign will have forfeited his claim to their allegiance. These proceedings are subsequently printed and circulated, and thus become a fresh vehicle for sedition and treason.

By the frequency of these meetings, and by the new practice of continuing them (under various pretexts) by frequent adjournments, the minds of His Majesty's well-disposed and peaceable subjects are held in a state of perpetual agitation and alarm. The appointment of such public meetings in a variety of different places on the same day, appears to be considered as the most effectual means of accomplishing the designs of the disaffected, and must evidently, in a high degree, embarrass and impede the exertions of all civil powers applicable to the suppression of disturbances, distract the attention of Government, and oblige them so to subdivide and harass the military force which it may be necessary to call in for the assistance of the civil power, as to render it inadequate to the maintenance of public tranquillity.

Such a state of things cannot be suffered to continue without hazarding the most imminent and dreadful evils; and although the Committee do not presume to anticipate the decision of Parliament as to the particular measures to be

adopted in the present emergency, they feel it to be their duty to express their decided opinion, that further provisions are necessary for the preservation of the public peace, and for the protection of interests in which the happiness of every class of the community is deeply and equally involved.

The *Earl of Liverpool* moved that the report be laid on the table, and taken into consideration on Friday, and that the House be summoned for that day.

Earl Grosvenor expressed his hope that evidence to justify the allegations in the report, would first be laid on the table. However respectable the committee was, the number was but very limited. The language of the report was alarming, but the disaffection might be only partial; and under the law as it stood, sufficient means existed for suppressing the attempts of the disaffected. There were no greater enemies of their country than those who would take occasion, from a partial disaffection, to abridge the liberties of the whole people.

The *Earl of Harrowby* had always understood, that one of the objects of Parliament in referring papers to a committee of secrecy was, that a greater degree of trust might be reposed in such a committee, than in one constituted in the ordinary way: and that it was to be left to the discretion of the Committee, whether the evidence ought or ought not to be laid on the table. In many cases it was obvious, that the production of the information on which the report was founded, would counteract the objects which Parliament might have in view, in adopting this course of proceeding.

The House was ordered to be summoned for Friday.

REFORM AND RETRENCHMENT.] Lord *Holland* stated, that he had some petitions in his hand, grounded on the distressed situation of the country. The first was from the Lord Mayor, Aldermen, and Livery of London. Notwithstanding the report which had been just read, he trusted the House would listen to the complaints of the people with indulgence, and the more especially, in consequence of that report, would do nothing to discourage the exercise of the right of petitioning the two Houses of Parliament. Whatever might be the allegations and statements in petitions, if they were couched in respectful language, their lordships had always been willing to receive them. He did not say so, because in the petitions which he was about to present there was any prayer to which he could not in any degree assent: but even if the prayer had been for Annual Parliaments and Universal Suffrage, it would be a calumny to say, that on that account merely, the petitioners had a design to subvert the laws and constitution of the country. His opinion was decidedly opposed to any such plan of Reform as that; but when the people were in a state of such distress, looking to the right and

to the left for relief, and formed erroneous opinions of what would best contribute to their relief, that error would be best pointed out by discussions in Parliament; and if the one-half or one-fourth of what was stated in the report was true, the Ministers were deeply responsible for not assembling Parliament at an earlier period. It was, however, matter of great satisfaction, that at all the public meetings which had been lately held, the people had always agreed to petition Parliament; and as long as they did so it was a strong indication that the constitution was safe. The people, by thus petitioning, acknowledged that it was to Parliament they ought to look for relief, and nothing could be so dangerous as an impression among them, that it was in vain to make their complaints to that quarter. As to the petition which he now had to present, if there had been no other name to it but that which first appeared, it would be entitled to serious consideration. The name was Wood, Lord Mayor of London; a gentleman who not only held the situation of chief magistrate of the first metropolis in Europe, but had also united the suffrages of his fellow-citizens in his favour to an extent almost unprecedented; who had employed his well deserved popularity in enforcing the laws, and had exerted himself as a magistrate in the suppression of disorder and tumult, certainly not less strenuously than those more in favour with the Ministers of Government. It was signed also by other Aldermen, and by some of the Livery, who, as they had shewn by their conduct throughout their whole life, that no consideration would induce them to sacrifice the liberties of the people, had lately also proved that they were incapable of yielding up at the summons of clamour the real interests of their country. The prayer of the petition was for a reduction of the public expenditure, the abolition of sinecures and useless places, some extension of the elective franchise, and some alteration in the duration of Parliaments. His lordship said he was averse from Universal Suffrage and Annual Parliaments, which would change the constitution; but he thought that some practical Reform in the representation was desirable. The best Reform, however, would be to destroy the means of influence and corruption. For this great good, the voice of the people should be raised. It was an error that Annual Parliaments were a constitutional right. The old statutes merely proved that Parliaments should be annually held, not that they should be annually elected.—The petition was ordered to lie on the table.

The noble lord then presented petitions from the Ward of Aldgate, in the city of London, and from the borough of Rutherglen, in Scotland, which were read, and laid on the table.

Earl Grey presented a petition from the Common Council of the City of London, on the same subject. He likewise disclaimed as impracticable the call for Annual Parliaments and

Universal Suffrage. Such things never had been, and he trusted never would be, though he knew that many virtuous and well-informed men supported the doctrines. He was, at the same time, a friend to moderate Reform, though he did not now carry his views so far as in his younger days he had done; for experience had taught him to doubt the advantage of such a Reform as he had once imagined—still no time ought to be lost in removing from the system of Representation those obvious stains which were the fruitful excitements to discontent. Locke, Blackstone, Pitt, and Fox, had all admitted that gross defects existed in the Constitution of the Commons' House; and even Burke had spoken of "the shameful parts of the Constitution!" The people, therefore, naturally looked for a removal of such defects, and the House should evince a sincere desire to remedy existing abuses.—The Petition was ordered to lie on the table.

FRENCH LOAN.] The Earl of *Lauderdale* moved for all official communications with his Majesty's ministers on the subject of the loan lately negotiated in France. He admitted the sacred right of individuals to dispose of their property to the best advantage, and was convinced that the employment of money in that line which brought the most profit, was, in the end, most beneficial for the general welfare. But it was a far different question, whether the disposition of such property in the funds of a foreign nation, arose from the encouragement of the Government, or was solely the act of the individuals themselves. It was to the nature of that encouragement that he pressed his motion. The noble earl then attacked the Sinking Fund, and said, that by enabling Parliament to borrow enormous sums, it had mainly contributed to reduce the country to its present distress.

The Earl of *Liverpool* had no difficulty in stating, that the Government of this country were not parties in the concern, they had entered into no engagement, they had given no guarantee, present or eventual, with reference to the transaction. It was a loan of the French Government with certain great houses in Europe, in which indeed one of the great banking-houses in this metropolis took an important share. In the exercise of his discretion, he had not thought it consistent with his public duty to discourage that transaction, though he felt it right the individuals should understand, that they entered into it on their own responsibility. The noble earl (he observed) had disparaged the principles of the Sinking Fund, as he had before taken occasion to do, both in that House and in print. He had stated that no merit was due to Mr. Pitt for the principle of the Sinking Fund, for it had been established long before his time. This was true; but what had been claimed for Mr. Pitt by his friends was, that in the course of a long, calamitous, and expensive war he had adhered rigidly to the prin-

ciples of the Sinking Fund, and had never stopped its operation. On this his merit was founded. When the finances were in a more flourishing state—which though the noble mover did not anticipate, many others did confidently look forward to—the operation of the Sinking Fund on the money market would be most important. He concluded with observing, that the motion could have no effect, as no official communications had been made to the contractors for the loan.

Lord *Holland* remarked, that the expenses of the war had deprived us of all Sinking Fund in peace. The revenue was not sufficient, or scarcely so, to cover the interest of the debt, and the expenses of Government, without any Sinking Fund. The motion was negatived.

HOUSE OF COMMONS.

Tuesday, February 18.

WOOTTON BASSET ELECTION.] The ballot for a Committee to try the merits of a petition, complaining of an undue return for the borough of Wootton Bassett was fixed for this day; but at four o'clock, there being only 61 members present, instead of 100 as the law requires, the House adjourned.

HOUSE OF COMMONS.

Wednesday, February 19.

ELECTION BALLOTS.] The ballot for a committee to try the merits of the Wootton Bassett Election being completed, Mr. *C. W. Wynne* rose and animadverted on the irregular conduct of some members, who, after their entrance into the House, had withdrawn before a sufficient number to form the ballot had appeared. He thought that some rule of greater severity was essential to the proceedings of the House, and that it was due to its dignity to adopt effectual means for enforcing the attendance of defaulters.

The *Speaker* was of opinion, that some interposition of its authority was required under the circumstances which had taken place. The question before the House now was, that the names of the absentees on the ballot should be reported on Friday next.

This motion was put and carried.

The following names were then read, being those on which the ballot had fallen for constituting the committee:—

Wm. Leader, Esq.	Sir M. Foulkes,
John Harford, Esq.	Wm. Hurst, Esq.
Wm. Fitzhugh, Esq.	J. Round, Esq.
S. Thornton, Esq.	R. Abercrombie, Esq.
Lord W. Russell,	W. Forbes, Esq.
T. Estcourt, Esq.	C. Harvey, Esq.
John Jones, Esq.	Sir J. M'Intosh.
John Bastard, Esq.	

Mr. *C. Wynn* then moved a resolution, purporting, that no member should on days of

election-ballots be allowed to leave the House after Mr. Speaker had taken the chair, till the order for the ballot had been either discharged, or the list of members completely filled up.

The *Chancellor of the Exchequer* expressed his warm approbation of the motion; observing, that it was highly disrespectful and unbecoming to the House, that members should go away under such circumstances; and he was sure, that hon. members, on reflection, would see the necessity of some regulation on the subject.

The *Speaker* suggested the propriety of giving to the *Sergeant at Arms* authority to tell members who might be leaving the House, that they were acting inconsistently with their duty, and with the rules of the House. (*Hear, hear.*)

The question was put and carried unanimously.

REPORT OF THE SECRET COMMITTEE.] Mr. *B. Bathurst* appeared at the bar with the Report of the Secret Committee, to whom certain papers laid before the House by command of the Prince Regent had been referred.

On the motion of Lord *Castlereagh*, it was read, as follows:—

"That it appears to your committee, after the most attentive consideration of the documents submitted to them from various parts of the country, that attempts had recently been made to take advantage of the distresses of the labouring and manufacturing classes of the nation, with a view not only to effect a Parliamentary Reform on the principle of Annual Parliaments and Universal Suffrage, but to cause the total overthrow of all our institutions, and of every description of landed and funded property.

That this system of general spoliation chiefly proceeded from the doctrines maintained by a number of societies distinguished by the title of "Spencean," whose tenets were principally drawn from the works of a visionary writer, published above twenty years ago. That at meetings of some of these societies it was urged, that Parliamentary Reform must be held out as the ostensible object of their efforts, and with a view to mislead their enemies; but that it was in fact only a half measure; and that the people ought to look to the possession of the land, and nothing short of that; and that as to the constitution, of which so much had been said, this country had no constitution, for it was not to be found in any book, nor could any man tell what it was. In other societies founded on the Spencean principles, it had been maintained, that the only remedy for the grievances of the people was to hunt down the landowners, and to deprive those still greater wretches the fundholders of their pretended rights.

It appeared also, that these, and other societies of a similar character, had been guilty of the most blasphemous and impious proceedings; and that, as they assumed to be of a convivial nature, their political discussions were followed by songs

of the most inflammatory and seditious description, and by the recitation of profane parodies of the liturgy, and of various parts of the Holy Scriptures.

That in order to extend the principles of these societies over the whole kingdom, the most active efforts were made by their various members: and in consequence those principles were disseminated in speeches at public meetings to the discharged soldiers and sailors, and to the distressed labourers and manufacturers of the country; and that, in aid of this object, incredible activity had been used to disperse cheap, and in many instances gratuitous publications, unfolding the doctrines of the societies.

That it had been proved to the entire satisfaction of your Committee, that a number of the members of these various societies, acting in a body as delegates, conceived and declared, that in their opinion the objects which they had in view might be and ought to be insured by an effort of the physical strength of the people to overpower the constitutional authorities. That they considered the first step which should be taken by them for this purpose, was by their individual exertions to discover and foment the discontents of the metropolis and its vicinity: and that returns of their proceedings were made by the individual delegates to the general body.

That it appears to your Committee that a plan was formed, by a sudden rising in the dead of night, to surprise the soldiers, and in the terror which would be thereby occasioned, to set fire to the town in various places, and to take possession of the Barracks, the Tower, and the Bank. That to assist in the execution of this project, a formidable machine was invented with which the streets could be cleared of all opposing force. This plan was, however, relinquished as premature: and it was resolved, that it would be more proper to ascertain the strength of the popular party, by convening meetings under the pretext of taking into consideration the legal mode of redressing grievances; and a map of London having been examined, Spafielde was selected as the place whence an attack on the Bank and the Tower could with the greatest facility be made. That the first meeting at Spafielde was accordingly advertised for the 15th of November, and that printed and written placards were exhibited in all parts of the town, of one of which the following is a copy:

"Britons to arms! The whole country only waits the signal from London. Break open the gunsmiths'. Arm yourselves with all sorts of instruments. No rise in the price of bread. No Regent, No Castlereagh. Off with their heads! No taxes. No bishops: they are only useless lumber.

"N. B. 5,000 of these bills are posted up in the town, and in the principal parts of the neighbourhood." That the intended insurrection assumed all the symbols of the French Revolution. That a committee of public safety was formed, consisting of 24 members. That flags and

cockades were prepared for the occasion: but that on the 15th of November, when the first meeting took place, there was no violence (although there was some plunder in the evening of the day), and that the meeting adjourned to the 2d of December, by which time it was hoped means might be found to accelerate the accomplishment of the projected undertaking.

That your Committee find that not a moment was lost in the interval between the first and second meeting, to take advantage of every circumstance, which could further the attainment of the objects in view. Additional publications of an inflammatory nature were circulated every where. Endeavours were made to raise a general subscription for the support of those who had relinquished their ordinary occupations, to enable them to devote themselves to these purposes, which persons had hitherto chiefly been paid by a principal member of one of the societies. A plan was formed for the seduction of the soldiers, by raising hopes of promotion in the event of their joining in the approaching attempt, and exciting discontent among them by a story of the landing of a large foreign force in the country. It was again recommended, that the barracks should be the object of particular observation. Those quarters of the town where distress was most prevalent were visited by individuals appointed to inflame the people. Those warehouses along the river, and those shops in various parts of the town where arms were deposited, were carefully noted. A plan was also formed for the seduction of the sailors, by offering them additional pay under the new Government which was about to be established.

That immediately before the meeting of the 2d of December, many persons connected with these proceedings procured arms of various descriptions. It was thought that sufficient means had thus been obtained to carry on the intended operations for at least two hours, by which time it was supposed enough would be got from the gunsmiths and other depots to arm a considerable number of individuals. The manufacture of tricolour riband was encouraged, with a view of rendering it familiar to the eyes of the public.

Your committee have further received undoubted information, that a large quantity of pike-heads had been ordered of one individual, and 250 actually made by him, and delivered and paid for. It was also undoubtedly intended to liberate the prisoners in the principal gaols in or about the metropolis, in the hope of their concurrence and assistance in the intended insurrection. Addresses were introduced into some of those prisons, and recommended to be communicated to others, in which the persons confined were invited, in the name of the tricoloured committee, to rally round the tricoloured standard, which would be erected on Monday December the 2d, and to wear the tricoloured cockades themselves. It was promised that the prisoners should be liberated by force, and arms were stated to be provided for them; and they

were directed to be ready to assist in overpowering the turnkeys. A waggon was hired for the business of the day, in which the flags and banner or standard, which had been previously prepared, together with some ammunition, were secretly conveyed to the place of meeting. From this waggon, before the ostensible business of the day commenced, in the other part of the field the most inflammatory speeches were delivered tending directly to excite insurrection, concluded by an appeal to the multitude assembled, whether they were prepared to redress their own grievances. A tricolour cockade was then exhibited, and the tricolour flag was displayed, and a number of persons followed it out of the field.

The direction which they took was towards that part of the town previously designed: gunsmiths' shops were broken open, addresses and offers were made to the soldiers at the Tower to induce them to open the gates; but from the failure of the numbers expected to join the insurgents, no attempt was made to force the gates. An attack was, however, made upon the City Magistrates assembled in the Royal Exchange, a shot fired, and a tricoloured flag and cockade openly displayed and seized on the offender.

In reviewing the whole of the transactions of the 2d of December, your Committee are firmly persuaded, that, however improbable the success of such a plan may appear, it yet was deliberately premeditated by desperate men, who calculated without reasonable ground upon defection in their opposers, and upon active support from those multitudes whose distress they had witnessed, and whom they had vainly instigated to revolt. That consequently it was not merely the sudden ebullition of the moment, or the unauthorized attempt of any unconnected individual.

Your Committee are further convinced that, notwithstanding the failure on the 2d of December, the same designs still continue to be prosecuted with sanguine hopes of success.

Your Committee having thus stated the general result of the evidence which has been laid before them, respecting the state of the metropolis, have now the no less painful duty of calling the attention of the house to what has been passing during the same period in different parts of the country, a subject of equally momentous consideration. The first thing which has here forced itself upon their observation is the widely diffused ramification of a system of clubs, associated professedly for the purpose of Parliamentary Reform, upon the most extended principal of Universal Suffrage and Annual Parliaments. These clubs in general designate themselves by the same name of Hampden Clubs. On the professed object of their institution, they appear to be in communication and connexion with the club of that name in London.

It appears to be part of the system of these clubs to promote an extension of clubs of the same name and nature, so widely as, if possible,

to include every village in the kingdom. The leading members are active in the circulation of publications likely to promote their object. Petitions, ready prepared, have been sent down from the metropolis to all societies in the country disposed to receive them. The communication between these clubs takes place by the mission of delegates; delegates from these clubs in the country have assembled in London, and are expected to assemble again early in March. Whatever may be the real object of these clubs in general, your Committee have no hesitation in stating, from information on which they place full reliance, that in far the greater number of them, and particularly in those which are established in the great manufacturing districts of Lancashire, Leicestershire, Nottinghamshire, and Derbyshire, and which are composed of the lower order of artisans, nothing short of a revolution is the object expected and avowed.

Your Committee find, from equally undoubted information, that the doctrines of the Spencean Clubs have been widely diffused through the country, either by the extension of similar societies, or more frequently by the intervention of Missionaries or Delegates, whose business it is to propagate those doctrines throughout every society to which they have access. It is the universal practice of these Societies, to require from the members a small weekly subscription, which provides a fund for the expenses of these Missionaries, and also for the purchase of seditious tracts, which are read and commented on at their meetings. Some of these tracts, now before your Committee, inculcate, in the most artful manner, the necessity of overturning what they call "The Privileged Class," as distinguished from the people, who are described as consisting of labourers, artisans, tradesmen, and every profession useful to society. A new order is declared to be the will of the people; rebellion is justified by the assertion, that a nation cannot be a rebel: and all religion is disavowed as well as loyalty, by the assertion, in answer to the question, "Would you live without Gods or Kings?" "We abjure tyranny of every kind."

It seems, indeed, to be a part of the system, adopted by these societies, to prepare the minds of the people for the destruction of the present frame of society, by undermining not only their habits of decent and regular subordination, but all the principles of morality and religion. Your Committee find, that there is scarcely any very numerous society in the parts above referred to, of whose proceedings they have obtained an account, in which some of the leading speakers do not openly avow the most seditious opinions, and do not excite their hearers to be prepared for actual insurrection. Topics for discussion are selected with this view; amongst others, the question, Whether the jacobin or the loyalist was the best friend to his country? Even where petitioning is recommended, it is proposed to be conducted in such a manner, by an immense

number of delegates attending in London at the same time, in several parties, attached to each petition, as might induce an effort to obtain by force whatever they demanded. A general idea seems prevalent among those who compose these societies, that some fixed day, at no very great distance, is to be appointed for a general rising. They have been taught to look to the meetings in London as the signal for their operations, and have been in the habit of adjourning their own assemblies simultaneously to the same day; and it is a lamentable instance of the common interest which they feel, if not of the connexion which is formed with those most implicated in the outrages committed in the metropolis, that about Manchester and some other places, the greatest exultation was manifested previous to the meeting in Spafelds on the 2d of December: and the taking of the Tower and the ruin of the Bank were publicly and confidently predicted. The news of the result was impatiently expected, the roads were crowded during the night with a number of persons, many of them delegates from the different societies in the country, waiting for the arrival of the mail-coach: and the disappointment was not concealed, when it was ascertained that the riot had been quelled without much serious or extensive mischief.

It appears that the confidence of the disaffected is such, that they represent the numbers enrolled as amounting to several hundred thousand, and that their societies are daily increasing; that in their lists they distinguish by particular marks those among their subscribers who are able-bodied men, and ready to act when required: and that they also keep a list of those who refuse to join them in what they call a "Black Book," and threaten vengeance against these persons when the general insurrection shall take place. In some parts of one populous county, where nearly every village has already its Hampden Club, the members make it no secret that they consider themselves as of no other use than as being ready to act whenever they are called upon: on their admission they are said to be listed, and receive a secret card with the words "Be ready, be steady."

The habits and manners of these persons seem entirely changed; they already calculate upon the share of land which each is to possess, and point out the destruction of the churches, as the necessary consequence of their success. It appears that preparations are in progress, in several places, for providing arms: the demand upon gunsmiths for every species of fire-arms has been beyond all former example: the intention is professed of having recourse to a still larger supply to those towns where arms are manufactured, and where they are to be obtained at a very low rate, from the general cheapness of labour at this time; or in case of necessity, they are to be seized by force. The facility of converting implements of husbandry into offensive weapons has been suggested; and persons have been sent to observe the state of particular

places, where depots of arms for the public service were supposed to have been formed.

Your Committee find, ~~that~~ a system of secret association has been extended to the manufacturing population of Glasgow, and some other populous towns of Scotland; and although these societies have availed themselves of the same pretext, of Parliamentary Reform, on the broadest basis, your Committee are firmly persuaded, from the information which has been laid before them, that their ultimate object is the overthrow by force of the existing form of Government. That the time for attempting this enterprise was to depend on the simultaneous rising of the disaffected in England; with some emissaries from whom occasional intercourse appears to have taken place, and that some provision of weapons has been made by this association.

Your Committee have now submitted to the House what they conceive to be a fair and not exaggerated statement of the result of their investigation. They have thought themselves precluded from inserting, in an Appendix, the information from which it is drawn, by the consideration, that unless it were extremely partial and incomplete, they could not make it public without hazarding the personal safety of many respectable individuals, and in some instances without prejudicing the due administration of public justice.

On a review of the whole, it is a great satisfaction to your Committee to observe, that, notwithstanding the alarming progress which has been made in the system of extending disaffection and secret societies, its success has been confined to the principal manufacturing districts, where the distress is more prevalent and numbers more easily collected; and that even in many of these districts, privations have been borne with exemplary patience and resignation, and the attempts of the disaffected have been disappointed; that few, if any, of the higher orders, or even of the middle class of society, and scarcely any of the agricultural population, have lent themselves to the more violent of these projects. Great allowance must be made for those who, under the pressure of urgent distress, have been led to listen to plausible and confident demagogues, in the expectation of immediate relief. It is to be hoped, that many of those who have engaged to a certain extent in the projects of the disaffected, but in whom the principles of moral and religious duty have not been extinguished or perverted by the most profane and miserable sophistry, would withdraw themselves before those projects were pushed to actual insurrection.

But with all these allowances, your Committee cannot contemplate the activity and arts of the leaders in this conspiracy, and the numbers whom they have already seduced, and may seduce; the oaths by which many of them are bound together; the means suggested and prepared for the forcible attainment of their objects;

the nature of the objects themselves, which are not only the overthrow of all the political institutions of the kingdom, but also such a subversion of the rights and principles of property, as must necessarily lead to general confusion, plunder, and bloodshed; without submitting to the most serious attention of the House, the dangers which exist, and which the utmost vigilance of Government, under the existing laws, has been found inadequate to prevent."

Lord Castlereagh then moved, that the report should be printed, and taken into consideration on Monday next, which was ordered accordingly.

PROFITS OF THE BANK OF ENGLAND.] Mr. Grenfell moved for a select committee to inquire into the engagements between the Bank and the Government, and to consider the advantages derived therefrom by the Bank, with a view to such arrangements as would be consistent with the public faith and equity, that ought to exist in all transactions between the Bank and the public, and to report thereon. The House would recollect, that in the year 1797, the affairs of the Bank of England were investigated by a parliamentary committee of secrecy. It then appeared, that from the establishment of the corporation in 1694 to 1797, the only profits which the Bank directors had been able to grant to the proprietors were those annual dividends, which at first were 8 or 9 per cent. were reduced afterwards with the decreasing rate of interest to $4\frac{1}{2}$ per cent, and rose again afterwards, on the passing of the restriction act, to 7. These were the only profits. In those days no bonus had ever been heard of, and the average amount of those dividends, from 1694 to 1797, was $6\frac{1}{2}$ per cent. In 1797 it appeared, that the Bank, having made this dividend of $6\frac{1}{2}$ per cent. had a clear surplus capital of 3,800,000l.; this, added to the previous capital of 11,600,000l., made the total stock in 1797 amount to 15,400,000l. Since 1797, confining his view to advantages gratuitously given, and to the profits arising from the exorbitant rate at which the Bank was paid for managing the money affairs of the country (without taking into consideration the trade in bullion, which might or might not have returned a profit), he would undertake to say, that the gains of the Bank had been greater than had ever been known in any age or nation. The profits of the banks of Amsterdam, Hamburg, and Genoa, were nothing when compared with what had been gained by the Bank of England within the last 20 years. This he asserted to be a fact within his own knowledge and experience as a proprietor. These profits amounted to a bonus of 27 millions, in addition to the regular dividend of 7 per cent. It was not to see that every government had derived great pecuniary accommodation from the Bank of England; but it was the restriction act of 1797 that enabled the Bank to come forward with these accommodations; so

that it was the public itself that first enabled the Bank to accommodate the public, and to gain a command over the currency of the country. These accommodations had become a source of wealth to the Bank, which had thereby clearly gained an influence over the Government, that had been manifested on more occasions than one. When he had complained of the enormous charge for merely paying the dividends and transacting the banking business of the country, an hon. gentleman on the other side had said, the Bank was contented with 7d. on every 100l.; that is, 7d. per cent. on 800,000,000l.! But the question was not whether we should pay 7d. or 6d. for every 100l.; but whether the risk run, or the services performed by the Bank, required a payment of 282,000l. per annum. He should be happy to meet the Bank on a committee, and to prove that the services paid with nearly 300,000l. per annum, would be well paid by half, by 150,000l. Then he complained of the unmerited gains from the sums of money remaining in the hands of the Bank, seldom less than 9 millions, and sometimes amounting to 15 millions, producing a loss of more than 5 or 600,000l. to the public, and an equal profit to the Bank; and all this for the comparatively insignificant service of acting as the bankers of the public, paying the dividends, and drawing the drafts that were necessary. He had proposed resolutions to exhibit the aggregate amount of public money in the hands of the Bank, and the profit they derived from it; but he was met by a set of counter resolutions. The Bank, however, afterwards agreed to advance six millions, which was a valuable concession; and a saving in the rate of interest of 60,000l. a year. He believed that these six millions formed only part of the public money then in the Bank's hands. It was therefore only a public use of part of the money which belonged to the public. He thought that, instead of paying 4 per cent., the public should have had it for nothing; but his amendment to that effect was negatived. Afterwards three millions more were lent at 3 per cent., and there was a third concession of about half a million, equal to 25,000l. a year saving, from the unclaimed dividends. The savings effected by these three transactions amounted to 145,000l. a year; which, with what the public gained by arrangements respecting stamps, made up 180,000l. The House would judge whether this was the result of the discussions on the subject within those walls, or of the vigilance and activity of the Chancellor of the Exchequer, co-operating with the awakened sense of justice, after twenty years' sleep, of the Bank directors. He was glad to find, however, that in the two last sessions such savings had been made. He might now, perhaps, be asked, why he was not satisfied; and what object he wished a committee to employ itself upon? His answer was, that he should not be satisfied until ample and per-

fect justice was rendered to the public. The present balance of public money held by the Bank, he estimated, in the aggregate, at eleven millions, which were quite unproductive for the service of the country; but occasioned a loss of interest of 550,000*l.* per annum. He referred to the Chancellor of the Exchequer's correspondence with the Bank in 1814, the result of which was, in truth, a recognition by the Bank of their profits, and of the right of the public to interfere. Nothing had since passed to preclude the public from making regulations. We were now losing 280,000*l.* a year of interest by our deposits; and all this for no services except the Bank's acting as treasurer. He must confidently look to this as a great source of saving. Next he came to the exorbitant rate at which the Bank was paid for management. He would refer to certain parliamentary papers, which would afford members particular information on this point. These were the able report of the finance committee of 1797, the voluminous report of 1807, Mr. Perceval's correspondence with the Bank directors, and various other matters of detail. He believed he could shew that, instead of allowing the Bank 300,000*l.* a year, they would be liberally and handsomely paid by less than half that sum. (*hear.*) He looked, indeed, for a saving in this branch of 150,000*l.* These were his two great sources. There were some other heads not quite so important, but which ought not to be overlooked, especially after the House had thought it so necessary to debate minor reductions in different public officers' salaries. Since 1792 the Bank had made their charge on 4 millions bought by them from the South Sea Company; but the management had now ceased. This was said to be part of an agreement with that company: he doubted this. But suppose it was so, there was a third party to be considered—the public, who were made to pay it. This charge was at a greater rate than that for the management of other public debts. The Bank had also 800*l.* upon every million of a loan. In that way they received during the war 4 or 500,000*l.*: they gained permanent concessions at every increase of public debt. Another item was disgusting: Mr. Perceval considered it improper. They charged 4,000*l.* a year for their house expenses, meaning, he supposed, coals, candles, and stationery. The term "house expenses," which was formerly used, was not palatable, and now they called it "charges of management;" but management of what? Why, of their own affairs! It was discreditable to them, and unjust to the public. In agitating this subject, he was actuated only by public motives, by an honest conviction of the grievance, and a sincere and perhaps ardent desire to contribute to the correction of evils, and the alleviation of the calamitous burdens which oppressed every class of the community.

The Chancellor of the Exchequer observed, that if the transactions between Government

and the Bank had not been already considered, he should have paid more attention to the hon. member's arguments. The report of the select committee on expenditure shewed that a rigorous and exact examination had taken place. Various suggestions were made, of which he had always endeavoured to avail himself in any negotiations with the Bank. Any profits from the money they held were now clearly decreasing, by circumstances affecting the interest of money, and by the return of peace. Supposing the Bank could have even made 5 per cent. on all the balances in time of war, it could not do so now. There had been great reductions on the exchequer bills. The arrangement two years ago must now be more advantageous to the public, and less so to the Bank. The balances could not be employed for the public advantage but by arrangements with the Bank. It appeared to him impracticable without the Bank's concurrence and assistance. Mr. Perceval thought of another plan, and accordingly made arrangements with the Bank for the purpose of advances, partly without interest. On this principle the present arrangements were formed; and the advances of 6,000,000*l.* and 3,000,000*l.* made. He could not conceive it wise or prudent to shake the agreement. During the last session, it was determined that the Bank should resume cash payments on the 5th of July, 1818, with the understanding that they were to make every proper preparatory arrangement for that event. It would be indiscreet now to make an inquiry into what those arrangements are. Instead of going into a minute examination of all the transactions of the Bank, it was preferable to allow the Bank to proceed without harassing them, as he believed the directors sincerely intended to take all proper steps: by this mode he was convinced they would best promote the public good, give security to commerce, and afford greater means of accommodation both for private transactions and for public purposes. He could not feel it his duty to agree to the proposed committee, particularly at the present time. It would be useless and inconvenient.

Mr. Peter Moore said, the vast profit made by the Bank at the expense of the country, shewed the propriety and necessity of the inquiry into which it would be the business of the committee to enter.

Mr. Marryat supported the motion for a committee, on the ground of the advantages which had already resulted from the consideration given by the House to the engagement between the Bank and Government. To shew that the services of this corporation, in acting as the national bankers, were exceedingly overpaid, he must appeal to the case of the United States of America, where the National Bank, in consideration of the balances of public money in its hands, and the other advantages it enjoyed by the countenance of Government, managed the public business for nothing. He might still farther, in proof of the doctrine he wished to

establish, mention the fact, that the Globe Assurance Company offered to do the same for this Country, which the American National Bank did for the United States. The saving that might accrue to the public from a change in the present arrangements between the Government and the Bank, appeared to him very important; and the inquiry into its practicality and extent, deserved in his mind, precedence over most other questions of economy.

Mr. *Huskisson* rejoiced to see the period approaching in which cash payments would be resumed, and entertained the most sanguine hope, that it would not be delayed beyond the time contemplated by Parliament. The hon. member who spoke last, gave as a reason for inquiry into the profits of the Bank, with a view to a more equal participation in them by the public, the circumstance that the Bank of the United States of America transacted the public business for nothing. He (Mr. H.) did not know what advantages the Government of that Country allowed the Bank; but to make the comparison as it ought, the circumstances of both establishments should have been stated. It should have been mentioned whether the Bank of the United States allowed the public three millions without interest, and had paid large sums for repeated renewals of its charter. The hon. member (Mr. Grenfell) had enlarged on the great profits of the Bank during the war, and considered its profits as losses to the public. He had forgotten that other corporations and societies likewise made great profits. He had complained that these profits were made by the Restriction Act, and recommended a participation in these profits, because they had accrued from the interference of the legislature. He (Mr. H.) although he allowed these profits were great, thought that it would not be consistent with the dignity of the legislature, to share in profits that resulted from a measure which was enacted not for profit, but security. He objected to a committee of inquiry, because inquiry had already taken place, and none of the facts on which the present motion was grounded were pretended to be new. Almost every account and every fact, was before the committee of 1807, which drew up the able report, embodying almost all the hon. member's observations. The house-money and other items were there contained. If, in consequence of the information then collected, and the perfect knowledge of all the grounds on which the public could claim a participation in Bank profits, no better bargain was made in 1808, the circumstances were less favourable at present for making an increased demand than then; and this, accordingly, was not a period for revising subsisting engagements, with a view to alter them, so as to obtain greater advantages.

Mr. *Manning*, (the Bank Director) observed, that the subject had been before considered by the House, when it was admitted that the charge

was not unreasonable: the Bank charges were now decreasing, and he saw no ground for inquiry.

Lord *A. Hamilton* thought that the hon. gentleman, (Mr. Grenfell), had shewn sufficient ground for a committee. There was no mode so proper to be adopted, and he should, therefore, give it his most cordial support.

Mr. *Christopher Smith* said a few words in favour of the system pursued by the Bank, and objected to the motion.

Mr. *Grenfell* in reply, said, that he had seen the charter of the American Bank; and he could state without the fear of contradiction, that they had undertaken to make the transfers, and to manage the whole business of the State, for nothing, in consideration of the balances in their hands. (*Hear, hear.*) The principles upon which the Bank of England now proceeded, were directly opposite to the original intentions of the legislature, and a most unjust and heavy burden on the country. The Bank could not take to itself any credit for its advance of money to the Government at a low interest; for ever since 1746, this had been the condition of the renewal of its charter.

On a division, there appeared for the motion, 40—against it, 90.—Majority 50.

CASH PAYMENTS.] Lord *A. Hamilton* then rose, and after enforcing the necessity of watching the proceedings of the Bank with some jealousy and distrust, especially on the notorious ground that the prosperity of the Bank and the distresses of the country had always advanced together, moved for three documents: 1st, For any notice given by the Bank in 1816, respecting the payment of notes in specie; 2d, for an account of the amount of specie which they were liable to pay on this notice; and, 3d, for the amount of specie actually paid in consequence of such notice, up to the latest date.

The *Chancellor of the Exchequer* agreed with the general principle of the propriety of resuming cash payments; but stated, that they could not be resumed without, in the first instance, great confidence on the part of the public. When it was considered that the Bank had shewn so ready a disposition to anticipate the time appointed for resuming payments, and had called in some of their notes even 18 months beforehand, it would be unwise and operate to the prejudice of the public to shew, by too minute an investigation, a jealousy of their preparatory measures. If the circumstances of the country permitted, the Bank would resume their payments in specie, in July 1818. It was gratifying to see the favourable state of the exchanges, and the present price of bullion; and the House would entertain the most sanguine hope, when they recollected that bullion to the amount of two millions and a half, had been procured for the new coinage. He must, therefore, object to the motion, on the ground that the Bank was already doing all that had been asked of it.

The question was then put, and negatived without a division.

QUEEN'S BIRTH-DAY.] On the motion of the *Chancellor of the Exchequer*, and after some observations by *Mr. Brougham*, *Mr. Calcraft*, and *Mr. Curwen*, on the inconvenience of delay, it was agreed that the House should adjourn over to-morrow, it being Her Majesty's Birthday.

MINORITY

ON MR. GRENFELL'S MOTION.

Banks, Henry	Martin, Henry
Babington, Thos.	Martin, John
Blair, J. H.	Monck, Sir C.
Browne, Dom.	Morland, J. B.
Bennet, Hon. H. G.	Moore, Peter
Brand, Hon. Thos.	Newman, R. W.
Carter, John	Ossulston, Lord
Caulfield, Hon. H.	Prittie, Hon. F. A.
Dickinson, William	Ponsonby, Rt. Hon. G.
Duncannon, Viscount	Rashleigh, William
Folkstone, Viscount	Romilly, Sir Samuel
Frankland, Robert	Russell, Lord William
Guise, Sir William	Scudamore, Robert
Halsey, Joseph	Smith, Robert
Jervoise, J. J.	Smith, William
Jones, John	Smyth, J. H.
Lamb, Hon. William	Tierney, Rt. Hon. G.
Lockhart, J. I.	Wilberforce, William
Marryat, Joseph	Webb, Edward
Mackintosh, Sir J.	Wynn, C. W.

TELLERS—Grenfell, Pascoe—Hamilton, Lord A.

HOUSE OF LORDS.

Friday, Feb. 21.

SECRET COMMITTEE.—LONDON UNION SOCIETY.] Earl *Grosvenor* said, he had a petition to present from the Secretary to the London Union Society, and he was the more anxious to call their lordships' attention to it, as he had been given to understand since he came into the House, that it was the intention of Ministers to propose the suspension of the Habeas Corpus Act. When the report of the Secret Committee had been first read at the table, he had contended that the evidence on which the Committee had founded their conclusions, ought to be laid before their lordships. He was now provided with a precedent—that of 1794, when a very strong report, and also the evidence, were produced. It had occurred to him, when he first heard the report read, that much of it consisted of inference from facts, rather than a statement of facts, and that it was therefore peculiarly desirable that their lordships should see the evidence. This feeling was considerably strengthened by the statements in this petition; which, if true, would not only throw considerable suspicion on the evidence from which the committee had drawn its conclusions, but shew that very great injury had been done to the petitioner, as well as to others. The petition was in these words:

"To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of

Secret Committee.—London Union Society. [216

Great Britain and Ireland in Parliament assembled.

"The Petition of *Thomas Cleary*, Secretary to the London Union Society.

"Humbly Sheweth, That it is with great reluctance, as well as humility, that your petitioner offers himself to the notice of, and prays for a hearing from your right hon. House; but that your petitioner, though a very humble individual, feels himself impelled by a sense of imperious duty, to beseech your right hon. House to pause, and to hear further evidence, before your right hon. House proceed to adopt legislative measures upon the report, now on the table of your right hon. House, from your late Secret Committee.

"Your petitioner begs permission humbly to state to your right hon. House, that he has read in the afore-mentioned Report of the Secret Committee of your lordships, the following passage, to wit:—

"Others of these Societies are called *Union Clubs*, professing the same object of Parliamentary Reform, but under these words, understanding Universal Suffrage and Annual Parliaments—projects which evidently involve not any qualified or partial change, but a total subversion of the British Constitution. It appears that there is a *London Union Society*, and *branch Unions* corresponding with it, and affiliated to it. Others of these Societies have adopted the name of *Spencean Philanthropists*; and it was by Members of a Club of this description, that the plans of the conspirators in London were discussed and prepared for execution."

"Your petitioner presumes not to oppose his opinions against those of a Committee of your right hon. House; but he hopes, that he may be humbly permitted to state, that when a Bill was brought before your right hon. House by the late Duke of Richmond, laying it down as a matter of principle, that Annual Parliaments and Universal Suffrage were the inherent and unalienable rights of Englishmen, the noble duke was not accused of a desire to produce 'a total subversion of the British Constitution.'

"It is not, however, on matters of opinion, but on matters of most important fact, that your petitioner humbly appeals to the candour, the wisdom, and the justice of your right hon. House, and on matters of fact too, with regard to which, your petitioner is able to submit to your right hon. House, the clearest and most indubitable testimony.

"Your petitioner's entire ignorance of the views of the Secret Committee of your right hon. House, as well as his profound respect and extreme deference for every thing done within the walls of your right hon. House, are more than sufficient to restrain your petitioner from attempting even to guess at the reasons for your Committee's having so closely connected the '*London Union Society*' with the Societies of '*Spencean Philanthropists*;' but your petitioner humbly begs leave to assure your

that he is ready and able to prove at the Bar of your lordships, that there never has existed, between these Societies, the smallest connection of any sort, either in person or design, the object of the former being to obtain 'a Parliamentary Reform, according to the Constitution,' while that of the latter, as appears from the Report of your lordships' Committee, has been to obtain a *common partnership in the land*; and that, therefore, any evidence which may have been laid before the Secret Committee of your lordships, to establish this connection, is, as your petitioner is ready to prove at the Bar of your lordships, wholly destitute of truth.

"But the facts to which your petitioner most anxiously humbly to endeavour to obtain the patient attention of your right hon. House, relate to that *affiliation and correspondence*, which your lordships' Secret Committee have been pleased to impute to the London Union Society, by observing that "it appears that there is a *London Union Society*, and *Branch Unions*, corresponding with it, and *affiliated to it*;" a description which seems, in the humble conception of your petitioner, to resemble that which was given of the London Corresponding Society, in 1795, and which, as your petitioner humbly conceives, point to measures of a nature similar to those which were then adopted; and your petitioner, though with all humility, ventures to express his confidence, that the evidence which he doubts not has been produced to your lordships' Secret Committee, to justify this description, is wholly and entirely false, as your petitioner is ready to prove, in the most satisfactory manner, at the Bar of your right hon. House.

"Upon this important point your petitioner humbly begs leave to represent to your right hon. House, that the London Union Society was founded in 1813, by Mr. Edward Bolton Clive, Mr. Walter Fawkes, the late Colonel Bosville, Mr. Montague Burgoyne, the present Lord Mayor, Mr. Alderman Goodbehere, Mr. Francis Canning, Mr. William Hallett, Sir Francis Burdett, Major Cartwright, Mr. Robert Slade, Mr. Timothy Brown, Mr. J. J. Clark, and several other individuals equally respectable; that it continued to hold meetings but a very short time; that it never did any act except the publishing of one address to the nation on the subject of Reform; that it never had any one "*Branch*;" that it never held any *Correspondence* either written or verbal with any Society of any sort; that it never was *affiliated* to any society, or branch, or any body of men whatsoever; finally, that it has not even met for nearly three years and a half last past; and, of course, that it is not now in existence.

"What, then, must have been the surprise and the pain of your humble petitioner, when he saw, in the Report of your lordships' Secret Committee, this London Union Society represented, not only as being still in existence, but busily and extensively at work, establishing branches and affiliations, carrying on an active

correspondence, infusing life into Societies of Spencean Philanthropists, and producing, by these means, plans of Conspiracy, Revolution, and Treason! And, though your petitioner is too well assured of the upright views, and of the justice of every committee consisting of members of your noble and right hon. House, not to be convinced that very strong evidence in support of these charges must have been produced to your lordships' Secret Committee, your petitioner cannot, nevertheless, refrain from expressing most humbly his deep regret, that your lordships' Committee should not have deigned to send for the books and other testimonials of the character and proceedings of the London Union Society; and your petitioner humbly begs leave to observe, that this omission appears singularly unfortunate for the London Union Society, seeing that the Secret Committee of your lordships appear, in another part of their Report, to lament the want of means of obtaining the written proceedings of Societies, and seeing that it was natural to expect, that a Society having Branches, an Affiliation and an active Correspondence, had also a copious collection of written documents.

"Your petitioner is aware, that he has trespassed too long on the patience of your lordships; but, well knowing that your lordships seek only for *truth* as the basis of your proceedings, he humbly hopes that you will be pleased to excuse the earnestness of his present representation, and he also presumes humbly to express his hope, that your lordships will be pleased, in your great tenderness for the character and liberties of his Majesty's faithful subjects, to consider whether it be not possible that your Secret Committee may have been misled, by what they may have deemed good evidence, as to other parts of their recent Report: and, at the least, your petitioner humbly prays that your lordships will, in your great condescension, be pleased to permit your petitioner to produce all the Books and Papers of the London Union Society, at the Bar of your right hon. House, where your petitioner confidently assures your lordships, that he is ready to prove all and singular the allegations, contained in this his most humble petition.

"And your petitioner will ever pray.

"THOMAS CLEARY."

From this petition their lordships would perceive, that their Committee might have been misled by false evidence. (Here the Duke of Athol called to order.) He had only said that the committee might have been misled by false evidence. Under these circumstances, then, and entertaining a constitutional jealousy of the Ministers of the Crown at all times, but more particularly under the present circumstances, when it was in contemplation to propose the adoption of a measure which would leave the liberties of the country at the mercy of these Ministers—of Mr. Canning, Mr. Bragg Bathurst, Lord Castlereagh—(Here the Duke of Athol

again called to order. The noble earl had no right to impute motives to any individual; and it was especially disorderly to impute motives to so large a body of their lordships as sat on that side of the House.)

The *Lord Chancellor* said, that, if their lordships permitted anything so disorderly to proceed, he would not sit ten minutes on the woolsack to hear it.

Earl *Grosvenor* said, he had not imputed improper motives to any one. He had only stated, that he was informed it was in contemplation to pass an act which would throw the liberties of the subject into the hands of the Ministers of the Crown; and until he was convinced that what he said was disorderly, he should, with their lordships' permission, continue his observations.

Lord *Rolle* rose to order; and asked, whether it was fair or orderly to introduce into the discussions in their lordships' house the names of members of the other House.

Earl *Grey*.—It appeared to him, that those who now stood forward in support of the orders of the House were themselves the violators. What his noble friend had said contrary to order, he had yet to learn. He did not hear him impute improper motives to any man. What he understood him to say, and which he was ready to repeat after him, was this—that the effect of the measure now in contemplation would be to leave the liberties of the country at the mercy of the Ministers of the Crown. Then his noble friend had named certain members of the other House—whether discreetly or not was for his own consideration; but he believed his assertion was well founded, when he said that it was not contrary to order to name in that House members of the other House. It appeared to him, therefore, that his noble friend had been most improperly interrupted, and chiefly by the noble lord on the woolsack, whose duty it particularly was to take care that the orders of the House should be attended to. When a noble lord was called to order, then, before any other noble lord spoke, the noble lord so called to order ought, without interruption, to be allowed to give such explanation to the House as he thought proper. This much in vindication of his noble friend, who did not go beyond the truth, when he said that the effect of the measure now in contemplation would be to surrender the liberties of the country to the Ministers of the Crown.

The *Lord Chancellor* said, a more disorderly proceeding than this he had never witnessed. He denied that he was particularly called upon to take care that the orders of the House should be attended to; although he admitted that such was his duty equally with that of any other noble lord in the House. The noble lord had stated, that it was in contemplation to suspend the *Habeas Corpus* Act. Had anything been as yet said about the suspension of that act? If the Report of the Committee of the House of

Commons had been brought up and laid on their lordships' table, then the noble lord might have referred to the proceedings, and mentioned the names of members of the other House; but no communication of the Commons' Report had been made to them, and they knew nothing whatever of it; therefore it was disorderly to refer to it. With respect to the Report of their lordships' Committee, it had been ordered to be printed for the use of the members of the House only; and the petitioner could regularly know nothing of it. In his anxiety to see the orders of the House enforced, he might perhaps go too far; but he had conceived that he was perfectly right in calling the noble earl to order; and if he was wrong, he was so far wrong that he wished the House to say whether he was right or wrong, that he might know his situation.

Lord *Holland*.—The speech of the noble lord who had just sat down, made in support of the orders of the House, was itself eminently disorderly. When any noble lord was called to order, the usage was, that no other noble lord should speak till that noble lord had an opportunity of giving the proper explanation; but, instead of arguing that point, the noble lord proceeded to charge his noble friend with being disorderly for having brought up the petition, and read it to their lordships in the present state of their proceedings. But if it was disorderly to have introduced the petition at all, then, if they meant to insist upon that point of order, his noble friend ought to have been interrupted before he stated the petition; but after that had been suffered to pass, it ought not to be made a ground of interruption, with reference to an entirely distinct point; for nothing could be more disorderly than, in rising to order on one point, to proceed to argue on another point, with respect to which there had been no call to order. Now, whether the noble lord was in a particular manner bound to take care that the orders of the House should be enforced, or was in that respect merely on a footing with the other peers, this was clear—that, his noble friend having been called to order, he ought to have been heard in explanation without interruption; but yet his noble friend had been interrupted in a manner which had prolonged a most disorderly conversation.

The Earl of *Liverpool* conceived the noble earl to have been very disorderly. All that the noble earl knew was, that the Secret Committee had made a Report, which was read in that House, which was ordered to be printed for the use of the members of that House, and which was to be taken this night into consideration; and yet the noble earl had cast an imputation on the Ministers of the Crown, on a ground of which he could regularly know nothing. For the sake of convenience, measures intended to be proposed to Parliament were sometimes previously communicated to individuals in conversation and otherwise; and in ordinary cases he would not have objected to an allusion to such

projected measures. But if the noble earl had experienced the indulgence of the House, he had made a most unjustifiable use of that indulgence, in throwing out imputations against the Ministers of the Crown, and even casting a personal odium upon certain members of the executive Government, to whom the exercise of the powers which it might be necessary to concede, would not immediately and directly be-

1 Grosvenor.—He should be very sorry to prolong this conversation more than was absolutely necessary for his own vindication: but if the noble earl (Liverpool) thought that he was out of order in referring to measures not yet proposed, the noble earl ought to have interrupted him, and to have objected to it at the time. The noble earl had thought it invidious in him to have named certain members of the Executive Government in the other House of Parliament: but he had named them merely as members of the Executive Government, and would have had no objection so to name the noble earl, or any other member of the Executive Government in their lordships' House, had it not been, that to name them would have been disorderly. The noble lord on the woolsack had conceived, that he (Earl Grosvenor) had alluded to the Report of the Secret Committee of the House of Commons; but the noble lord was mistaken, for he had made no allusion to that Report, of which certainly their lordships could as yet regularly know nothing. It was also true, that the public could not regularly know any thing of the Report of their lordships' Committee. But the fact was, that the proceedings of that House did find their way into the public prints; and their proceedings on a subject in which the liberty, property, and even the lives of his Majesty's subjects were so much concerned, must excite peculiar attention, and even create an unusual agitation in the public mind. If that must be the effect on the public in general, how much more must their proceedings on this subject excite the attention and agitate the minds of those who were most likely to be the victims of harsh measures, if any such should be adopted; and he put it to the candour and justice of the House, whether it would not be hard upon this individual, if their lordships, without further information, without any evidence at all before them, were to adopt measures which, with reference to him, might be of serious import? He put it to their lordships, whether it would not be highly just and proper to hear the evidence now tendered to them, before they came to a decision on a question of this magnitude? This was the ground on which he brought up this petition. He was far from saying that some measures, that some strong measures, might not be necessary; but their lordships ought to have evidence before them to justify the adoption of such measures. He trusted, therefore, that their lordships would not only allow this petition to be laid on the table,

but that they would call for the evidence given before the Committee, and also hear the evidence which this petitioner offered to produce at their bar.—He moved that the petition be read; and it being read by the clerk,

The *Lord Chancellor* rose to object to its being received. Was it to be endured that, because a Report had been made by a Committee of their lordships' House, and because that Report had been ordered to be printed for the use of the members of that House, a petition should be admitted, stating part of the contents of the Report, of which the public could as yet regularly know nothing, and that this petition should be presented by a noble earl, a member of their lordships' House? Were they to go farther, and suffer the proceedings of the Commons to be observed upon, before any communication of these proceedings was made to their lordships' House? If it was their lordships' pleasure that their orders should be so far dispensed with, he must yield to the opinion of the majority; but having, during the course of a long life, strenuously stood forward in support of the laws, and of the constitution as he understood it, he could not now permit the violation of their lordships' orders, unless compelled to do so by the majority. But if their lordships would receive this petition, in violation of the orders of the House, he should feel it his duty to enter his protest against that decision.

Earl Grey agreed that it was of very great importance that the orders of the House should be carried into effect; and though the noble lord had promised to stand alone in the breach, in case no other would assist him, he did not think that the noble lord would be called upon to practise that self-devotion. As at present advised, he could not agree that it would be inconsistent with the orders of the House to receive this petition. What was the noble lord's statement? He said, that as the Report was ordered to be printed only for the use of the members of that House, it could not have come regularly to the knowledge of the petitioner, and that his complaint could not, therefore, at present be regularly heard, however much he might be aggrieved. True, the proceedings of that House could not regularly be sent abroad and brought before the public; but if their lordships intended to enforce their orders so very strictly, they ought to begin by preventing the publication of their proceedings, so rigidly and uniformly, that no individual could be injured by the breach of their orders; for if their lordships' proceedings did find their way into the public prints, and happened to convey a charge of the most serious import against an individual, with all the weight and authority which belonged to their lordships' House, they could not in justice refuse to hear that individual in his defence. The petitioner stated, that the Report of the Committee, proceeding upon false evidence, conveyed an unjust and unfounded charge against him; and would the noble lord, who had been

so long engaged in support of the laws, and of the constitution according to that noble lord's understanding of it—an understanding of it, by the bye, in many important points very different from his (Earl Grey's,) would the noble lord say, that the petitioner could have prosecuted the publishers of the Report for a libel? The noble lord would not say so; for he (Earl Grey) was aware of a precedent where it had been held, that such a prosecution could not be maintained. A report had been made in 1795 by a committee of the other House, reflecting upon the late Mr. Horne Tooke; and this report was published by an individual. Mr. H. Tooke took the proper legal steps to obtain redress; and Lord Kenyon had declared, that the Court of King's Bench could not bring into question the proceedings of Parliament. He (Earl Grey) himself heard Lord Kenyon say so; and heard him likewise observe, with that felicity of quotation for which he was so remarkable, that if it were to be endured, that the proceedings of Parliament should be questioned in the Court of King's Bench, then "chaos was come again!" The report charged the Union Society with the crime of being engaged in a traitorous conspiracy, and that there were many ramifications of this central society engaged in the same design. The petition stated, that there was no foundation whatever for this allegation; that this society had no ramifications; and that it had not met for more than three years past: and the petitioner offered to produce the books and papers of the Union Society at the bar, and to prove the allegations in the petition by evidence, which the Committee might have called for, but did not. In point of justice, therefore, to the individual, and he hoped their lordships' orders were not inconsistent with justice, the petitioner ought to be heard before their lordships adopted any measures on this Report. He was happy to find that the noble earl, the chief Minister of the Crown, considered it as a serious and unmerited imputation on him, that he should have had it in contemplation to propose a measure of so enormously dangerous a nature (*hear, hear*) as that which had been mentioned; a measure which ought never to be adopted, except in cases of the clearest and paramount necessity. He was glad that the noble earl had felt himself warranted in repelling with indignation (*hear, hear*) an imputation which he appeared to consider as entirely unmerited: but, at all events, it was their lordships' duty, in justice to the people, in justice to the Sovereign, to whom they were bound to give their best advice—it was their duty to satisfy themselves, that the occasion was such as to demand whatever measures they might be called upon to adopt. It was their duty to satisfy themselves whether the Committee had or had not been misled by false evidence: and he trusted the noble duke (Duke of Athol) on the other side would not insist that he (Earl Grey) was out of order when he said

that human minds were fallible. (*Hear, hear, hear.*) Even though there should be some objection, in point of form, to the receiving of this petition, yet when the fact was, that the Report had been published, and when the petitioner alleged that there was a passage in that Report reflecting upon him, which passage their lordships, on inspection, found to be contained in that Report, on what principle of justice could they refuse to hear the petitioner in his defence? If the House were on this ground to refuse the petition, on what subject could petitions be received? (*Hear.*) The public could regularly know nothing of a bill while in progress: many of the bills were indeed printed, but printed only for the use of the members of that House, and many of them were not printed at all; and on what principle could those interested in bills, petition against them during their progress, if this petition were to be refused on this ground. Suppose a bill were brought in for the suspension of the *Habeas Corpus* Act, upon the principle now contended for, the people would have no opportunity of petitioning against it. The noble earl had indeed considered it a grievous imputation upon him and his colleagues, when it was said that they had such a measure in contemplation; but then it might happen that a proposition would at some time be made to suspend the *Habeas Corpus* Act, and were the people to be deprived of the opportunity of petitioning against it? The doctrine surely could not be maintained, that the rules and orders of their lordships' House were inconsistent with justice; and, therefore, their lordships could not refuse to receive this petition, and to hear the evidence which the petitioner tendered for his own vindication from this heavy charge which had been made against him.

The Earl of *Narrowby* would merely observe, that it was the duty of their lordships to enforce the observance of their own orders, whenever they were called upon so to do. It was true, that speeches and proceedings of that House, the publication of which was an infringement of their lordships' orders, came to the knowledge of the public, and petitions, it was possible, might be founded on such proceedings; but then their lordships' attention was not called to the circumstance. If the present petition were received, what objection could be made to the receiving of others of an equally irregular nature? Every proceeding in that House, of which persons out of doors, according to their rules, could know nothing, might be petitioned against. Their table might be loaded with petitions from every Union Club, and every Hampden Club in the kingdom, against statements in a Report of which the parties had no right to know anything. It was doubtless their duty to receive every petition which was expressed in proper and decorous terms, and which was in no way inconsistent with the orders made for the regulation of their

proceedings; but it was equally their duty to reject a petition which shewed on the face of it, that the facts to which it referred could not come to the knowledge of the petitioner without a violation of their lordships' privileges.

Lord *Holland* had not heard one word which could be regarded as a sufficient reason for rejecting the petition. Did their lordships not sometimes print bills? and did they not even pass bills which had never been printed? A bill was as much a secret proceeding as the Report in question had been. He should be glad if the noble lord would shew what was the difference between a bill and any other proceeding; and explain on what ground petitions were to be received on bills, and rejected on reports. He had even known petitions to be presented against other petitions before their lordships, when the parties had no better knowledge of the proceedings which had taken place than the present petitioner had of the Report. He did not say that this petition ought to be received, if it was of a description which their lordships generally rejected, or if it was excluded by any usually enforced rule; but he could see no good reason for making a new rule for its exclusion, or enforcing against it any rule usually relaxed in other cases. It was true, it was a breach of privilege to publish the proceedings of that House; but when these proceedings did come to the knowledge of the public, it was no breach of privilege to found petitions on them. It was no breach of privilege for a petitioner to state to Parliament circumstances which had taken place in Parliament. The decision on Mr. *Horne Tooke's* case strongly enforced the propriety of receiving the present petition: because, if an aggrieved individual had no redress against the publishing of parliamentary reports injurious to his character, it followed that he could obtain redress no where but from Parliament: but how was he to seek redress, if a rule of their lordships' House excluded them from the right of making any application. On these grounds, he, for one, should vote for receiving the petition his noble friend had brought under the notice of the House.

Earl *Grosvenor* had now to propose, that the petition be laid on the table. From what had been said in the debate, the question which their lordships seemed called upon to decide was, whether there was any thing in the state of public affairs which ought to induce them to adopt an unusual course with respect to petitions? If there was any thing in the state of the times which might cause a difference, it was, in his opinion, precisely of that kind which ought to induce their lordships to throw their doors wide open to the complaints of the people, and of course readily receive such a petition as this.

The Earl of *Lauderdale* conceived that there was no parliamentary proceeding on which it was not competent for the subject to petition. It was well known that petitions taking notice of other petitions often lay on their lordships'

table. He recollected a proceeding of Parliament of a very remarkable kind; namely, the commercial propositions relative to Ireland, which gave rise to many petitions. Those propositions were printed and circulated through the country, and he never recollected any occasion on which the petitions presented to Parliament were more numerous. In short, he could perceive no ground, either of reason or precedent, on which the present petition could be rejected.

The Duke of *Athol* thought the point of order a sufficient reason for rejecting the petition; but he would also oppose its being laid on the table on the ground of the impropriety of its language, which he considered in several parts very objectionable.—The noble duke laid particular stress on the expression, that the evidence on which the statement in the report relative to the Union Society was founded was wholly and entirely false.

Lord *Erskine* wished to ask their lordships, if this present petition was rejected, on what ground any other could afterwards be received? He had presented a petition from the city of Glasgow, signed by 25,000 persons, and he found in the Report a very serious charge against all the individuals who had signed that petition, for it prayed for annual parliaments and universal suffrage. No man was more decidedly inimical to annual parliaments and universal suffrage than he was; but was he to say, that the persons who signed that petition, finding themselves referred to in the Report of their lordships' Committee, had not a right to apply to that House on the subject, if they considered themselves aggrieved? If this petition was inadmissible, no other remonstrance could be received. He well remembered the case of Mr. *Horne Tooke*, which had been alluded to. In that case it was contended in the court, that the whole public had a right to have a knowledge of such a proceeding as the secret report of a committee of either House of Parliament. If the petition had been conceived in disrespectful language, that would be a justifiable reason for its rejection; but he did not consider the passage pointed out by the noble duke capable of the construction he had put upon it. The petition complained of a grievance, and the language necessary clearly to describe that grievance was employed; but there appeared no intention on the part of the petitioner to say any thing disrespectful of the House, or to express himself in a manner which could give any ground for the rejection of his application for redress.

The Earl of *Darnley* was perfectly satisfied that nothing disrespectful could be fairly attributed to the language of the petition. The passage which the noble duke had referred to, as warranting such an opinion, amounted only to this—that the members of the committee had, as fallible individuals, been imposed upon by false evidence. As the Report contained charges

of treason against various descriptions of persons, it was a very extraordinary doctrine to say; that it was not competent for an individual, who considered himself falsely accused, to come to their lordships' bar, and say he was not guilty of the conduct attributed to him; especially as the charges against him were to be made the foundation of measures which might affect his liberty or his life.

The Duke of *Athol*, in explanation, re-quoted the expression in the petition which he had considered as disrespectful.

Earl *Grey*.—The petitioner states, that he has been misrepresented by false evidence, and that he is ready to prove this at the bar. In what other language could he state this than that which he had employed, and in which he declared that the charge was false and unfounded? How could it be asserted that this language was disrespectful to their lordships? Considering the business as of the greatest importance, he was anxious to suggest a mode of getting over the difficulty which had occurred. He would, therefore, propose to move as an amendment, that this debate be adjourned for a short time, in order that the matter may be referred to a committee of privileges, with instructions to search for precedents, and to report whether there was any instance of a petition similar to the present being rejected on the ground of reference to proceedings of that House, of which the petitioner ought to have no knowledge. With this view, he moved that the debate be adjourned until Friday next.

The Earl of *Liverpool* saw no ground for any inquiry of the kind. Not a word had been said to shew that the petition ought now to be received, or that any similar petition had ever been admitted to their lordships' table. It advanced assertions which the individual from whom it came had no means of proving. It inferred that certain measures were to be adopted of which he could know nothing. It had been said by the noble lords on the other side, that petitions against bills were equally objectionable; but this was not the fact, as the usage of parliament had decided the question with respect to the right of petitioning against them. With respect to the Irish propositions, they afforded as little authority for the opinion which had been maintained. These propositions involved measures affecting the interests of great bodies of people; and they were printed for the purpose of giving the persons interested an opportunity of considering them, and petitioning against them, if they should think fit. On comparing the statements of the present petition and the prayer, it appeared that the inducement of the individual to come forward, was a desire that he might be heard, in order to prevent the adoption of measures similar to those of 1795, which he conceived the legislature had in view. (*Hear, hear.*) Whether such measures are to be proposed or not it is impossible for him to know; and to what a state would their lord-

ships be reduced, were they to permit individuals to come forward with petitions, not merely against measures before the House, but against measures which the petitioners apprehend might be introduced? Every individual in the country who apprehended that any measure affecting himself, or the public in general, might at some time or another be introduced into that House, would have the right of appearing at the bar with his petition. The noble earl had not been able to refer to any instance of a similar petition being received; and he considered that a sufficient reason for rejecting it, as well as for not acceding to the proposed adjournment.

Lord *Holland* contended, that the noble earl (*Liverpool*) entirely failed in supporting the distinction that he had attempted to draw between the present case and that of the precedent of the Irish propositions. All former reports of the committee were not, according to the forms of Parliament, promulgated; they were as much secret as the present Report, to which the petitioner had adverted. Yet the table of that House was loaded with petitions. The noble duke (*Athol*) had taken another and a better ground for rejection—did the fact correspond with the objection? The present petition was, however, in no way, in his opinion, objectionable as to the language in which it was couched. There were, as he understood, but two grounds on which the petitions of the subject could be refused. Either when what was asked was out of the cognizance of the House to grant, or when it was stated in disrespectful language. Neither of these objections could be arrayed against the petitioner, and in every view of the subject he must say, that the House would evince a great appetite for the refusal of petitions, should it reject the present, without in the least investigating those precedents, on which very precedents those who opposed its reception, ventured to ground their hostility. (*Hear, hear.*)

Earl *Fitzwilliam*.—As I had the honour of being a member of that Committee of Secrecy, whose Report has been presented to this House, I feel solicitous to give my opinion on the subject of this petition. To that Report I assented, from the nature of the evidence that was before the Committee. That evidence has been contradicted by the petition, both in point of fact and time; and therefore I would be exceedingly sorry that a petition containing such allegations should not be received. At all events, I feel it a duty most seriously to press upon the consideration of the House the propriety of adopting the amendment of my noble friend.

The House divided on the amendment, when the numbers were—Contents 18—Not Contents 64—Majority against the Amendment 46.

PARLIAMENTARY REFORM.] Lord *Holland* presented a petition from Paisley, signed by several thousand inhabitants, praying for Annual Parliaments and Universal Suffrage. His lordship declared his unqualified disapprobation of

Universal Suffrage, but stated in justice to the petitioners, that the language was respectful to the House, the petition very numerously signed, and the quarter of the empire from which it came, precisely that which had most reason both in theory and practice to lament the inequality of representation.—Ordered to lie on the table.

SUSPENSION OF THE HABEAS CORPUS ACT.] Lord *Sidmouth* stated that he was prepared, on coming down to the House that day, to have gone fully into the subject itself, and to have communicated the grounds on which his Majesty's government felt it imperative to recommend the measure now about to be submitted to the consideration of their lordships. From the wish expressed by a number of the members of that House, he was willing to defer the discussion on the bill he then held in his hand until the second reading, which he should fix for Monday, at the same time communicating his intention of forwarding it through its various stages on that night. He then moved that "A bill to enable his Majesty to secure and detain in custody such persons as his Majesty shall suspect of treasonable intentions against his Majesty's person and government," should be read a first time.

Lord *Holland* begged it might be clearly understood, that his consent to the present proposition by no means precluded him from opposing the bill. He hoped that the noble lord would, when he moved the second reading, enter fully into the grounds on which he proposed so extraordinary and important a measure. If it should still be determined not to lay the evidence on which the Committee had founded their Report before the House, it might at least be expected that Ministers would consent to lay before their lordships the dates of the transactions referred to in the Report, and also the dates of the information relating thereto which had at different times been received by his Majesty's Government.

The bill was then read a first time and ordered to be read a second time on Monday.

LIST OF THE MINORITY

ON THE QUESTION OF REJECTING THE PETITION
PRESENTED BY LORD GROSVENOR.

Duke of Sussex	Earl Lauderdale
Duke of Somerset	Earl Rosslyn
Marquis of Wellesey	Visct. Torrington
Earl Darnley	Lord Auckland
Earl Derby	Lord Feskine
Earl Essex	Lord Foley
Earl Fitzwilliam	Lord Holland
Earl Grey	Lord Say and Sele
Earl Grosvenor	Lord St. John.

HOUSE OF COMMONS.

Friday, Feb. 21.

ROCHESTER ELECTION.] Mr. *W. Byng* appeared with the report of the event of the ballot

on the Rochester election. The members chosen were, Sir T. Baring, Sir C. Hunt, Sir N. Colthurst, Messrs. Lee, Law, Wyatt, Robinson, Lester, Lester, Rashleigh, Long, Macdonald, Williams, Bolland, Terry, Wright.

WINDOW TAX.] Sir *J. Shaw* presented a petition from certain merchants and traders in London, complaining of the oppressive tendency of the assessed taxes, in respect of their shops and warehouses, which had been rated to the house tax. Application had been made to the Treasury, and relief promised; but not afforded. The Tax-office had made a new reading of the act, imposing the duty at a time when the foreign markets were glutted with goods, and of course they were incapable of paying any new tax.

The *Chancellor of the Exchequer* said, he was disposed to do justice between all parties, and therefore the matter should be investigated without delay.

The petition was laid on the table.

ABUSES OF MAGISTRATES IN LICENSING PUBLIC-HOUSES.] Sir *S. Romilly* presented a petition from the inhabitants of the district in the vicinity of White-Horse-lane, complaining of the conduct of magistrates in licensing public-houses. All he should ask at present would be, for the petition to lie on the table. If his hon. friend, (Mr. Bennet,) who moved for a committee last session on the subject of the police, should propose the renewal of that committee, the present petition might be referred to it; if he did not come forward, he (Sir S.) should himself propose a committee on the question. The petition complained of the injustice of the magistrates in refusing to license a house in that district, which was very much wanted: the house, too, was one of a very superior description. Taking the circumstance by itself, perhaps there was little to complain of, that the magistrates, in the exercise of the very great discretion that was reposed in them, should refuse to license a particular house; but in the very same district the same magistrates had licensed houses of the most notoriously objectionable description. This subject was intimately connected with the state of the police, and the conduct of the magistrates mainly affected the state of the criminal poor, if he might use the expression. In the district from whence the petition came, the number of public-houses was so great, that in Shadwell every 12th house was a public-house; in Gravel-lane, every 8th house; in Norton-falgate there was a public-house for every 73 inhabitants; and these houses were principally of the lowest and most infamous description, the common resort of thieves and prostitutes. It had been imputed to some of the witnesses before the committee, that they had acted from pique; but he would rely on the statement made by Mr. Giffard in his account of the police of that district, that the conduct of the magistrates was so grossly unjust, they were so inattentive to the complaints

that were made, and the complaints were entirely fruitless, that he (Mr. Giffard) had stayed away from the meetings altogether. The evidence of Mr. Markland was to the same effect. The learned gentleman then proceeded to read part of Mr. Giffard's evidence. To the question, whether a formal complaint proved against a house before the magistrates was sufficient to cause a refusal of the licence to that house, he answered, no: he had himself reported most disorderly house, and yet a licence had been granted, as if no such report had been made. Houses of this description were termed flash-houses, and were the refuge of thieves and prostitutes of the lowest description. He thought them a great cause of the depravity of moral in the metropolis. His reasons for not attending the meetings of the magistrates were, that no complaints were ever attended to. Some of the magistrates were brewers themselves, others were owners of public-houses, others had relations who were brewers or owners. One of the magistrates who granted licenses in that district was the proprietor of 12 public-houses and receiver of the rents of 10 others; he was more or less interested in 22. He (Sir S.) would not take up the time of the House any longer, to shew in what manner these licences were granted; he would only add, that one man had obtained his licence after six different convictions! (*hear, hear*). He should not mention names at present, because he thought the circumstances should be more fully inquired into. In one part of the report, it appeared that one of the magistrates had complained of his inability to remedy any disorders in the neighbourhood of Charing-cross, the power of licensing houses in that vicinity being in the Board of Green Cloth: that representations and complaints had been made by the magistrates themselves; but that the Board of Green Cloth had continued to license the houses in spite of all remonstrances. There was much disorder in the neighbourhood of Charing-cross, which could not be put down by the magistrates owing to the jurisdiction of the Board of Green Cloth. He could not omit this opportunity of calling the attention of the House to the enormous increase of crimes committed by children; and he wished also to say something on the rewards that were given to persons who apprehended offenders. In the police report it appeared, the magistrates had all been examined touching the propriety of these rewards offered by statute on the conviction of criminals; and there was not one of them who did not declare, that no officer of justice was ever influenced by those rewards in the testimony he might have to give; they only thought they might be improper, because they raised up a sort of discredit against the witness; nay, so delighted was the Recorder with this system of pecuniary rewards for the detection of crime, that he wished them by all means to be extended. Now, after all, the report was scarcely printed, before a combina-

tion came out, the most extensive and atrocious that had ever been devised for entrapping innocent men into crimes and depriving them of their lives for the sake of the reward. It appeared that 16*l*. was the whole amount of the reward for which three lives were to be sacrificed! (*Hear, hear.*) He only mentioned this to shew how far things had gone before the mischief was even known or suspected: he thought it desirable that the committee should be renewed as soon as possible, and he was anxious to know if any measures were in contemplation.

The petition was then read, and another from the village of Haggerstone, in the parish of Shoreditch, complaining of similar grievances. In the last instance a public-house had been refused to a new village of 200 houses, while there was no public-house within half a mile.

Mr. B. Bathurst said, that the different cases had been submitted to the Lord Chancellor, who did not think himself justified in applying that discretionary power which was vested in him, but had directed that the opinions of the Attorney and Solicitor-General should be taken with regard to the propriety of instituting a prosecution. These law officers had not discovered sufficient grounds for recommending such a measure; but he could assure the House that his noble friend and relation (Lord Sidmouth) had done every thing in his power to attain the ends of justice. He knew that he was animated by an earnest desire to effect some improvement, and that he felt it to be not so much a question of property to individuals, as one affecting the discharge of a very important trust on the part of magistrates, and a trust which appeared, in some instances, to have been abused. He believed it likewise to be the opinion of his noble relative, that at all events some new legislative provision was necessary. (*Hear.*)

Mr. B. B. animadverted in pointed terms on the misconduct of Mr. Mercer, one of the magistrates in the district alluded to. Even since the report of the committee had been published, no reform had taken place, although several magistrates had been charged with a most corrupt exercise of power. One public-house in particular had been again licensed, in defiance of the censures of the committee, the disapprobation of the churchwardens, and the complaints of many respectable inhabitants, as well as the open opposition of Mr. Markland, the police magistrate. The majority of these trading justices, worse by far than the trading justices of old, deliberately sanctioned the existence of houses which were the known receptacles of thieves and prostitutes, in which young persons were initiated in every species of debauchery, and in every species of crime. All this immorality was encouraged and promoted merely because the keepers of these houses were playing into the hands of certain proprietors, who at the same time discharged the functions of justices of the peace. He must declare it

to be his opinion, that the Lord Chancellor had not done his duty in suffering, after five years of mal-practices, a guilty and shuffling individual (Mr. Merceron) to remain any longer in the commission.

The *Attorney-General* asked, whether it would be becoming in the Chancellor to act against any magistrate before his conviction? His lordship, however, had directed the opinions of himself and the Solicitor-General to be taken, with regard to the propriety of filing a criminal information. It was competent to any person complaining of injustice or misconduct in magistrates, either for granting or refusing licences, to apply to the Court of King's Bench for a criminal information; but the law-officers of the Crown had no means of putting themselves in motion until they were perfectly satisfied of the weight and inconvertibility of the evidence upon which they were to proceed. It was their business, when they filed informations, not to do it by an application upon an *ex parte* statement, but to do it of their own authority. Such a proceeding, in the present case, would have been to arrest the inquiries of a parliamentary committee, and to anticipate an order to prosecute, which it was possible the House might subsequently vote. With respect to another subject referred to by his hon. and learned friend, that of statutable rewards, he begged leave to assure him, that it had been long under the consideration of Government, and that the noble Secretary for the Home Department had at present some measure in contemplation to submit to Parliament.

Mr. *Brougham* desired to know whether the rule which the Lord Chancellor prescribed to himself was, never to recommend the omission or striking out of a name in a commission of the peace, unless the party had been guilty of some offence.

The *Attorney-General* could not describe the rule upon which the Lord Chancellor acted on all occasions, although he was sure that it was from the most conscientious motives.

Mr. *Brougham* understood the hon. and learned gentleman to have stated, that the Lord Chancellor had not struck out the name of Mr. Merceron from the list of magistrates, because he had not hitherto been legally convicted of any offence. He regretted that his lordship had omitted to strike out the name of that individual, and also, that the chairman of the committee had not deemed it necessary to report that person to the House. He perfectly agreed with the observations on the purity of the Lord Chancellor's motives; but was sorry, that under the circumstances of this case, he had not thought the same sort of interposition necessary, which he had on one occasion exercised in the county of Durham, in which he had, of his own authority, put an individual on his defence.—The Petition was then ordered to lie on the table.

Mr. *Bennet* presented a petition, signed by 200 persons, inhabitants of the town of Brent-

ford, praying relief in the case of a publican named Joseph Harding, who lately kept the Castle public-house, and had been, in the opinion of the petitioners, unjustly deprived of a licence by the magistrates of that division. The consequence had been, that he was reduced to a state of great distress, and he must have gone, with his family, to the workhouse, had it not been for the benevolent exertions of his friends and neighbours.

Mr. *Bathurst* suggested, that the case in question was more fit for the consideration of the Court of King's Bench, than of that House.

Colonel *Wood* bore testimony to the independent character of the magistrates for the division alluded to. No set of men could be more free from any bias which was likely to mislead them into acts of partiality or oppression.

Mr. *H. Sumner* observed, that the characters of magistrates had not a fair chance in that House. In the Court of King's Bench, where the regular jurisdiction was vested, they could meet their accusers on equal terms. If petitions like that which was now presented were to be received, he should feel it his duty to desire the Lord Chancellor to strike his name out of the commission.

Mr. *Butterworth* expressed his belief, that most of the imputations on the character of Mr. Merceron might be explained away. That gentleman was of an irritable disposition, and might have been betrayed into some error and intemperance.

Mr. *Bennet* declared, that instead of remarking any peculiar irritability in the character of that individual, he had been found to utter the most cool and deliberate falsehoods; and although his mind appeared to be in a perpetual state of invention, so little was the consistency of his representations, that the falsehood of one minute was sure to be contradicted by the falsehood of the next.

Mr. *Brougham* referred to the declaration of the hon. member for Surrey, which he hoped was hasty and unguarded; and that it was not his serious intention to press the rejection of this petition, signed as it was by so many respectable individuals. He conceived that it was impossible to reject it, consistently with the ordinary usages of the House on questions of this nature. A line of demarcation undoubtedly ought to be drawn between petitions preferring complaints that ought to be referred to courts of law, and those which prayed for a redress not to be had in those courts. There was not, however, in the present case, any ground for saying, that for the purposes of the petitioners, any application to another quarter would be available.

The *Attorney-General* wished to ask what practical interference on behalf of the petitioners the House could possibly adopt? All that was complained of was, that there were worse houses than that kept by this publican; and that the petitioners were of opinion, that the magistrates ought to have granted him a licence.

Mr. *H. Sumner* said he was not disposed to recede from his objection. The petitioners most probably knew nothing of the circumstances upon which the magistrates had proceeded. (*Cries of spoke, spoke.*)

The *Speaker* observed, that the hon. gentleman was certainly overstepping the limits of Parliamentary order.

Mr. *Brougham* requested that the *Speaker* would have the goodness to state, whether a petition praying for relief, generally could, according to the rules and practice of that House, be rejected?

The *Speaker*—"Not on any such ground certainly. It will be for the House to judge for itself, whether any petition presented to it, does or does not pray for relief generally."

The petition was then ordered to lie on the Table.

PRISONERS IN NEWGATE.] Mr. *Bennet* called the attention of the House to the number of prisoners now under sentence of death in Newgate, whose cases had not yet been reported to the Prince Regent. This number was set forth in a return presented to the House on Wednesday last. There were five who received sentence of death in July last, and four in September, whose cases had been reserved for the opinion of the Judges. He could wish to know whether, in these instances, the delay was imputable to them. There were 29 persons in the same awful situation, on whom judgment had been passed in October last; 29 also in December, 21 in January, and 12 more had been since added to the number. At 4 o'clock yesterday, when he visited that prison, the whole number of individuals in that dreadful situation was not less than 100. He wished the House could have been a witness to the scene which was there exhibited, to the deep despair of some, the impiety of others, and to the senseless and half-intoxicated state into which a third class appeared to be plunged. He was informed, by persons familiar with such scenes, that this was generally the character of them; and such, he was sorry to say it, was the shameless manner of administering the laws, that these unhappy offenders rejoiced when the certainty of execution was made known to them, because it was a relief from that state of cruel and horrid suspense in which they were before situated. He trusted the noble lord had a satisfactory explanation to give upon this subject, for he could assure him, from a very extensive correspondence, that the country expected it, and considered the evil he had alluded to as the greatest blot on the administration of justice.

Lord *Castlereagh* understood that the delay in the earlier cases, had arisen from a necessary investigation into their circumstances. With regard to the later cases, a council would have been already called on the subject, had not a very important inquiry intervened, and caused an unavoidable postponement of that consideration. The council would, however, be held to-

morrow, and he entirely concurred with the hon. gentleman in thinking, that no subject demanded greater promptitude of attention.

The *Attorney-General* observed, that in some cases points of law were saved, which necessarily required the opinion of the judges. One had been saved by Mr. Justice Abbot, at the last Old Bailey Sessions, in a case of burglary, and that had been already decided. It was not the custom to make any formal promulgation of the decision, when the result of it was, that no additional punishment should be inflicted. Some delay must necessarily be produced by the occasional absence of the Judges.

Mr. *Bennet* complained, that no answer had been given to his question, why the October cases had not been reported; although, as he understood, the Recorder was fully prepared to make the report. The motion he had in view was, that the paper presented on Wednesday last be printed.

The *Attorney-General* remarked, that whatever information the hon. gentleman might have received; it could hardly be on better authority than that on which he asserted, that, some days ago, the Recorder was not ready to ask for a day to be appointed for the reception of his report.

The motion was then agreed to.

PARLIAMENTARY REFORM.] Sir *Robert Heron* presented a petition from the town of Gainsborough and its vicinity, praying for triennial Parliaments, representation co-extensive with direct taxation, and election by ballot. He did not concur with the last part of the prayer—that which referred to election by ballot: but he would support such a plan of Reform as should, by extending the elective franchise, make that House more substantially the representative of the people. (*Hear.*) He wished for the restoration of triennial Parliaments, an institution established at the best period of our history, and repealed by a measure of very equivocal policy. He would give his support also to every proposition for the retrenchment of the public expenditure, and the abolition of sinecures and useless places.

The petition was read, and ordered to lie on the table: as were two others from the towns of Kirkcaldy and Leuchars, in Scotland, praying for the same object, and presented by Sir Rowland Ferguson.

A petition from the town of Boston, in favour of Parliamentary Reform, was then read and ordered to lie on the table.

Mr. *Shaw* presented two petitions from Dublin; one praying for Reform in Parliament, and an extension of the elective franchise; the other from the Mayor, Aldermen, and Sheriffs, praying against an extension of the right of suffrage. —Ordered to lie on the table.

NAVY ESTIMATES.] Mr. *Brogden* brought up the report of the Navy Estimates, which, after a few observations from Mr. *Loas*, recommending the employment of a greater number

of seamen, and a diminution of the shipping, so as to alter the existing proportions, was ordered to be received.

ARMY ESTIMATES.] The House having resolved itself into a Committee of Supply,

Lord *Palmerston* moved, that a sum not exceeding 500,000*l.* be granted to His Majesty, for the support of the Land Forces.—Motion granted.

SECRET COMMITTEE.] Mr. *Tierney* wished for a copy of the report of the Lords' Committee, to which he supposed there would be no objection.

The *Speaker* observed, that the mode was to appoint a Committee to consult the Lords' Journals in such cases.

Mr. *Tierney* framed a motion for a Committee to consult the Lords' Journals, touching certain secret papers presented to the Lords, by order of the Prince Regent.—Ordered.

MALT DUTY BILL.] This Bill was read a third time and passed. It contained the following clause, which was proposed on a former night by the Chancellor of the Exchequer.—“And whereas his Royal Highness the Prince Regent has been graciously pleased to direct certain sums to be contributed and paid from the Civil List revenue, in aid of the public service of the year 1817; and whereas many persons holding offices and places in His Majesty's service, and others having or holding pensions or other emoluments derived from the public, are desirous of contributing proportions of their respective official incomes, salaries, pensions, or other emoluments, for the same purpose; be it therefore enacted, that it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them, or for the Lord High Treasurer of Great Britain and Ireland for the time being, to give such directions for one year, commencing the 5th day of April, 1817, to the Officers of the Exchequer, and of the several departments of the Civil List of Great Britain respectively, as may be necessary for giving effect to the most gracious intention of his Royal Highness in such contribution, and for executing the intentions of such other persons as aforesaid; and no deductions shall be made, or fee, emolument, or allowance taken, by any person retaining, receiving, or paying any such contributions as aforesaid.”

POOR LAWS.] Mr. *Curwen* rose to bring forward a subject of very great importance to the public. What he should have to propose would be, that the House should go into a Committee of Enquiry on the subject. He was far from intending to dispute the wisdom of the Act of Elizabeth; but he complained of the misapplication of that Act, which was intended to relieve the aged and the infant, and not to support those in the youth and vigour of life. The increase of the Poor Rates was a most alarming evil; they had increased, were increasing, and would continue, under the present system, to increase.

In 1776 the Poor Rates amounted to 1,500,000*l.*; in the present year they would not be less than 8,500,000*l.*—a sum larger than the revenue of some of the most powerful sovereigns of Europe. Yet with all this the poor of the country were wretched and discontented, because their spirit was broken. The hon. member then described the poverty of the cottages of the lower Irish, but said, they who inhabited the cottages in Ireland were comparatively happy, because they were (contrasted with the poor of England) comparatively independent. The poor of this country unfortunately looked to the Poor Rates for support. Before the evil could be lessened, endeavours must be used to restore the independent spirit of the people, and teach them, that if they wished to be happy, they must depend on themselves, and endeavour to support their own independence. It was the degradation of English spirit amongst the people, which had first operated to increase the Poor Rates, though the evil had been much increased by the pressure of taxation, which had recently reduced to pauperism, those who had till recently been contributors to the support of their poor fellow subjects. These circumstances had increased the distresses of the people beyond all conception. He had in his hand a statement from one of the townships of Sheffield, from which it appeared, that all the property liable to taxation, if taken and applied to the relief of the poor, would serve them but a short time. In this township, one person, a farmer, holding 210 acres of land, was rated one guinea a day, and he was informed that he would very shortly be called on for two guineas a day. This was a state of things which could not last. The number of paupers at present was not less than 2,500,000. The Poor Rates would, for the present year, be 8,500,000*l.*; this would not be a less tax than 96 per cent. upon all the property in the kingdom. A burthen so enormous, and so unequal in its operation as this was, called loudly for inquiry and investigation. At present it pressed principally upon the land, though several decisions of the Court of King's Bench had declared all property chargeable to the Poor Rates. He wished now, that funded property should be made liable to the Poor Rates, as it had been to the Income Tax. The unfunded property he took to be about 32,000,000*l.* The Bank, he thought, should be taxed to the amount of 1,000,000*l.*; the India Company, at 600,000*l.*; the South Sea Company, at 400,000*l.*; and the fund which would be formed out of these sources, he would have applied to assist those parishes where the assessment rose above a certain sum. This plan would relieve the agricultural interests, without adopting that objectionable measure, the increasing the price of agricultural produce. The next source of taxation which he should propose, would be the produce of labour calculated in England at 220 millions. A tax of two and a half per cent. upon this sum, amounting to three-pence in ten shillings, would produce 3,500,000*l.* He knew a town (Work-

ington) where 400 individuals thus raised 700*l.* towards the maintenance of their poor. A large sum might be raised by this plan, and if the system took, the demand upon the funds would daily become less. Some such plan as this would operate to relieve the difficulties under which the country laboured, and which, unless they were removed, would involve the country in ruin. One thing he must again repeat, namely, that unless the Committee was to be appointed for the purpose of making some effectual reform in the present system, he would vote against the Committee altogether.

Lord Castlereagh was most ready to agree with the hon. gentleman, that before any good could be done, the spirit of the people must be roused, and they must again be urged to independence, and to a desire to support themselves, rather than live on charity wrung from those almost as much oppressed as themselves. He feared, however, that the suggestion of the hon. gentleman, that the taxing personal property would relieve the landed property to any extent, would prove erroneous. The only cure for the evil, would be, to adopt a system by which to put an end to the facility with which the degraded and idly disposed preyed upon the other part of the community. (*Hear, hear.*) If we were called upon to look to the act of Elizabeth as imperative on us to grant relief, we were entitled also to examine it with a view of carrying into effect that distinction which it made between those objects of its protection, who were unable to labour, and those who, being able, lay under temporary difficulties from want of work. Without shaking the authority of this statute, it was evident that every person who was able to work was bound to do so; where work was not to be found by the individual, it was to be provided by the public; but without labour, those who could labour, were to expect no relief. (*Hear, hear.*) This provision of the law ought to be followed up in the spirit of its authors, and as it was in early times. If it was so followed up, the noble lord was convinced that great and essential benefit would result from such an administration of it; that the difficulties of executing it would vanish upon trial; and that there was not a parish in the kingdom where a sufficient extent of beneficial work was not to be found for all the poor. Even although this were not the case, and though no very productive labour could be found, he would still have the clause enforced that enjoined labour, as he conceived that it would be better to order the objects of charity who were able to work, to dig a hole in the earth, and then to fill it up again, than see them dragging their limbs in listless and wretched indolence, and claiming support for performing nothing. (*Hear, hear.*) They would thus be kept in effort; they would strengthen their bodily powers; they would support habits of industry; they would preserve their frames in a

state of action; and would be ready for profitable labour, whenever it should present itself, while, in the mean time, they would be able to enjoy ideas of power, if not of independence.—The tendency which the law had in practice received to encourage idleness, should immediately be corrected: for, if allowed to proceed much further, the evils that arose out of the law would be too strong for the law. (*Hear.*) He did not consider there was so great a defect in the Poor Laws, as there was in the administration of them. Frequently parish offices were filled by persons, who by their habits and other circumstances, were incapable of executing them. He would mention one instance in a parish with which he was connected—the execution of the Poor Laws was at present entrusted to a woman.—(*Hear, hear.*)—He had no wish to take parish offices out of the hands of farmers, but he wished there should be appointed a permanent officer to act under them, who might be acquainted with the laws, and the persons amongst whom they were to be administered. (*Hear, hear.*) Another objection he had to the hon. gentleman's plan, and that was, the difficulty which would arise in the application of a fund formed for general purposes, as the hon. gentleman had suggested. Another objection was, that the moment any parish became entitled to relief from this general fund, they would put their hands into a purse not their own, and the Poor Rates would become a matter of secondary interest. Notwithstanding he assured that hon. gentleman, he should go into the committee, when appointed, with a mind unbiased and open to conviction. One other observation he had to make, and that respected the tax upon labour, proposed by the hon. gentleman; this would be to render subscriptions to Saving Banks, which were now voluntary, compulsory; and would endanger the growth of that promising plant, which at present was so flourishing, and promised so much advantage to the public.

Mr. Curwen, in explanation, disclaimed any views of coercion with respect to Saving Banks; he had only in his contemplation places where the majority of the parishioners of all descriptions should be disposed to adopt the plan.

The motion for a committee was then read from the chair, the committee was agreed to, and the following members were nominated to compose it:—

Mr. Curwen,	Mr. Leigh Keek,
Lord Castlereagh,	Mr. Dickinson,
Mr. Frankland Lewis,	Lord Lascelles,
Mr. B. Bathurst,	Sir J. Shaw,
Mr. Brand,	Lord Stanley,
Mr. G. Rose,	Mr. Robinson,
Sir F. Baring,	Mr. Davies Gilbert,
Mr. Huskisson,	Mr. Holford, and
Mr. Morton Pitt,	Sir T. Ackland.

They were ordered to report from time to time to the House.

HOUSE OF LORDS.

Monday, February 24.

The Royal assent was given by commission to the Exchequer Bills Bill, and the Malta and Gibraltar Trade Bill.

USELESS PLACES.] The Earl of *Darnley* said, that as every individual felt the distresses of the times, except those who drew their income from the public revenue, he wished to know whether the example of the Prince Regent, and of a noble marquis who had given up his sinecure, was likely to be followed.

Lord *Rollé* stated, that it was the intention of Ministers to give up one-tenth of the income which they derived from their offices. He recommended a subscription among the higher orders; and that for the relief of the poor they should tax themselves, so as to enable Government to dispense with the taxes on leather and salt, and other taxes particularly affecting the lower orders.

Earl *Grey* said, that if the noble lord meant to recommend to them voluntarily to tax themselves, he informed him that that was a call which, for his own part, he would not answer, as he paid as much in taxes already as he could possibly afford, and he could not pay any new tax without a deduction from his expenditure in some other way. He was not one of those who thought that efficient offices ought to be taxed; and was persuaded that the giving up of ten per cent. of the income derived from those offices was neither called for nor ought to be accepted. The people called for what they had a right to expect, and without which they would not be satisfied—namely, that every article of useless expenditure should be done away.

ECONOMY AND REFORM.] Earl *Grosvenor* presented a petition from the borough of Southwark, signed by 800 persons, agreed to at a meeting regularly convened by the High Bailiff, praying for retrenchment and economy in the public expenditure, and a Reform of Parliament.—Ordered to lie on the table.

SECRET COMMITTEE.—LONDON UNION SOCIETY.] Earl *Grosvenor* observed, that on a former night, when the petition which he offered to the House from the Secretary to the London Union Society was refused, a noble lord opposite had said, that at another and more fit opportunity such a petition might be received. Another petition was now put into his hands from the same individual, and he trusted the period was now come when it would be received. The petition was then read. After stating that the London Union Society was founded in 1812, that it never had any one branch, &c. and had ceased to exist, (as in the former petition,) it concluded as follows:—

"That your petitioner has been informed, that a bill for the suspension of the Habeas Cor-

pus, is now before the House, and therefore your petitioner humbly prays, that your lordships will be pleased in your great tenderness for the liberties of his Majesty's faithful subjects, to permit your petitioner to produce all the books and papers of the London Union Society at the bar of your right honourable House, where your petitioner confidently assures your lordships that he is ready to prove all and singular the allegations contained in this his most humble petition. And your petitioner will ever pray."

His lordship then moved that the petition be received.

The Earl of *Harrowby* did not rise to oppose the motion; but that motion gave him an opportunity, which he would have taken whether such a petition had been presented or not, of giving some explanation on the subject to which it referred, which he had not felt himself at liberty to do on the former occasion. He ought, perhaps, to make some apology for his silence on that occasion; but he had been induced to adopt that line of conduct for two reasons—first, because the question arose upon a mere point of order; secondly, because he did not feel that it became him to say any thing on his own individual responsibility, without having consulted with the other members of the Committee. He had felt desirous that they should hold a meeting for the purpose of again looking at the evidence, and refreshing their memories; so as to enable him to state, not upon his own imperfect recollection, but in concurrence with the whole of the Committee, the grounds of the statement, of the correctness of which a noble earl had, on a former night, expressed a doubt. The petitioner conceived himself aggrieved on account of that part of the Report which attributed to the London Union Society the principles which had been maintained by another set of persons, the Spencean philanthropists. If their lordships would examine the Report, they would find that the principles of the Spencean philanthropists were not attributed to the London Union Society; and that even the grammatical construction would not bear out such an interpretation. The ambiguity arose from the manner in which the passage in the Report happened to be printed, which was different from the manner in which he had directed it to be done. The Report stated, that there were,

Union Clubs, professing the object of Parliamentary Reform; but under these words understanding Universal Suffrage and Annual Parliaments—projects which evidently involved not any qualified or partial change, but a total subversion of the British constitution." And then, without a break, ought to have followed the words—"It appears that there is a London Union Society, and Branch Unions corresponding with it, and affiliated to it." And then it ought to have been stated, in a new paragraph, that "Others of these societies had adopted the

name of Spencean philanthropists" and so forth. A little attention to the passage would convince their lordships that the breaks must have been misplaced; and he trusted they would give him credit for stating this correctly. The petition stated that the London Union Society had not been in existence for three years last past. Now, the document from which the Committee had drawn their conclusion that there did actually exist a London Union Society, engaged in these projects, was this:—It was an address dated the 30th of October, 1816, and published by the Sheffield Union Society, established for the professed purpose of promoting Parliamentary Reform, which referred to the London Society as then existing. In that address it was stated, that the object of the society was to carry its purpose into execution by a general and national union, by co-operation with the London Union Society, and with the branches throughout the country; and the address proceeded to state, that it was absolutely necessary that there should be a radical Reform, Annual Parliaments, and Universal Suffrage. Then followed some rules for the regulation of the society, to the second of which he requested their lordships' particular attention. That second rule contained a reference to the 13th article of the London Union Society, by which it was directed, that a subscription of 20s. per annum to any of the local Union Societies should entitle the subscriber to be an honorary member of the London Union. Now, he did not know any term that could have better expressed the connection of the London Central Society with these branches, than the term "affiliation." It would be observed, therefore, that the Sheffield Union considered the London Union as being in existence on October the 30th, 1816. As to another statement in the Report, on a minute examination of the evidence, they had not found that there was any direct evidence of a correspondence between these branches and the London Union Society, *eo nomine*; and the Committee were now satisfied that they would have better expressed themselves, if instead of "correspondence" they had inserted the word "co-operation."

Lord Grenville said, that he had gone on first to the examination of the papers as if he had gone into a jury-box, to form the best judgment he could upon the evidence laid before him. He went back again to the consideration of the evidence with the same feeling, and with the conviction, that if any error should be discovered, the amount of that error ought to be distinctly and immediately stated. The noble earl who had just sat down had shewn, that whatever misapprehension might have arisen from the mode in which the Report was printed, the Committee was no party to that; but had, in fact, directed it to be printed in a different form; and if any one found his feelings hurt by its being represented that he held the principles of the Spencean philanthropists, owing to the mis-

take which had just been stated, he trusted that such person would be satisfied with the explanation which had been given; and it ought to be observed, that it was distinctly stated in the Report, that "the Committee would by no means ascribe to all these societies the same practices and designs which they had found to be but too prevalent amongst a large number of them." Another point on which a noble earl had not touched was this—that some appeared to have imagined the Committee meant to say that it was the intention of all those societies to produce those consequences which the Committee itself firmly believed would result from carrying their projects into execution. Many of them might not have intended these consequences; and every candid mind would make the distinction. He himself firmly believed, that the effect of Annual Parliaments and Universal Suffrage would be not a qualified or partial change, but the total subversion of the British constitution. As to the assertion in the petition, that the London Union Society was not now in existence, whether it was true that it existed or was dissolved, he knew nothing, except from the document which had been mentioned to their lordships. From this the Committee had drawn a conclusion that the London Union did exist; and that there were branch Unions corresponding with it, and affiliated to it. That this might be met by contrary evidence there was no question; but he trusted that the statement of the Committee, reporting only upon *ex parte* evidence laid before them, would be justified up to that point. With the same openness he wished to state, that in as far as correspondence was distinguished from co-operation, the Committee had fallen into a mistake. He could not easily see how there could be co-operation without correspondence; but he admitted that there might, by possibility, be such co-operation without correspondence; and he was willing to apologize for that degree of inaccuracy.

Earl Grey requested permission to congratulate their lordships upon the circumstance that they now saw no objection to receive this petition. It would be a consolation even to those who voted against it the other night, and who must now be presumed to have done so with very great regret, to find that the time and the occasion were so soon arrived when they might indulge their feelings so far as to allow the petition to be laid on the table. But with respect to himself, who was not capable of applying to the consideration of the subject that nice discrimination which belonged to the noble lord on the woolsack and the noble lords on the other side of the House, he could not possibly see any grounds for the rejection of the petition before, which might not, with equal justness and force, be stated for its rejection now. His noble friend (Grenville,) and the noble President of the Council, had considered the subject of complaint to be that the petitioner

had been confounded with the Spencean philanthropists. He, however, did not think that this was the gravamen of the complaint; nor did he think it of much consequence to the matter in question, whether, in the printing of the Report, it had or had not been rightly pointed. What the petitioner complained of was a charge of a much more grave and serious nature—a charge that he was connected with a system of clubs spread over the country, having for their object the subversion of the British constitution. This was the charge made by the Report; and the House ought not to suffer itself to be led away with the idea, that this statement, as to these Union Clubs, did not constitute a material feature of the Report. What was the statement of that Report? That societies were established throughout the country, with a traitorous design of subverting the constitution. This was the general statement, and these the objects which these societies were said to have in view. The Committee stated, that some of the societies established for these purposes were called Hampden Clubs; that others of them were called Union Clubs; and that there was a central Union Society in London. Now he would ask, whether this individual, if his statement was true, was not materially aggrieved by the Report of the Committee; and whether they were not called upon, in justice, to allow him to explain and justify his conduct? The noble President of the Council had stated, that the address of the Sheffield Union Society was the ground upon which they had proceeded: but what their lordships had now to consider was, that a most material fact stated in the Report of the Committee had been directly impeached by the Secretary of the Union Society. His noble friend, and the noble President of the Council, had said, that they retracted the word “correspondence,” and meant only to insist upon “co-operation.” It was worthy of their candour, if they had fallen into an error, thus to acknowledge it; but with all due deference to them, if the word had been “co-operation,” it would not have made the matter much better. The Sheffield Society spoke of “co-operation;” but the answer of the petitioner was, that the London Union Society had not been in existence for three years past; and there was, therefore, no possibility of co-operation; and this, and other important facts, impeaching the statement of the Committee, the petitioner averred that he was ready to prove at the bar. He (Lord G.) believed he had authority to state, that there was now in the House a note from the present Lord Mayor, whose conduct, on a late occasion, he thought, would at any rate free him from having any concern with societies engaged in traitorous conspiracies, stating, that he and Mr. Alderman Goodbehere had examined the books of the London Union Society since the time of the former discussion on the subject in this House, and that they firmly believed that every part of the statement in the petition

was true; and that they were themselves ready to come forward as witnesses, and substantiate its allegations at the bar. This was no light matter; it had been no light matter before; and now it had assumed a much more grave and serious character. If the allegation in the petition was true, that the London Union Society did not exist, that fact ought to be explained before they proceeded to legislate on a matter of this importance. If they did not adopt this course, they would diminish the respect of the country for their decisions. The noble lord on the woolsack, even though surrounded by the military, and with all the security of power, when he had on the former night said, that even though he stood alone he would protect the orders of the House, appeared to have felt as if he had been exposed to some personal danger. Let him, then, sympathise with this humble individual, who had no such security; and who might be exposed to the severe penalties of the laws, if their lordships proceeded to act upon the Report of the Committee without farther investigation. But the interests of this individual were as nothing in comparison with the greater interest which the public had in this question, which was neither more nor less than this—whether the Habeas Corpus Act, which had been called the palladium of their liberties, should be suspended on the ground of a statement which was now directly impeached. He imputed nothing improper to the Committee, although he thought there was some negligence on the part of the noble Secretary of State, who ought to have fully investigated the subject before he recommended the adoption of such measures as these: measures which would never be satisfactory to the country, unless it clearly appeared that they were called for by a paramount necessity.

The Earl of *Liverpool*, after the clear, distinct, and manly statements of his noble friend, and the hon. baron opposite, relative to what had passed in the Committee, could not have occasion to detain their lordships long. Those noble lords had shewn, that the paragraph in the Report which appeared to connect the Union clubs and Spencean societies had been erroneously printed; and they had also stated and explained the evidence on which that part of the Report that speaks of the London Union Society was founded. The noble earl, however, considered this explanation insufficient, and contended that serious injury had been done by the Report to the individual who had signed the petition, and to the other members of the Union Society. In taking this view of the subject, however, it was plain that the noble earl had confounded two distinct parts of the Report. The conspiracy for overthrowing the Government was alluded to in the first instance, but it was to be carried into effect by meetings called on the 15th of November and the 2d of December. It was afterwards stated, that various societies had, by the notions they disseminated,

a tendency dangerous to the public security and peace. This tendency was attributed to these clubs as the result of the general concoction of their doctrines; but instead of its being the object of the Report to include all in the same charge, it, on the contrary, stated, that the objects of the declared societies were different, and that many individuals who had become members of them might have done so without being aware of the ultimate intentions of many of their leaders. Some clubs were stated to have for their object Annual Parliaments and Universal Suffrage; others were described under the name of Spencean philanthropists; but it never was intended to confound these two descriptions of persons together. What the Report inferred was merely this—that they all tend to the same end, namely, to shake the allegiance of the subject, and to dissolve the bonds subsisting between the Government and the governed. This was described as a general effect, but not as the direct object, either of all the societies or of all the individuals composing them. He should, however, be told by the noble earl, that the London Union had not met for three years and a half. He was not disposed to contest this assertion, taken in one sense; it might be that the society had not, during the period specified, met as it was originally constituted, under the same name and with all the members present whose names were included in the petition; but that Union societies had very recently met, having the same secretary and some of the same members as that in question, was matter of public notoriety. On the 22d of January a meeting of delegates from various societies met under the pretext of petitioning for Parliamentary Reform. These delegates declared for Annual Parliaments and Universal Suffrage, and their chairman was Major Cartwright, their secretary Thomas Cleary, the petitioner. (*Hear, hear.*) This meeting adjourned, after passing resolutions to the effect he had stated, and he must contend, from its constitution and its proceedings, that it was in effect a London central Union club. Under the circumstances stated, the petitioner had no right to complain. It was in fact part of the system of the leaders of these societies to make them change their names. What effect the circumstances which had been stated might have on the measure the House was going to discuss he could not determine; but whoever looked at the votes of the other House of Parliament, and observed that great numbers of petitions had been presented from different parts of the country, all in nearly the same terms, and praying for the same object, certainly could not doubt, that there was a central Union Society, directing and putting in motion the rest, and where could this be supposed to be placed but in London?

Lord Holland was well convinced, that the Committee had acted with the strictest honour, and to the best of their judgment; but they were fallible men, and had to report on ex-parte

evidence. He would not say that their Report was disproved, but its credit was certainly impeached. The question was not, whether a Union Society existed; but whether, when the Report was so contradicted, their lordships would not pause to inquire before they agreed to the bill now on their table. They were asked to suspend the law which was the birth-right of the people; but before they proceeded to adopt that calamitous measure, they ought to be convinced whether the Report rested on evidence which could not be contradicted. It was offered to be proved that the London Union Club had exercised no function for three years and a half; to this the noble earl replied, that does not signify: a club of the same sort lately met under a different name. But this was far from sufficient to reconcile the inconsistency, and to prove the correctness of the Report. How did it happen that his Majesty's Ministers, when the facts in their possession respecting illegal and treasonable proceedings came to their knowledge, took no steps to avert the dangers they apprehended? The noble earl had stated, that these societies had changed their names; but that change ought not to have enabled them to elude his vigilance, if their projects were of the nature stated. What are names under such circumstances? This proof of the existence of the Union Society under another name, which the noble earl was so anxious to establish, reminded him of the story of an Irish gentleman, who wrote a book to prove, that no such person as Ossian ever existed; but who, finding his proofs in support of that proposition rather weak, turned round, and proceeded to establish, that if Ossian did really exist, it was perfectly clear that he was an Irishman. Their lordships were now asked to depart from their usual forms—to set aside their standing orders—to pass a bill which was to deprive the people of their liberties, of the most valuable rights they inherited from their ancestors. Why this haste? Why the present apprehension from delay, when he could shew, from petitions in his pocket, that Ministers had been informed of all that was to take place at the meetings they now represented as so dangerous. The adjournment of such meetings as that of Spafelds, from one day to another, he certainly considered as highly improper; but whether it was proper or not, he had got proofs in his pocket of that adjournment having received the sanction of his Majesty's Ministers. (*Cries of hear, hear.*) Well, it might not be true; but this was certain, that there was not much difference between the evidence on which the Report is founded, and that which he had to offer. The noble lord had brought forward his ex-parte evidence in the Committee: it was fair then that his (Lord Holland's) should be heard also. He had in his pocket a document, in which it was offered to be proved, that the noble viscount had expressed his thanks, and the thanks of his Majesty's Government, to the

person who took a leading part in the meetings now stated to be illegal and dangerous, for his conduct at them. (*Loud cries of hear, hear.*) He certainly did not mean to assert that this was correct, but the facts he had stated were fit to be inquired into before a Government of law was changed into a Government of arbitrary power. After having so long delayed the meeting of Parliament, and having also delayed taking steps to enforce the existing laws against the persons said to be guilty, he thought there could be no just ground for precipitation now.

Lord *Erskine* conceived, when he first read the Report of the Secret Committee, that his Majesty's Ministers had the same ground for any measures they might propose as was furnished by the Secret Committee of 1795. When the Report spoke of organizing the country, and of means taken to prepare the people for taking up arms to accomplish treasonable purposes; and when it is afterwards intimated, that societies with improper designs, though professing Parliamentary Reform, had been established, but that illegal objects might not be imputable to all the members, was it not meant that these societies had not in view to submit their claims to Parliament, but to obtain their object whether Parliament pleased or not? If, upon the evidence of the Report, contradicted as it has been, he should be asked to suspend the Habeas Corpus Act, he would answer, no. He would suspend nothing in such a case but his judgment. There was another passage in the report which deserved particular attention. It was said, "others of these societies are called Union Clubs, professing the same object of Parliamentary Reform, but under these words understanding Universal Suffrage and Annual Parliaments—*projects* which evidently involve not any qualified or partial change, but a total subversion of the British constitution." Ought not the Committee to have employed the word *opinions*, not *projects*? Unless it could be clearly shewn that there was a design to carry those opinions into practice by illegal means, their lordships could not be called upon to legislate on the subject. What reason could there be for suspending the Habeas Corpus Act, because men, ignorant of history, professed opinions on the subject of representation which were erroneous? How different were the present circumstances, when compared with 1795! Well did he remember that momentous period. A message came down from his Majesty, which stated to Parliament, that certain persons had been apprehended, and their papers, which proved the existence of an extensive conspiracy, seized. The message likewise charged these persons with holding a convention, which was to assume the functions of Parliament, and all the powers of the Government. These were most serious charges; but what were the charges of treason in the Report? They were confined to societies called Spencean Philanthropists—visionaries who talked of dividing

the land. No suspension of the Habeas Corpus Act was necessary on their account: the fittest way of disposing of them would be to place them in private mad-houses. Another charge was blasphemous publications. Against all these offences there were already laws sufficiently strong, and there could be no occasion for any new enactments. His noble friend (Lord Grenville) had stated, that asking for Annual Parliaments and Universal Suffrage, was asking the subversion of the constitution; but it ought to be remembered that there is no proof of any intention to promote these objects by force, and upon that only the criminality depends. In a few days he would have a petition from Glasgow, signed by 30,000 persons, to present against the bill. The petition he presented a few days ago from the same place was signed by nearly an equal number, and prayed for Annual Parliaments and Universal Suffrage. Was it to be said that all these petitioners wished to subvert the constitution? or was it not, on the contrary, evident that they only meant to express their opinion, and to submit that opinion to the decision of Parliament? The President of the Council has observed, that if one person were to be heard in evidence on the Report of the Committee, there could be no reason to refuse any other who had a ground of complaint. This was certainly true, but it was the consequence of making general charges. The first elements of justice required, that those against whom such charges were made should be heard if they offered to disprove them.

The petition was laid on the table.

Earl *Grey* then moved, that the petition be referred to the same lords who composed the Secret Committee, that they might examine witnesses, and report their opinion to the House.

The question was put on this motion, and the House divided—

Content	23
Not-content	74

Majority—51

Lord *Holland* presented a petition from Mr. Henry Hunt, (for the tenor of which see the report of the Commons).

After the petition was brought up, Lord *Holland* briefly observed, that notwithstanding the general inclination manifested by certain persons in favour of Annual Parliaments, Mr. Hunt's parliament at Spa-fields was prorogued, and at the re-assembling received a royal message, prepared during the recess, from his Majesty's Secretary of State for the Home Department. (*A laugh.*)

The petition was ordered to lie on the table.

SUSPENSION OF THE HABEAS CORPUS ACT.]

Lord *Sidmouth* moved the order of the day for the second reading of the bill to enable his Majesty to secure and detain in custody persons suspected of designs against his Majesty's person and Government. The order of the day having been read accordingly,

Lord *Sidmouth* rose and observed, that whatever differences of opinion might exist as to this and other measures in contemplation, he was confident that no noble lord could have read and reflected upon the Report of the Committee upon the table without the deepest regret, calculated as it was to shock every feeling of loyalty to the throne, and of affection for the illustrious individual exercising its functions, and to cast a loathsome stigma upon the character and disposition of the country. Twice had a noble earl complained, that the Report had been presented unaccompanied by any evidence or documents to support it; but he (Lord S.) trusted that the House, instead of censuring its Committee for neglect of its duty, would applaud the regularity and the prudence of its proceedings. The Committee had thought fit to present to the House the conclusions and results at which it had arrived, instead of detailing information, necessarily of a secret nature, and producing documents which would put to hazard the safety of individuals from whom the important evidence had been obtained. These were motives that the House could not fail to approve; and, actuated by the same feeling, his lordship held it to be incumbent upon him to observe the same restraint: to that evidence, which the Committee had declined to furnish, he could not, with any regard to propriety, refer. There were, however, in the Report, three prominent features to which it was fit for him to advert in the first instance, and which merited the particular attention of the House. The first was, that no doubt was left in the minds of the Committee, "that a traitorous conspiracy had been formed in the metropolis for the purpose of overthrowing, by means of a general insurrection, the established Government, laws, and constitution of this kingdom, and of effecting a general plunder and division of property." In the second place, that the Committee are deeply concerned to be compelled, in further execution of their duty, to report their full conviction that designs "of this nature have not been confined to the capital, but have been extended, and are still extending widely in many other parts of Great Britain, particularly in some of the most populous and manufacturing districts." And the third point, inserted at the close of the Report, was a declaration that "such a state of things cannot be suffered to continue without hazarding the most imminent and dreadful evils; and although the Committee do not presume to anticipate the decision of Parliament, as to the particular measures to be adopted in the present emergency, they feel it to be their duty to express their decided opinion, that further provisions are necessary for the preservation of the public peace, and for the protection of interests in which the happiness of every class of the community is deeply and equally involved." These were the main points adverted to in the Report; and it was impossible to read them

without the utmost degree of grief and shame, that in this country, distinguished in former periods of its history for its zealous attachment to the laws and constitution, facts, but too indisputable, should have compelled a committee to make such a statement to the House, at a moment, too, when the fidelity and gallantry of the nation had placed it on the loftiest pinnacle of glory, and when it had become as well the admiration as the envy of the rest of the world. Was it at such a period that conspiracies to overthrow the Government, and to destroy the constitution, were to have been expected? Was it at such a period that Parliament could have contemplated being called upon for measures like those this night to be suggested? Unhappily, for a long series of years, but more especially since the commencement of the French revolution, a malignant spirit had been abroad in the country, seeking to ally itself with every cause of national difficulty and distress; it had connected itself even with the dispensations of Providence, and had endeavoured to impute the visitations of God to causes with which they could have no connexion. During the war it had been incessantly busied, in aggravating our defeats, for we had known none, but in denying our victories, and misrepresenting them as the triumphs of our enemies. On the arrival of peace, its activity had been redoubled; and, while the people were suffering under a heavier pressure of distress than had been felt, perhaps, at any former period, it had employed itself in exaggerating calamity, and fomenting discontent. The purpose of that malignant spirit was to avail itself of the reduced and burdened state of the country, and to apply it to its own desperate purposes; for evidence had been laid before the Committee, by which it unquestionably appeared, that the whole physical strength of the population was to be employed and organized by it, for the destruction of the most sacred establishments. That the distress arose, in a great degree, from unavoidable causes, he apprehended, would be denied by few; yet this malignant spirit had represented to the ignorant and credulous, that their sufferings were to be attributed not merely to the Ministers of the day, but to defects in the constitution: the efforts that had been made, and nobly made, to mitigate every cause of complaint, had been treated as worse than nothing, and as increasing the evil they were intended to remedy; and this evil agent, whose deliberate purpose seemed to be to destroy all that was valuable, had at length plainly told the people, that peaceable entreaties were vain, and that by open violence alone could their grievances be redressed. Some of these measures of violence were disclosed in the Report, and the horrid blasphemies with which this demon enforced his system of bloodshed and treason, was language that could proceed only from so foul a source. Some noble lords had complained that prosecutions had not been instituted.

against the authors, printers, or publishers of these infamous libels; but it was but justice to Government to state, that they had not neglected their duty with regard to those publications. As soon as they reached the hands of Ministers, they were transmitted to the law-officers of the Crown, who found that most of the papers had been so artfully framed as to render a prosecution extremely difficult and doubtful. Ministers had, however, strictly enjoined them to file informations in all cases where a conviction was possible, trusting with confidence to the loyalty and integrity of a British jury. Many prosecutions were now actually pending, the law-officers, of whose ability and honour his lordship was fully assured, not being of opinion that any proceeding of the kind could be earlier instituted: the delay had originated in the most conscientious motives. These seditions had been spread over the country in a profusion scarcely credible, and with an industry quite unexampled; in the manufacturing districts they had been circulated by every possible contrivance: every town was overflowed by them, in every village they were almost innumerable, and scarcely a cottage had escaped the perseverance of the agents of mischief: hawkers of all kinds had been employed, and the public mind had, in a manner, been saturated with the odious poison. Clubs had also been established in every quarter with the ostensible purpose of Parliamentary Reform. His lordship would not assert, that some of them had not really this object in view: but he should belie his deliberate conviction if he did not also assert, that a very large proportion of them indeed had Parliamentary Reform in their mouths, but rebellion and revolution in their hearts. With respect to the means by which this dreadful purpose was to be effected the Report of the Committee said much. Public meetings from time to time had been adjourned until all was ripe for action, and the first disturbance of the peace of the country took place on the 2nd of December. On that occasion Ministers would have failed in their duty if they had not made preparations adequate to the danger. His lordship's object would ever be to employ the civil power, and never to call in the aid of the military but in cases of absolute emergency; but on this occasion the civil power was incompetent to preserve tranquillity; and soldiers were so posted as to be ready on the instant in every part of the metropolis: the consequence was, that the disturbances within the jurisdiction of the Lord Mayor had been quelled in a few moments by a troop of life-guards, whom his lordship had deemed it his indispensable duty to dispatch after the rioters, even without the sanction of the chief magistrate of London. His lordship had directed them to proceed to Skinner-street, and to follow the rioters into all parts of the city; and in one situation a line had been actually drawn up, and some shots were fired, which put a speedy

end to the disturbances. The trials of some of the chief actors ensued, and his lordship had not deemed it advisable (and he hoped it never would be thought so) that prosecutions for treason should be instituted but where the clearest case could be made out. He should always prefer proceeding for a minor offence, where it could not be shewn decisively that it partook of the nature of a higher enormity. It had been said by a noble lord (Lord Holland), that Ministers were informed at that time of the treasonable purposes of the individuals engaged; in short, that they were acquainted with all the facts contained in the Report. The noble lord was in an error; for the particulars of a conspiracy indisputably of a treasonable quality had not been communicated to Ministers, and if they had no intelligence the noble lord could not blame them for inactivity. The circumstances that marked the atrocious character and designs of the meeting in Spafields did not come to the knowledge of Ministers until three weeks before the meeting of Parliament, so that no blame could be fairly imputed to them upon that account. The Committee had represented that such a state of things could not be suffered to continue without hazarding the most imminent and dreadful evils: it referred not merely to what had been done, but to proceedings still carried on for the furtherance of treasonable purposes; and that not merely in the metropolis, but in various parts of the country, where the seeds of disaffection were most likely to flourish; and the Report stated a decided opinion, that some other measures were necessary to secure the good order and happiness of society. It was therefore for the wisdom of both Houses of Parliament to consider and determine what those other measures should be which were required to protect interests in which all classes were deeply and equally involved. That which prominently forced itself upon the feelings and attention of their lordships, was the imperious necessity of affording protection to the illustrious personage, who, on the day of the assembly of the Legislature, was not only exposed to insult and indignity, but whose sacred life was even endangered by the blind infatuation of the multitude. The House would not have forgotten what had been the proceeding on a similar occasion, when a similar attack had been made on the person of the sovereign: the act of the 36th Geo. III. c. 7, was passed to afford to his Majesty additional protection; and his lordship would ask, if the dreadful and atrocious conduct recently witnessed did not render it fit that that bill should, by amendment, be made applicable to the Prince Regent? (*Hear, hear.*) It appeared before the House, that the enemies of the constitution, in the prosecution of their desperate designs, had made attempts, vain and impotent indeed, to seduce from their duty the soldiers and sailors who had fought our battles and conquered our peace: the Legislature had decided by a bill,

which expired in August last, that persons guilty of such attempts should forfeit all right to the privileges they were entitled to by birth, and his lordship intended to suggest the revival of that measure for greater security. The clubs existing in all parts of the country formed another evil to be corrected, and to these the 39th Geo. III. would not apply, unless it could be shewn that the clubs were connected together by affiliation: it did not seem, however, under the present circumstances, necessary that that connexion should be established to render the members amenable. The 39th Geo. III. by a wise provision, had put down the London Corresponding Society, the Society for constitutional information, and some others by name; and although it had been predicted, they had never been revived under new titles: it might be proper to adopt the same course with regard to some of the clubs now existing; and more especially with respect to one of them; and if they should endeavour to communicate their infection to the people under a new description, at least the Legislature would have given warning by marking the door where the pestilence raged. It was also in the contemplation of Ministers to propose the renewal of a measure that had produced many salutary effects in 1795, and which had been renewed in 1798, and which had for its object the prevention of seditious meetings. Having stated thus much, his lordship felt that he should not discharge his duty, and should expose his conduct to severe self-reproach, if he did not state his conviction that Parliament would not perform what it owed to the country if it stopped here. In many parts of the country proceedings were still carried on of a most dangerous nature, and which could not be brought to the knowledge of Ministers but through the medium of persons who could not be brought into a court of justice. On this account yet more effectual provisions were indispensable, since bills to regulate clubs, or prevent seditious meetings, would not reach the most formidable and crying evils of which we had to complain. His lordship was most sincerely grieved to be the instrument, upon this occasion, of proposing a measure, the necessity of which was at all times to be deeply lamented, but more particularly in a period of peace. When we had no foreign enemies, it was the more to be regretted that domestic foes occasioned the suspension of some of the most important privileges of the constitution. Noble lords had much reprobated the communication of extraordinary powers to the servants of the Crown; but it was one extraordinary quality of the British constitution, that the powers of the Executive Government could be enlarged, if by such means that constitution could be better secured. The true question was, which was the most dangerous, to give additional strength to the hands of Ministers for general protection, or to refuse it, and to hazard every right that was

dear and sacred? He required the suspension of the Habeas Corpus Act, in pity to the peaceable and loyal inhabitants of the country: he required it for the protection of the two Houses of Parliament, for the maintenance of our liberties, and for the security of the blessings of the constitution. He asked, that this power should be communicated without delay; for though in other measures the House might delay, here procrastination was ruin. To adopt the measure would be a wise precaution—to refuse it a desperate infatuation: to suspend the Habeas Corpus Act at the present moment would be to obstruct the commission of the most flagrant crimes, and check the hands of sacrilegious despoilers of the sacred fabric of the constitution. Under all the circumstances it was a great satisfaction to him to inform the House, that it would not be necessary or just to extend the operation of the bill to Ireland. Some time ago he had proposed a measure for suspending the Habeas Corpus Act only in the sister kingdom, and it was the more gratifying now to declare, that the disaffected and disloyal in this country did not appear to have made a single convert in Ireland. All he asked of the House at present was, not to exaggerate, but not to under-rate the dangers to which we were exposed, and the difficulties with which we had to contend. It was not merely the lower orders that had united in these conspiracies; at least individuals of great activity, resolution, and energy, were engaged with them, and it became the House to meet their attempts with corresponding spirit, determination, and vigour. Such had been the advice of one of the most gifted and enlightened men that had ever lived, and who seemed, with a prophetic eye, to have foreseen, not only the immediate but the remoter consequences of the French revolution. The noble lord concluded by reading a long extract from the commencement of Mr. Burke's remarks; and then moved, that the bill upon the table be read a second time.

The Marquis *Wellesley* began by observing, that this was a crisis which at once called for all the fortitude of the people and all the energy of the Government: he was ready to allow that the state of the popular mind was exactly such as had been described by one of the greatest statesmen of any age or country—he meant, that general distress had produced general discontent. The statesman to whom he alluded had said, in language quite as good as any quoted by the noble viscount, whether Greek, or Latin, or English, that “the matter of sedition was of two kinds, poverty and discontent:” and of this matter of sedition he (Lord *Wellesley*) was willing to admit that there was an abundant supply; though, as to the sedition itself, he did not think the proof was so evident. Let it, however, be made to appear, that the country was not merely in a state of discontent, but also in a state of danger; let any man prove that the machinations of the

evil-disposed would produce the hazard of ruin to the general constitution; let a satisfactory allegation of necessity be made out for the adoption of extraordinary measures; and he would ask, where was the man who, under such circumstances, would not say that even a great evil ought to be sustained in order to prevent a greater? The wisest patriots had ever felt, that true liberty has its basis in public order—*pax est tranquilla libertas*. The most arduous struggles for independence, the most furious civil wars, all concluded in establishing this maxim—that whatever is inconsistent with the tranquillity of a state, cannot be consistent with liberty. But although this proposition was true, it did not follow, that in every loose alarm of sedition, on every indistinct allegation of treason, their lordships should hold themselves bound to suspend the great, the true, and best bulwark of the constitution. (*Hear, hear.*) Their lordships should demand a distinct case, founded not merely on reasonable but upon irresistible evidence. Nay, supposing that a case of treason should be proved on the most incontrovertible testimony, this was not enough: his Majesty's Ministers were bound to shew, that it could not be restrained by the ordinary laws, that nothing but a new law could reach the new mischief. Indeed, after the most mature, long, and dispassionate deliberation, (and he could assure the noble lords that he had not hastily considered the subject), he was prepared to say, that even if it could be shewn that the overt acts of treason were similar to those which on former occasions had produced a suspension of the great law of our constitution, yet, unless it could also be shewn that the state of the country was precisely similar, and that the causes of the existing sedition were precisely similar, it was no argument for having recourse to a similar measure of unconstitutional severity. He should think that reasoning most inconclusive, which should ground the present project on the foundation of the existence of the same designs as formerly, without being able to make it appear that the condition of the country was, in all respects, exactly the same. He would go a step farther, and say, that whatever were the causes of the present evils, he should think all remedies inadequate and irrelevant that had not a direct reference to those causes, so as to extinguish their very seeds. He came now to the direct question before the House, whether the present state of the country was similar to that of 1795. Then, though there was sufficient cause of discontent, arising from domestic distress, yet the real origin, the grand fountain of the danger to the Government, sprung from the condition of France, from its disorganizing principles, and from its revolutionary agents. It was the desolating principle of jacobinism in its worst sense that portended ruin to this nation. It was against that we took up arms: the destruction of that master-mischief was the grand object of our

foreign policy: the people of all nations lent their aid in the prosecution of a war undertaken for such motives; for they felt it was a war of liberty, of justice, of national rights, against the most outrageous tyranny that ever cursed the earth. That pest was at length destroyed; a series of glorious successes had at last extinguished its violence: nay, more, the very people who had at one period deserted their sovereigns came forward with spontaneous eagerness, and clung about them, and bore them to victory! Then surely the principle of jacobinism might be considered as dead for ever. But what was the real state of the case? To a glorious war succeeded that most dreadful evil, an inglorious peace (*Hear, hear:*) that fatal peace, when the rights of the people, who had done so much, were totally forgotten; when whole nations were laid prostrate at the feet of monarchs (*Hear, hear, hear:*) when, in defiance of national prejudices, of national habits, and of national objects, people whose interests were not only unconnected, but entirely contrary, were tied together like slaves in a string, for the sake of gratifying the vanity, or adding to the power of this or that sovereign. (*Loud cries of hear.*) Then it was that the old principle of jacobinism began to awake again: then it was that its spirit, so long dead, revived and again burst forth (*Hear, hear.*) But the peace, the glorious peace, though it reproduced this transcendent mischief, might at least have been expected to have produced some good. No such thing: whether it was that war, according to the idea of a noble lord, being a dispensation of a Christian Providence, was peculiarly favourable to a Christian Nation, (*a laugh*), and therefore that the return of peace was to be considered as a mischievous revulsion, affecting all interests of the country; however this might be, certain it was that this boasted peace, while it pretended to settle the happiness of all nations, had, in fact, done less than nothing for our own: and yet it would not have been unreasonable, while we were conferring such vast benefits, as they were called, on other nations, to have stopped a little before that great work was concluded, and to have insisted that the people so benefited, should have ratified to us all those means of strength and prosperity by which we had been enabled to effect their welfare. Nothing of this was done, and the natural consequence was general discontent. In fact, not one arrangement had been made for British objects; no care had been taken for British commerce; and he verily believed, that no trade now flourished except the African Slave-Trade. He now came to the particular evil, and to the proposed remedy for it. It was stated, that Societies existed throughout the nation, whose object was to misrepresent and overthrow Parliament. If such were the case, what was the natural inference? Was it not, that Ministers should hasten to apply to Parliament as the proper place for investigation and redress?

Was not Parliament the proper instrument for dissipating the popular delusion, for giving additional strength, if wanted, to the hands of the Executive? The report stated, that the first meeting—the first overt-act (as it was asserted) of actual treason, took place so long ago as the 15th of November last. On this occasion it was said, that the most inflammatory language was used to excite the people, and to vilify the Government. Yet the noble lord says, that it was only three weeks before the meeting of Parliament that he had any notice that this meeting was treasonable. But surely on the 2nd of December the doubts of the noble lord must have been removed; for on that occasion, all the adjuncts of revolution were in full exhibition—tricoloured flags, tricoloured cockades, and caps of liberty! But what would their lordships think, when they learned that the principal agitator at both these meetings, had been in close correspondence with the noble Secretary; nay, had waited in person on the noble viscount, and had of course been received with all that courtesy for which the noble viscount was celebrated? What would their lordships say, when they heard that the noble viscount had, with all solemnity, laid his hand upon his heart, and assured the principal agitator that he would lay before the Prince Regent the proceedings of that first meeting, which had since been declared to be treasonable. (*Hear, and a laugh.*) For his own part he could not help thinking, that the second meeting must have been called under the auspices of his noble friend (Lord Sidmouth,) who had been induced to lend his official aid to his new associate, the agitator: (*a laugh*) for what else could be inferred from that sweet intercourse between those two public characters; from that hand laid so solemnly on the heart; from that cordial assurance of laying the business before the Prince; above all, from those high compliments with which the agitator introduced the courteous correspondence of the noble secretary at this second meeting? (*a laugh.*) To be sure, while the principal person of the drama was thus employed in heaping merited eulogies on his noble ally, it did so happen, that an insurrectionary shoemaker in another part of the field excited and led forth an army to frustrate all those schemes for the public tranquillity which had been concerted with such skill and generalship. (*a laugh.*) But what was the real state of the case? Had the noble secretary done all that he could? Had he done all that he ought? Had he not, on the contrary, in the very thick of his newly discovered treason, further prorogued the Parliament instead of calling it together? Had he not, by this proceeding, proclaimed to the nation his opinion that Parliaments were useless, except when Ministers had any favourite objects to carry? had he not gone counter to the uniform practice of the Constitution, by thus barring the doors of both Houses in a time of public danger, when

they ought more especially to have been opened? But what use did the noble secretary make of the laws then in force? Their lordships would be astonished to hear, that though the provisions of several statutes were in full efficacy, not one had been applied. The report had noticed, with proper horror, the outrage on the Prince Regent; an outrage as detestable, when the personal qualities of the Prince were considered, as it was alarming, on the ground of its being directed against the sovereign: this outrage had been connected with the Spafelds and other meetings. Why, then, had not the noble secretary come down before with a proposition which all could understand, and to which all would readily agree, that the person of the Prince Regent might be more effectually protected? As doubts existed whether the Act relating to the King could comprehend the Regent, why had not Ministers taken the earliest opportunity of extending its provisions to the acting Sovereign? They shewed a prodigious hurry to acquire a power of arresting people at pleasure: they were in the most violent haste to withdraw the great palladium of British liberty, but they were slow and temperate, and deliberate enough, in bringing forward any measures for the better protection of the royal person. He thought it an omission that no such bill had been brought forward, and certainly, he for one should not have hesitated to give his consent to it; nor was he disposed to object to a bill for the regulation of public meetings, for he was convinced that some restraint was essential to the liberty of the people themselves. It was expedient, for the sake of general liberty, to prevent such meetings from assuming the shape of constituted authorities, and from presenting a sort of body of resistance to the regular functions of the Constitution, by adjourning their debates from time to time. He was sure that there was no lord in that House who would not lend his assistance to both these objects—the better preservation of the royal person, and the maintenance of the tranquillity, and consequently the liberty of the nation. But the specific produced this night by the noble secretary, was ill adapted to either of these purposes: it was, besides, objectionable on the very grounds on which former specifics of the same nature were supported. He could not but pronounce it monstrous, that at such a time as this, every man's liberty should be put in jeopardy, while bills of indemnity would always be ready for those who abused this power. It was intolerable, that a law more sacred than Magna Charta itself should be thrown aside, and that even the legal rights of the oppressed should be defeated by the fresh oppression of an Act of Indemnity. In former times, actual war or actual rebellion had alone been considered a justification of such a suspension of an Englishman's dearest right. In 1793, both these causes, in an aggravated degree, existed at once: there was a foreign war carried on with

the furious spirit of revolution, and there was a frightful rebellion in Ireland. Now externally all was quiet, unless indeed the dangers of that glorious peace (so cried up by the noble lords) were equal to all the horrors of the French revolution. And as to Ireland, there, according to Ministerial accounts, all was quiet; though, to tell the truth, he (Lord Wellesley) could not help assenting to the saying of a facetious friend who had just left that country, "that it was as quiet as *gunpowder*." At all events Ministers should be cautious in their proceedings: they should feel that the present temper of the nation required to be treated with the utmost delicacy, and that every mode should be taken to convince the people that the Parliament did not outstep the just limits of necessity. As yet he had seen no evidence which could lead him to think that the danger was of sufficient form and dignity to require that the personal liberty of the subject should be violated. He would adjure their lordships to call to mind a noble saying of an illustrious statesman, the late lord Mansfield, who describing the conduct of the great sages and heroes of the revolution, observed with equal justice and beauty, that so well did they love the Constitution, that in the very acts which they found necessary for its salvation, they were anxious not to give even the slightest wound to liberty. He must take the liberty of saying, that the report on which to-night's measure was founded, was very defective; and that the House should not proceed without further evidence. Before he concluded he must say one word, and that was, that while the House was passing an Act for the repression of sedition, it should not forget the causes which had first stirred up the discontent of the people. They should recollect the advice of Lord Bacon, that "the surest way to prevent seditions, is take away the matter of them." They should in this spirit shew a readiness, increased rather than relaxed, to reduce all extravagant expenses, to remove all unnecessary burdens. No permanent good, no real security, could accrue to the State, if the Parliament from alarm, however just, should suffer its attention to be diverted from the great object of public retrenchment. (*Hear, hear.*)

The Earl of *Liverpool* perfectly concurred with the noble lord, that, before such a measure as that which had been proposed was adopted, it was highly expedient to consider what were the circumstances which had led to it, and who those persons were to whom such extensive powers were to be intrusted; but upon some of the topics to which the noble lord had referred he must remark, that they had just as much to do with the measure before their lordships as any other proposition brought under the consideration of Parliament. (*Hear.*) The noble lord had stated, he was not prepared to deny that circumstances might arise in which such a measure present might be necessary. The noble

lord acted wisely in making that concession; for it would be recollected that on many occasions not only had that noble lord voted in favour of a bill similar to the one now proposed, but he had also taken a most active part in promoting such measures. The noble lord had said, however, that it was not sufficient that danger should exist in the country, or that a traitorous conspiracy should have been formed. He was most ready to admit the proposition. Their lordships were fully aware that, four years ago, a very considerable part of the manufacturing districts of the country were in a most distracted and disturbed state: that, a systematic conspiracy existed, and that a secret committee was formed to deliberate what measures were best to be adopted. The result was, the passing of some new laws, which had for their object the protection of the lives and property of the people: but at that time it never was proposed to suggest such a measure as the suspension of the Habeas Corpus Act. It was the opinion of that committee that political evils were not the foundation of the state of things which then existed, at least that they were very distantly connected with it. He could state another instance which might appear more applicable to the present state of the country. When a noble friend of his was at the head of the department he had now the honour to fill, a most wicked and diabolical conspiracy had been formed against the person of his Majesty by Colonel Despard. The conspirators were, however, foiled in their attempts, were apprehended, and brought to punishment. Neither did he think it necessary on that occasion to have recourse to a measure like the present, because that was an isolated conspiracy, and all its danger was extinguished by one blow. The noble lord had asked for a precedent exactly in point: this was hardly reasonable, as no two cases could be exactly alike; the great thing to shew was sufficient cause for the present measure. As to the attack which the noble lord had made on the peace, he had defended it when the treaties were laid on the table, and was ready to defend it again at the proper time: but he believed that it had never before entered the mind of any sensible and judicious person to speak of that peace in such terms as those used by the noble lord. He was aware that there was a class of persons who disliked the peace on the same principles that they disliked the war, because they saw in it the overthrow of certain favourite hopes and opinions; but he had never before heard any man of cool judgment ascribe such base motives and such injurious effects to a peace made under the most glorious circumstances, and he verily believed more conducive to the happiness and liberty of mankind than any other peace on record. (*Hear, hear.*) With respect to the causes of the present distress, there were various opinions; some imputed it to the transition from war to peace; some to the paper currency;

and some to excessive taxation: but none till now had ascribed it to such causes as those enumerated by the noble lord. For himself, he was ready to maintain, and to prove by documents, that the trade and manufactures of the country were never so extensive as during the last two years. The great decay in trade had arisen from the glut of former years, and the internal trade was suffering, owing to the distressed state of the agricultural interest. As to the alleged delay of calling Parliament together, he could say that the delay had been the result of the coolest deliberation, and after repeated consultations: and that, if it was not called at an earlier period, it was because it was felt that the evidence was not in such a shape as could be presented to Parliament. Their lordships would easily understand that though the Government might entertain a serious anxiety about certain clubs and certain writings, it did not follow that they could produce such satisfactory evidence of the danger of such meetings and of such publications, as would justify Parliament in any legislative measure on the subject. Indeed new information was daily coming to Ministers, and fresh facts had arrived even while the committee was sitting. If, therefore, the Ministers had decided wrong in delaying to call Parliament together, it was not because they undervalued that branch of the constitution, still less from the wish to dispense with it: but because, under all circumstances, and after the most serious consideration, they felt convinced that such delay would best promote the essential tranquillity of the kingdom: for if, when the first alarm was excited, they had, by assembling Parliament, drawn away from the places where they could be most useful the different country gentlemen, the consequences might have been most dangerous to the peace and even constitution of the realm. He attached as much importance as any man to the Habeas Corpus Act, and was ready to admit, that though not formally enacted till the time of Charles II., yet it had, in its main objects, existed for a long time in the constitution of the country. Still, he had always a firm opinion, that the same laws cannot always apply to the varying condition of a nation. Permanent laws, however good, might, in some cases, produce the most incurable mischief; and the only rule which could be always applied at all times was, that as much liberty should be preserved as was conducive to the general happiness. If this principle were correct, it would follow, that extraordinary circumstances sometimes require extraordinary powers; and the only question would be, whether sufficient ground was shewn for the measures proposed to be adopted. It was a mistake to suppose that this act might not be suspended in time of peace as well as of war; for it was possible that more malignant treason might exist during peace than war. If this increased malignity, this in-

creased danger, were sufficient ground to stand upon, their lordships had it in the present instance; for the present system of treason had spread through a great part of the country: it was a system whose branches were so various, whose members were so active, whose spirit was so politically malignant, that, in his conscience, he believed that the domestic danger was far greater than in the year 1794. He was sure that it tended infinitely more to sap all morals, all religion, all principles of government and social order, than any previous conspiracy. The conspirators of the present day had taken a lesson from the conspirators of former times; for they had learnt skill, cunning, and management: all of which served to render them as dangerous as they intended to be mischievous. This was the general character of the combination, but in some parts the spirit was more malignant and desperate than in others. It was for the purpose, therefore, of supporting the throne, of supporting the constitution, of protecting the peace, comfort, and happiness of every private family in the country; it was with a view of preserving to every man the peaceable enjoyment of his fire-side, that he asked of Parliament to be intrusted with this power, a power which he was willing to admit nothing but extraordinary circumstances, such as those which now unhappily existed, should induce their lordships to intrust to any man, or any set of men whatever. (*Hear, hear.*)

Earl Grey said, that at an earlier hour he might have been led to enter into all the circumstances of this most important question; but now it was utterly out of his power to acquit himself satisfactorily, even according to his humble abilities, in defending the cause of the people of England against the most unnecessary and uncalled for attack upon their liberties which any Minister of the Crown, in any period of our history, had ever attempted. Though he thought his noble friend had strictly confined himself to the question then before their lordships, in the view which he took of the effects produced by the late peace, it was not his intention to follow the noble earl much at large in that part of his speech, which was to be considered as a reply to his noble friend. He must, however, contend that in his belief a very considerable portion of the dissatisfaction and discontent which pervaded the more rational and thinking part of the community, was the result of that peace; and he should be sorry to think otherwise. He should be sorry to think that Englishmen, enjoying all the blessings of a free Constitution themselves, had no sympathy for the rest of mankind to whom these blessings were denied; he should be sorry to think that the cause of liberty, wherever pleaded, was a cause foreign to the hearts of Englishmen; he should be sorry if Englishmen could coldly and passively behold other nations subjugated by military force, especially when they reflected that those evils emanated in a great de-

greet from our own Government. (*Hear, hear.*) The noble earl had talked of the glory with which the war was concluded, and the liberty which the peace had conferred upon Europe; and, certainly, as far as respected our arms, as far as the glory of the illustrious general who commanded our troops, and the bravery of the troops themselves, were concerned, the circumstances of this peace were unprecedented in our annals: but, in his opinion, equal to the glory and renown of our arms was the disgrace of the negotiations. Where were we to seek for that liberty and independence of which the noble earl had boasted? Was it to Genoa we were to look for the due regard that had been paid to the rights of an independent State? Was it in Lombardy we should find that happiness and comfort which the peace was asserted to have produced? Was it in Venice, now blotted out of the map of independent nations in Europe, and consigned to a power which he would not describe? (*Hear, hear.*) Was it in Saxony, whose troops, deserting their Sovereign, placed themselves in the ranks of our own armies, to fight for the common cause, whose whole population united to assert the rights we asserted—was it to that devoted country we must look for the verification of the noble earl's assertion? But the noble earl had contended also, that the interests of our commerce and manufactures had not been neglected in the negotiations. If the noble earl was really of that opinion, let him go to the Exchange, and ask what benefits were secured to this country in return for the sacrifices we had made for the whole of Europe, and hear the answer he would receive. He was ready to admit, indeed, that one great cause of our difficulties was the depression of our agriculture; but did not the state of the foreign market also contribute to them? The noble earl had indulged in a curious argument upon that subject. After maintaining that our commerce during the last two years had been as great, if not greater, than at any former period, he arrived at the unexpected conclusion, that the foreign markets were now glutted, and hence the stagnation of our manufactures at home. Whence did that glut arise? Was it not true that every power on the continent had manifested the greatest jealousy of our commercial system? Had they not imposed restrictive regulations, in a spirit scarcely less vindictive than that which produced the Berlin and Milan Decrees? He contended, that with so many opportunities, with so many claims upon the friendly dispositions of the continental powers, his Majesty's Minister had not entered fairly into those arrangements; they had neglected the interests of the country in that respect, and to that neglect the present embarrassments and distress were in some degree attributable. The noble earl had endeavoured to justify the not calling Parliament together earlier; and he begged their lordships' attention to his arguments. What! said the noble earl,

would you have us summon Parliament before we had sufficient evidence to require coercive measures? And was this the only apology which the noble lord had to offer? Was the enactment of penal statutes the only duty which Parliament had to perform in these times? He should have thought it might have found other duties. He should have imagined that its most natural and beneficial duties would have been to conciliate the nation, by shewing a disposition to do all in its power for relieving the existing distress; by listening attentively to the complaints of the people, when they referred to proper objects; and by an early adoption of that systematic and comprehensive retrenchment, which could alone provide a substantial remedy for the present difficulties. Those, he conceived, were the first duties of Parliament, and the performance of them was infinitely more important than any advantage that could accrue from leaving the members of that or the other House, at their country seats a few weeks longer. The noble earl, however, had certainly put the question then before their lordships, upon its true ground. A free Government could not constantly possess those powers, which it might be necessary to grant in extraordinary emergencies. If they had it at all times, it would be found too strong for freedom; while, on the other hand, if they were without it, in cases of extreme urgency and danger, there would be no safety for the throne, the constitution, or the country. He was ready to admit also, that in the best periods of our history there were instances, when the principles of our Constitution sanctioned the temporary suspension of it: but then, it was under circumstances of undeniable danger, and the wisdom of granting such a power, at such a time, was proved even by their lordships being assembled that night to deliberate freely upon the present question. He was entitled therefore to ask, was the danger now so great, so urgent, as to require the application of this law, and was it of such a nature that it could not be repelled without it? Upon that ground he was willing to argue the point. The noble earl had said, that even in the very year of the Revolution (uttering the word *even* with an emphasis that clearly indicated his triumph at the discovery) the law of Habeas Corpus was suspended. He certainly could not deny the fact; but he wholly differed from the noble earl in his inference. That suspension was permitted at a time of unquestionable danger and difficulty, when the Crown was unsettled, when the Sovereign was newly seated on his throne, when his claim was not generally recognised, when his enemies were daring and active, and when the exiled family was fomenting cabals and stirring up enterprises for the recovery of their lost dominion. Such a period was, of all others, the one most likely to be fertile in conspiracies and plots; but even then our ancestors, jealous of their freedom, would not consent to part with it for more than a month at a time. What compari-

son, however, was there between those dangers and the present? But if precedents were to be resorted to, let their lordships look a little further. In 1695, when the life of King William was threatened by foreign emissaries and domestic traitors, when there was an avowed plot to assassinate him, and when the country was menaced with invasion, in that very year, in the midst of all those dangers, our ancestors passed the celebrated statute for regulating trials of high treason, securing to persons accused of that enormous crime, every facility of defence, and which now formed one of the brightest pages of our legislative code. (*Hear, hear.*) He wished, therefore, when precedents were quoted, in justification of the present measure, that the spirit which animated our ancestors should be followed throughout, and that it might be imagined that every thing was done when the power of Government was secured, without remembering that the people also had an interest in the preservation of their own liberties and freedom. (*Hear, hear.*) The instance he alluded to was the first, and, with one exception, the only time, in which the law of Habeas Corpus had been suspended, without the existence of foreign war or domestic rebellion. In 1715 there was a rebellion; in 1745 there was a rebellion; in 1794, in 1798, and in 1801, there was a war with France and a rebellion in Ireland. The single exception in time of peace was in 1722, when a plot was discovered against the Sovereign, connected with the schemes of the Pretender, who published a proclamation, desiring the King of England to retire to his dominions in Germany, where he very modestly offered to procure him the title of prince. The enemy was then to have received assistance from some of the first persons in this country. Some of the conspirators belonged to that House, and many of them were actually seized and imprisoned; the first duke of the realm was sent to the Tower upon suspicion; and it appeared that many foreign officers were engaged to take the command of the troops. But was that a danger like the present? No one would venture to compare the two cases. Yet, under such circumstances, even the proposition for suspending the Habeas Corpus was strongly resisted, and in the House of Commons the minority was 193 to 246. At that time too it should be recollected that the Crown had an army which did not exceed 20,000 men, while now we have a standing army, for Great Britain alone, of four times that amount. Nor was that the only difference. There was then a pretender to the Crown, who still retained numerous and powerful adherents. Now both kingdoms were under the sway of an undisputed and legitimate succession. Besides, what was the influence of the Crown at that time compared with its present influence? (*Hear, hear.*) Fortified and entrenched as they were to the very teeth, by that influence, and by a large military force, he would ask, had they no other securities still? Let them look at their laws. There were enactments which

restrained the liberties of the press—which required oaths—and yet they came to ask for a suspension of the Habeas Corpus Act. (*Hear, hear.*) He did not wish to underrate the danger that might exist; he could have no interest in doing so. Whatever of rank or of property he possessed, he was anxious, like every other man, to transmit unimpaired to his children: and if the schemes mentioned in the report of their lordships' committee were capable of being carried into effect, he could not be so foolish as not to know, that he must be among its victims. Whatever, therefore, he might do or say in resisting the present motion, could only be from what he considered his paramount duty. In the first place then, he contended that any conspiracy attended with an utter improbability of success, as the present was allowed to be, was not a case that called for a suspension of the Habeas Corpus. What was the nature and character of this conspiracy? They knew the chief actors in it; for the Report distinctly stated, that they were the persons who attempted to excite an insurrection on the 2d of December. Who were they? Persons of great consequence and connexions in the country, whose co-operation gave a formidable character to the attempt? No. They were miserable wretches reduced to the lowest poverty and distress, who would probably have been driven to seek relief on the highway, if there had not been a prospect that the discontents of the country were such as might prompt many to follow their wild schemes. What was their object? To produce insurrection, by calling persons together under the pretence of seeking Parliamentary Reform, without any previous concert and design, and trusting wholly to chance for the means of stimulating their instruments in the work of sedition. That was the whole extent of the plot; and the attempt was made in the way that was projected. The mob assembled at Spafields; they were addressed in inflammatory language: to be sure, they were provided with ammunition, having about 20 or 30 balls and a pound of gunpowder concealed in the foot of an old stocking. They were not followed by more than two or three hundred persons, who plundered a few gunsmiths' shops, and a gentleman received a wound, from which he sincerely hoped he would recover. Such excesses ought, undoubtedly, to be repressed and punished; but in order to do so, was it necessary to suspend the Habeas Corpus? Those formidable rioters fled even at the very mention of a dragoon; they did not wait to see their horses' heads at the top of a street, so admirable were the military arrangements of that great General, Lord Viscount Sidmouth, than whom Bunhill-fields never saw a braver commander. (*a laugh.*) His lordship then took a review of the different societies designated in the Report, and the circulation of seditious and blasphemous publications, as there described, observing that there were laws and Acts of Par-

ligent, chiefly of modern date, under which all these offences might be prosecuted and punished. With regard to the statute to which he had before alluded, respecting societies having secret committees and secret correspondence, he had read the Act that morning, and he thought it as strong as it could be made against societies of the description mentioned in the Report. With respect to what they had heard of profane parodies upon the Church service, there was little that could be called new in them, however reprehensible. They must all be aware that at a former period a parody upon the Litany was written, even by a dignitary of the Church, which had never been selected as any object of marked reprobation. As to the blasphemy there might be in these modern productions, were there not laws to punish it, were there not equally laws to punish sedition? The members of societies, associated for the purposes of unlawful combinations, might be punished under the existing laws: seditious publications might be punished under the Act of 1797, which provides for the safety of the King's person. With all these provisions, therefore, surely it ought to be distinctly proved that they were insufficient to meet the evil, before new and extraordinary enactments were resorted to. It was not because they happened to have an incapable Attorney-General, or a negligent and inattentive Secretary of State, that the liberties of the people were to be suspended, nor were Ministers to call upon that House to repair the consequences of their own *laches*, by enacting laws oppressive to the community. Would it not have been a much wiser policy in the Ministers of the Crown to have resorted only to those measures which were strictly called for by existing circumstances, and which would have met with unanimous support? How much would this have added to the real strength of the Government, how much would it have tended to keep down the spirit of discontent? Much of that spirit arose from the extreme pressure of distress, and surely it was of no small importance to satisfy the people that nothing more was wished to be done than what was actually necessary for the security of the State, and the welfare of the community. As to the precedent of 1794, unnecessary as he thought it was then, and was proved to have been, he thought his noble friend had shewn that the situation of the country was then very materially different from what it now was. He, for one, would have consented to a new law for preventing meetings in the open air without a previous notice to the magistrate, signed by seven respectable householders, and for preventing them from adjourning such meetings from time to time with a sort of menacing expectation, as his noble friend had happily expressed it, of the proceedings of Parliament, or he would have consented to a measure for preventing such Meetings within a certain distance from the metropolis during the meeting of Parliament. He would have agreed to such a mea-

sure, because he conceived such meetings called by unauthorized individuals, as productive of great evil, in the spirit to which they gave birth, and the riot and turbulence they tended to produce. He would also have most willingly and cheerfully consented to a bill for the better security of the person of the Prince Regent. These two measures would, he conceived, together with the existing laws, have been amply sufficient to meet all the evils of the sedition, or the traitorous conspiracy dwelt upon in the Report. Had these measures only been resorted to, the unanimity of Parliament would have been secured in their support, an advantage unquestionably of the greatest magnitude, for would it not tend rather to increase the discontent, when it was found that the measures proposed by the Government, met with opposition in Parliament on the express ground that they unnecessarily infringed upon the liberties of the people? What was, in fact, the danger? Was it not clearly proved, that whatever was the spirit that existed, or the projects entertained, they were confined entirely to the lower classes of the people? None of the higher, or scarcely any of the middle ranks, were implicated. What then could be effected? Those who had the best means of judging of the true character of the French Revolution, were decidedly of opinion, that had not the system that led to it been supported by the wealth and influence of no less a person than the Duke of Orleans, and by the talents and means of persons in the highest ranks of society, that Revolution could not have been effected. The danger, therefore, was not of that imminent nature that the Ministers of the Crown would have the House believe. It might, he was persuaded, be effectually met and guarded against by the enactments already existing, with the addition of those he had alluded to, and in which he was ready to concur. How came it, besides, that all this danger was not seen long since? The noble Secretary of State seemed to have had no apprehension of danger from the first meeting in Spafields; did the abuse which was lavished upon the opponents of Ministers in a greater degree than upon Ministers themselves, serve to shut the eyes of the noble viscount to the danger which he professed afterwards to discover? It was really impossible to contemplate, without the most ludicrous sensations, the interview which took place between the principal orator upon that occasion and the noble Secretary of State. The contrasted manners, the opposition of character, the mildness of the noble Secretary, and the tone assumed by the other, was altogether a scene which would have been highly diverting to a by-stander. Nothing, however, of longer at that time seemed to have been discovered; it was only on a sudden some time afterwards that all the danger seemed to have burst upon the Ministers, and now, without any proof of the insufficiency of the ordinary laws, they were to be called upon to suspend the liberties of the people. He was glad, how-

ever, to find that it was thought not necessary to extend this measure to Ireland; he trusted it would therefore be deemed unnecessary to keep up so large a force in that part of the United Kingdom, and that thus a considerable saving would be effected. He also trusted that this acknowledged state of tranquillity, this admitted loyalty in Ireland, would induce a favourable consideration on the part of the Ministers of the Crown of the claims to civil rights of a large portion of his Majesty's subjects in that part of the United Kingdom, and that they would at length receive what they had so long and anxiously sought for, and what they were justly entitled to, a free participation in the common rights of the subjects of the realm. He could not conclude without again expressing his deep regret that Ministers had not rather chosen to ensure the unanimity of Parliament by moderate measures, than thus to increase discontent by measures for abridging and suspending the liberties of the subject—measures, unfortunately, which, by the increased discontent they generated, tended to others still stronger, and thus ultimately to the utter subversion of the Constitution. It was impossible to contend, that powers were wanting to provide for the safety of the country. Was the British Constitution, as he had read in a celebrated writer, as variable as the weather? Was it only fit to sail "on the smooth surface of a summer sea," and when "the tempest rages and the whirlwind roars?" was it not able to carry us through our dangers? Such was not his opinion of the British Constitution. Upon these grounds he should dissent to the second reading of this bill, and should not have thought himself worthy of a seat in that House, if he had not raised his voice against a measure which, in his conscience, he thought would be one of the most fatal in its consequences that had been ever adopted by Parliament. (*Hear, hear.*)

The Duke of *Sussex*, differing as he did from the noble lords opposite, felt it his duty nevertheless to say, that he believed they acted from the purest motives. He believed, that what they proposed, was from a regard to the Constitution; yet, he could not avoid saying, that from personal knowledge, he saw no grounds to believe that such a conspiracy ever existed as that of whose existence the noble lords over the way attempted to persuade the House. He was present at the examinations which had taken place before his worthy friend the present Lord Mayor, at the Mansion-house: he could not lend himself to support the idea of any conspiracy ever existing, and, in his opinion, he was the more confirmed, when he considered the amount of the subscription raised preparatory to the far famed 2d day of December. That subscription, would their lordships believe it, amounted to no less than the formidable and enormous sum of ten pounds sterling!! (*Hear, hear, and a laugh.*) For the waggon hired on that memorable occasion, 1st had been first of all paid, and 2^d. afterwards, and he believed

there was at this moment 10s. of the hire yet to pay. (*Hear, hear, hear.*) With respect to the ammunition with which this waggon was loaded, that ammunition had been placed in the waggon at the head of Chancery-lane, and was contained in what? Why, in an old stocking, (*Hear, hear.*) and it consisted of 50 balls, none of which would fit a pistol. (*Hear, hear, hear.*) There was a tremendous cannister in the waggon, containing no less than one pound weight! (*Hear, hear.*) Really when such were the mighty facts of this case, when such were all the proofs of this conspiracy, he would ask were their lordships prepared to say they would go beyond the limits of the present existing laws? Were they really disposed to magnify such molehills into mountains? (*Hear, hear.*) Attached to the venerable fabric of the British Constitution, no man would ever feel more anxious than himself to take every precaution to prevent that fabric being dilapidated, but never could he consent to the adoption of measures for abridging the liberty of Englishmen, for depriving them of their native, their legitimate rights, when there was no case made out to justify such measures being adopted. (*Hear, hear.*) Glorifying in the name of a Briton, because that name was connected with every thing dear to the human heart, he could only say, that while he lived, he should ever consider it his highest honour to maintain, unimpaired, the sacred rights of Britons. (*Hear, hear, hear.*) This was a subject nearly as serious as voting life and death, guilty or not guilty; and it was impossible to vote away the liberties of Englishmen in this manner. The duty of an honest man was only to vote on that side on which his conscience lies, and therefore he should sit down in voting against the measure. (*Hear, hear.*)

Lord *Grenville* considered the question now before their lordships to be one of the most important that had ever engaged the attention of Parliament, and while he was aware of that importance, he trusted their lordships would give him credit when he said, that no man could have more hesitation than he had in sanctioning the measure now proposed for their lordships to adopt, especially in a time of peace. His noble friend (Earl Grey) had justly observed, that the proper question before their lordships was, whether at this important crisis there was such a case made out, as would justify their lordships in suspending the Habeas Corpus Act. He, for one, acknowledged he had seen that case sufficiently made out. He was old enough to remember the riots of 1780, when the metropolis was for five days in the hands of an infuriated mob, which at first consisted of as few persons as those collected at Spasfields, but which, as their lordships knew, was soon increased by immense numbers. If their lordships would look to more modern occurrences, they would find sufficient in the history of ill-fated France, to shew the baneful consequences resulting from attempts to undermine moral and religious habits. For one, he was decidedly of

opinion, that the revolution of that country had been accelerated by nothing so much as the publication of pamphlets of a most irreligious and seditious nature, which were given to the lowest and most ignorant of the people, whom the want of education rendered to a considerable extent savage. He was persuaded that some extraordinary legislative measures were necessary in the present crisis. Never would the revolution in France have been accomplished, had the morals and religion of the community not been subverted, and he begged to assure their lordships, that when once the religious habits of a country were attempted to be undermined by the sophistry, or ridicule of the profane, when once her sacred institutions were turned into scorn, there existed but little hope for that country. He would not enter at present into the question respecting Annual Parliaments and Universal Suffrage, but he certainly would assure their Lordships, that the manner in which that question was at the present moment agitated through the Empire, deserved their serious attention, for he was persuaded, that the name of Parliamentary Reform was assumed to cover a wild project which must end in the total and irremediable overthrow of the country. These projects of Universal Suffrage and Annual Parliaments were not submitted to individuals capable of judging of their propriety, but on the contrary were directed to the poorest and most wretched classes, who were thus taught to look upon them as their ancient and imprescriptible rights; but, unfortunately for its supporters, that part of the Constitution they referred to was some hundred years prior to where the true and authentic history of the country had commenced. Thus were the most insidious attempts made use of to subvert the principles of the poor, and to cherish ideas which had no existence excepting in the visionary minds of those who promulgated them. He certainly thought the experience of the last six months had justified some extraordinary measures, for it would be a mockery to speak of the protection we enjoyed under our laws, when it was seen by experience that the peace of the country could be disturbed whenever madmen chose. On looking at this subject, he did not think it necessary to go into a sort of comparative scale of the dangers of the present moment with the dangers of former periods; because, in the fluctuating state of society and nations, he thought it hardly possible to select one or two striking circumstances, and to say that the absence of some circumstance in this case, which there was in another, must put out of consideration those evils which it was necessary to guard against. Never, till the present moment, was the hope entertained in this country of detaching the minds of the great mass of the people, not from this or that sect of religion, but from all religion whatever. The seditious writers of the present day, who deluged the country, and filled the air with their ignorant and

wicked productions, did not make it a question by whom the Government should be administered, but whether a Government should exist at all; whether the whole frame and constitution of the country was not so corrupt as not to call for a mere Reform of Parliament, but such a Reform as would amount to a complete insurrection. It was not for the security of this or that individual, or of this or that class of persons, but it was for the security of the whole community that he thought it necessary that Parliament should interfere to arm Ministers with those powers which, he feared, were the only means left to protect the safety and security of the nation. How it was that the law was not sooner enforced, and that the evil was allowed to reach so great a height, without any measures having been adopted to check its progress, he was unable to say: but it was sufficient for him, for the present purpose, to be convinced, that the evil had in fact advanced to a magnitude which required this measure. He deeply regretted that it should be necessary to suspend the Habeas Corpus Act, even for the shortest time: but since that was necessary, he was happy that the suspension had not been extended beyond a period when the subject might be reconsidered by the present Parliament. God grant that it might not be necessary to continue the suspension longer than the earliest period mentioned. But if the circumstances of the country should remain as they were, he must vote for its further continuance, from a conviction that it was justified by the necessity of the case.

The Duke of Gloucester was sorry to detain their lordships even for a moment longer at that late hour, but he could not reconcile it to himself to give a silent vote on this most important question. No man could possibly be more unwilling than he was to support any measure for the suspension of the Habeas Corpus Act; but he was convinced of the necessity of the measure, under the present circumstances of the country, and would therefore join his noble friend in voting for the second reading of this bill, regretting, at the same time, that he was compelled to differ from so many other noble and respected friends.

Lord Holland did not mean to discuss the subject at any length in the present exhausted state of the House, and rose to say a few words, merely because, on a question of such magnitude, he could not rest satisfied with giving a silent vote. The general subject had been so well explained on both sides of the House, that it was unnecessary to recur to it. The only question was, whether the necessity existed for resorting to extraordinary measures: and then, whether if the necessity did exist for some extraordinary proceeding, the present measure was that which was best calculated to answer the intended purpose. With respect to the course adopted in 1794, it would be recollected that other measures had then been resorted to. The Habeas Corpus Act was not suspended in 1795;

nor during the dissolution of Parliament; and he hoped it never would be suspended in such circumstances. It should be observed, that though the complaint now was that there was a decay of all religion among the people, the increase of the Methodists had often been lamented in that House. The two things were incompatible, and if Methodism had spread to so great an extent among the people, that very circumstance created a very strong degree of doubt as to the necessity of the present measure. It did not appear to him that the present Ministers were at all likely to exercise these new powers with harshness and cruelty: but still there must be a bias on their minds to create an alarm in the country, because otherwise the distresses were such that they run a risk of being unseated. Upon the whole, he could not think himself justified in voting for the second reading of the bill at present, because three previous requisites were wanting. In the first place, it had not been shewn that existing laws were inadequate to answer the purpose: secondly, it had not been shewn that they had been enforced, such as they were: a fact so obvious, that his noble friend (Grenville) admitted that he was unable to account for the circumstance: thirdly, it did not appear that this was the proper mode to meet the evil.

The House then divided on the motion for the second reading of the bill,

Content - - - -	84	Not Content - - -	23
Proxies - - - -	66	Proxies - - - -	12

150

35

Majority - - - - 115.

The bill was then read a second time, committed, reported, read a third time, and passed. Adjourned at two o'clock.

LIST OF THE MINORITY.

PRESENT.

Duke of Sussex	Earl of Darnley
Duke of Somerset	Earl of Lauderdale
Duke of Bedford	Visct. Torrington
Duke of Argyll	Lord Say and Sele
Marquis Wellesley	Lord St. John.
Earl of Derby	Lord Montfort
Earl of Thanet	Lord Holland
Earl of Essex	Lord Foley
Earl of Albemarle	Lord Auckland
Earl Grosvenor	Lord Alvanley
Earl of Rosslyn	Lord Erskine
Earl Grey	

PROXIES.

Duke of Devonshire	Earl of Darlington
Duke of Leinster	Earl of St. Vincent
Marquis of Downshire	Viscount Anson
Earl of Jersey	Viscount Clifden
Earl Cowper	Lord Byron
Earl of Waldegrave	Lord Ponsonby

PROTEST

IN THE HOUSE OF LORDS, AGAINST THE BILL FOR SUSPENDING THE HABEAS CORPUS.

DISSENTIENT,—Because it does not appear to us, that, in the Report of the Secret Com-

mittee, there has been stated such a case of imminent and pressing danger, as may not be sufficiently provided against by the powers of the Executive Government under the existing Laws, and as requires the Suspension of the most important security of the Liberty of the Country.

Augustus Frederick.	Grey.
Bedford.	Wellesley.
Albemarle.	Thanet.
Foley.	Grosvenor.
Sundridge.	Auckland.
Alvanley.	St. John.
Montfort.	Say and Sele.
Essex.	Rosslyn.
Lauderdale.	Vassal Holland.

HOUSE OF COMMONS.

Monday, February 24.

PARLIAMENTARY REFORM.] Sir F. Burdett presented petitions from Ludlow, Driffield, Blackburn, &c. praying for Retrenchment and Reform. Ordered to lie on the table.

Sir R. Fergusson, in presenting a petition from Perth, in favour of Parliamentary Reform, protested against the attempts made to confound those who were desirous of Reform, with those who were desirous of revolution; thereby making a libellous attack on the great mass of the nation. (*Hear, hear.*) This was more particularly the case with respect to the inhabitants of Scotland, who, though zealous reformers, were among the most loyal of his Majesty's subjects. (*Hear, hear.*)

The petition was ordered to lie on the table.

Mr. Staniforth presented a petition from Hull, praying for Economy and Reform.

On the motion that it be laid on the table,

Mr. Brougham observed, that he had received a communication from a gentleman at Hull, a warm friend to the constitution, who had assured him that the meeting at which the petition originated, was most fully attended, and that nothing could be more temperate and orderly than the conduct of the persons assembled. This was not an exception to the general circumstances: quite the contrary. With one solitary exception, at all the meetings called for the purpose of petitioning Parliament for Reform, the proceedings had been carried on with a peaceful and decorous spirit, that would do honour to any cause. (*Hear, hear.*)

The petition was ordered to lie on the table.

Mr. Gaskell presented a petition from Wakefield, for Economy and Parliamentary Reform.—Ordered to lie on the table.

FINANCE COMMITTEE.] Sir J. Newport, in consequence of the indifferent state of his health, requested that his name might be withdrawn from the Committee on Public Expenditure. After a few words from Mr. D. Gilbert, lamenting the circumstance, Sir J. Newport's name was accordingly withdrawn; and, on the motion of Mr. Brougham, that of Mr. Robert Smith was substituted.

PETITION FROM MR. HUNT.] Lord Cochrane moved, that a petition should be read which

within the last ten minutes had been put into his hand. It came from an individual who was ready to prove at the bar of the House, the falsehood of certain imputations on the public that had lately appeared in the journals as the report of the secret committee. He (Lord C.) thought there could be no doubt, that allegations of this nature should be examined before the House proceeded to suspend the liberties of the country. The individual in question stated, that Lord Sidmouth knew beforehand the proposals and intentions of the parties who excited the tumult at Spafields; that certain instruments, resembling pike-heads, had been ordered, by a person in the dress of a gamekeeper, to be made at the shop of one Bentley; that those instruments were nothing more nor less than pikes, for securing the head of a fish-pond against marauders; that certain police-officers had come to this same Bentley, and had ordered him to fabricate some more spikes similar to those he had made for the gamekeeper: and that these imitations, fabricated by such orders, were the pike-heads produced before the committee of secrecy. The petition contained much other curious matter, for the truth of which he (Lord C.) did not hold himself responsible; but he thought that it ought to be examined into, and a committee appointed for the purpose, because it would be satisfactory, that the proceedings of the House should be grounded on truth, or that if the allegations contained in the petition were false, the individual who had attempted thus to impose on the House, should be severely punished for his contempt of their proceedings. It appeared to him a most extraordinary circumstance, that though a private person, when accused, was allowed to exculpate himself in the best manner he could, the whole people of England should be condemned, unheard, by a selected committee, (and all knew how committees were selected.) This was so extraordinary and unjust, that he there, in his seat, protested against it, and he trusted the House would not sanction such a proceeding by its vote, when it was notorious that no serious disturbances had taken place. It was true, that a small body, calling themselves Spenceans, had precipitated an attack on the property of the country: but they were not above 100 in number, even in the opinion of the Lord Mayor; that a few desperate individuals might have evil designs he had no doubt, but that the constitution was in danger from any such wretched individuals, no one could seriously imagine. The petitioner himself, on his way to the Spafields meeting, met those coming from it who were said to have hired the waggon from which such inflammatory speeches had been made; that it was extraordinary that the *Courier* should have stated those resolutions to have been made as part of the proceedings of the meeting, which were absolutely rejected by the petitioner, and which Ministers were in possession of long before the meeting. It was averred in the petition, that so far from Spafields having

been fixed on with any settled design, Palace-yard was the place originally chosen for the meeting; from whence there could have been no intention of attacking the Bank or the Tower. The petition from Henry Hunt, of Middleton-cottage, near Andover, was then read. It stated in substance, that the petitioner had been the mover of several petitions which had been favourably received by both Houses of Parliament, and of one in particular at the Spafields meeting, which had been received by his Royal Highness the Prince Regent; that he had lately read the report of the secret committee, which, as far as he was able to disentangle it, endeavoured to shew that Spafields had been chosen as the centre for an attack on the Bank and on the Tower; and that at the second meeting, the banners of revolution had been unfurled, and an insurrection actually begun. The pike-heads had actually been fabricated, and delegates appointed from different meetings in the country. With respect to the first allegation, the petitioner, as he could not know the thoughts of men, could say nothing, but he trusted a simple narration would remove all suspicion from those who were principally concerned in the business of the day. The petitioner, while in the country, had received a letter from a person of the name of Preston, requesting his attendance at a meeting to be held in Spafields; he wrote to know the object of the meeting, and received for answer a newspaper called the *Independent Whig*, which contained an advertisement dated from the Carlisle Arms, and addressed to the distressed mechanics, mariners, and others of the metropolis. Petitioner hesitated not to accept the invitation, and attended the meeting; he found there a memorial ready prepared, which a stranger put into his hand. Petitioner finding it contained propositions he could not approve, and, among others, one to lead the people to Carlton-house, refused to accede to it, and moved instead, that a petition should be presented by himself to the Prince Regent. John Dyer had furnished Mr. Gifford, the magistrate, with a copy of the other resolutions, which were in the hands of Lord Sidmouth before the meeting was convened; so that whatever took place was owing to the connivance of those who knew beforehand what would be proposed. With respect to the second allegation in the report of the committee, there was nothing like previous concert in the transactions of the meeting. A second day had been appointed without any decided preference, but only with a view to the probable meeting of Parliament; at that meeting the petitioner was to carry down the Prince Regent's answer to the petition that had been presented him; the petitioner had informed Lord Sidmouth of this, who, so far from making any objection, or advising petitioner not to do so, said that petitioner's presence appeared to have prevented mischief; so that his lordship could have had no desire to prohibit the meeting. The petitioner, and others connected with him, had

nothing to do with the unhappy disturbances on the day of the Spafields meeting. He met the rioters on his way to the meeting, and proceeded to the place appointed, where the strongest resolutions were passed against violence and tumult; so that at a third meeting, much more numerous than either of the preceding, every thing passed off in the most orderly manner. As to the pike-heads, he was ready to shew that a person of the name of Bentley had been employed by a gamekeeper, to make spikes for the preservation of fish in a fish-pond; that the first set succeeding extremely well, more had been ordered; and that after this, Bentley had been sent for to Bow-street, and ordered to make others similar, as a copy of what he had furnished the gamekeeper with. Delegates from Hampden Clubs having been mentioned, the petitioner begged to shew that they were not termed delegates, but deputies; that they had met only three times, and that in an open room, to which newspaper reporters were admitted; that they had separated by an absolute dissolution, and not by an adjournment; nor were they to meet again in March, as was alleged in the report of the committee.—The petition was ordered to lie on the table.

REPORT OF THE SECRET COMMITTEE.—*SEDITIONARY MEETINGS BILL.*] Mr. *Brogden* brought up the Report of the Committee appointed to search the Lords' Journal with respect to the proceedings of the Secret Committee appointed by their lordships to examine into the sealed papers recently presented for their consideration. The Report comprehended the Report presented to the House of Lords, by their lordships' Committee, and was ordered to be printed.

Lord *Castlereagh* then rose, and, in adverting to the importance of the question he was about to bring before the notice of the House, stated, that he had never felt himself in a more painful situation. It was his duty, and it had been the duty of other men in public situations during these latter times, to submit to the mortification of calling on Parliament for extraordinary powers at periods of extraordinary danger; but severe as that duty was at all times, it must be peculiarly painful and grievous for him to find that it was now imposed on him, not at a period of war and confusion, but after the return of peace, and when it might have been hoped that tranquillity had been restored within, as well as without the kingdom. He should have hoped, that after the dreadful record that the whole world had been furnished with, of the sufferings inflicted by a neighbouring nation on themselves and others, by an unprincipled overthrow of all that was established and sacred; after the memorable lesson taught us by the fall of all those who had commenced the scene of plunder and devastation; after the dangers and sufferings in which all had been involved by the dreadful convulsion, we should, on the return of peace, on the close of a war that had so proudly rescued us from impending destruction, have sat down to contemplate in tranquil thankfulness,

the dangers we had escaped. He should have thought it difficult to find any individual in this country, so devoid of all principle, or so prone to be acted on by profligate and abandoned adventurers, as to render it necessary to call on Parliament for its interference. But much as he might have flattered himself that few of such a description could now exist, or that they were unlikely to occasion any great portion of evil, yet no one, he thought, could look at that desperate and audacious spirit which had grown out of the French revolution, without feeling, that so long as a spark of that spirit remained, so long as a hope could exist of gaining any thing by the confusion and destruction of all order and government: desperate men might arise, who would endeavour, at all hazards, even to the disregard of life, to make themselves masters not only of the reins of state, but also of all the property of this great country. It might be matter of surprise, that characters should exist, bold and dangerous enough, to risk their own existence in such a cause; but the character of the times in which we lived was such, that so long as there was a hope of gaining any thing by disturbance, so long would such men attempt to destroy the public peace. But while he was not surprised that such men should exist, it was a consolation, that if we had not passed the whole of the revolutionary dangers to which we had been exposed, we had surmounted a great part of the difficulties, and had escaped the acmé of the trial: because we might congratulate ourselves, that the contagion was confined to the inferior orders of society, who, from want of information, were more likely to be operated upon by the attempts of designing men; though no one, who was not disposed to shut his eyes, would contend that no danger at all existed, however the noble lord opposite (Lord *Cochrane*) might be disposed to depreciate the amount of it. The dangers had descended in the course of years from the higher to the lower classes, and became principally operative among the last, as they saw in the instances of the Luddites, and of the Spenceans, who promulgated the most mischievous doctrines, calculated to impose upon and mislead the lower classes. These doctrines were calculated to destroy all the component principles of society, and were full of every transgression against the laws. Indeed, their absurdity might be supposed calculated to counteract their objects. (*Hear.*) Yet, with such evidence of treason before them, the House would not do their duty if they were to sleep over the danger. If he admitted the absurdity of the doctrine, as contrasted with the circumstances attending the earlier periods of the French revolution, it was not to be supposed that in the present case there were not considerable talent and ability employed in drawing off the unwary. Look at the documents of the Spencean society, and they would shew great talent and ingenuity occupied in drawing them up. Look at the various libels circulated

against all sacred and established institutions, and it would be seen they were not the offspring of men of a very vulgar turn of mind, but of men of considerable talent and perverted education. His learned friend (the Attorney-general) knew how difficult it was to treat many of these libels. If the conspirators and other disaffected persons were not of high rank and importance, yet it appeared that there were persons of eminence, who so discharged what they considered their public duty, that these people viewed and recognized them as engaged and directed to a common object. Regarded by them thus, they were looked to as a future committee of public safety. (*Loud cries of hear, hear, name, name, order.*) He did not feel it his duty to mention any names. (*Hear.*) He was only speaking on what the committee had felt itself entitled to report. If the higher classes were not connected, yet it did appear that the conspirators, however foolishly or wrongfully, persuaded themselves and others, that when a fortunate event should arrive, a movement would be made as the *avant garde* of a revolution, and that then certain individuals of eminence would place themselves at their head. (*Hear.*) Though such individuals might not, and perhaps could not, be justly charged by the laws of their country, yet in the eyes of God and man they stood responsible for the calamities that might thus be brought upon the country, and for the lives of the wretched persons who might be convicted and suffer through the delusions practised upon them, by their being taught that they were so countenanced. (*Hear, hear, hear.*) Having made these preliminary observations, he should proceed further in what he thought a fair view of our danger, and what ought to be done to meet it. The report was from a committee, not formed of one party exclusively, but of gentlemen of various opinions on general politics; and he did not go too far when he observed, that this committee was unanimous that a conspiracy exists, having for its object the subversion of the institutions, laws, and constitution of the country. If the information proceeded to the extent, he contended that its object was not to be looked to as a future and eventual circumstance, on vague and uncertain grounds, but as a desperate conspiracy which threatened an insurrection, and which had, in point of fact, exploded already. (*Hear.*) It was true, it had not been joined by all the evil-disposed who were expected to join it, yet it did appear, from the extent to which it went, and from the means provided, that they did sincerely look for some likelihood of success. (*Hear.*) In this respect there was an additional sign of danger compared with that of former cases: then the House judged from circumstances. He remembered no instance, except indeed in Ireland, of the seditious having gone the length of war, and attempted to seize the metropolis by force of arms, and overturn the State. (*Hear.*) Here was a proof of the dangerous circumstances in which we were placed. There was a character of wildness and

desperation in this treason of the lower classes; but the guilt and danger were more imminent, for it left nothing to calculation. The fact of a conspiracy was established, and proceedings had gone so far as to attempt to levy war, and to aim at the subversion of the Government by force of arms. But it would not be wise, in providing the proper means of guarding against dangerous machinations, to be regulated merely by the consideration of the violent and daring attempt to seize the metropolis and the Government. He did not hesitate to say, that if the matter stood only on the transactions of that day, and if he saw no intention to organize the country in order to support that or similar efforts, he might have regarded the affair as contemptible, considering that the attempt was put down: but he should disguise the truth if he narrowed his view merely to the metropolis, or separated that from the organized system carrying forward in various other places under the mask of Reform. He did not deny, that some individual societies meant sincerely to pursue what they considered Parliamentary Reform; yet many of them had very different views, and considered what was called Parliamentary Reform as a sort of half measure, or rather as an embarrassment. In this class there was a general purpose of co-operation by means of physical force, by which they expected to be able to control the legitimate authorities, and to force the legislature to those changes which they might demand. The House was not bound to trace these Hampden and Spencean clubs through all their bearings and ramifications, and have every particular of their various and different regulations. Nothing could be legally done against them except what was proved: but who doubted, that almost all of them proceeded upon the principle of self-extension? The greater part of them put on the mask of a Reform: for instance, the Hampden Clubs, which were vehicles for sending forth the worst principles tending to revolution. Some might be sincere reformers; but the great mass received the Spencean doctrines among them. It appeared manifest, then, that there was a most wicked conspiracy for subverting the constitution, and that the conspirators had proceeded to arms. The large meetings were meant merely as instruments for covering the evil design, and those most active in the clubs were among the most active to assemble such meetings as that in Spafelds. It was not for him to examine into the views of the individual who had presented the petition (Hunt); but admitting all he said in his petition, yet it did not shew that the meeting was not deliberately called to feel the pulse of the people; and that, because on November 15th they were not sufficiently ripe for action, the 2d of December was looked to, as the public mind might by that time become more exasperated, and so afford a fairer prospect of success. We must, therefore, look to our situation in a treason of this description, availing itself of all possible means and instru-

ments; but the meetings were only part of their schemes; which he did not believe they yet abandoned, hoping, as they did, for a convenient moment to make a desperate effort, after they had gradually more and more corrupted the minds of the unthinking, more particularly of the manufacturing class, who, of all classes, ought least to promote revolution. Though agriculturists might retain a degraded and impoverished existence, a revolution always ruined manufacturers. They ought therefore to look with horror at such a change: yet unfortunately, they were exposed to the arts and stratagems of deluders, who exasperated and poisoned their minds. Such being the nature of our danger, he felt himself bound now to state the system of measures which Ministers thought it incumbent on them to recommend to the House, with the view of strengthening the Executive Government. He then referred to a bill brought into the other House, and which would probably come before the House of Commons—he meant the bill by which a temporary suspension of the Habeas Corpus Act would be occasioned. The proposition of no public measure could give him such great personal pain. He wished to take the fullest responsibility. Though in the practice of the constitution the measure had been repeatedly resorted to, yet no measure ought to be adopted with greater repugnance. No law was so useful and so characteristic of the constitution as the Habeas Corpus Act: yet they would betray their duty, even to the liberties of the country, if they neglected a measure above all others calculated effectually to provide for the safety of the State, and its security against the blows levelled at it. (*Hear.*) Perhaps the necessity for suspension might grow in a considerable degree out of the tenderness with which the crime of treason was treated. The crime lay under a greater jealousy of proof than any other in the evidence requisite to convict. Two witnesses were required to prove the overt act. The State might hear and know of the crime intended to be committed, and yet could not arrest the conspirators, who were almost on the point of deluging their country with blood. For some particular reasons they might not have complete legal evidence, and the criminals would avail themselves of a Habeas Corpus. By the proposed measure the objects of conspirators might be defeated before they exploded, through the information of Government. Without it they could not deal effectually with conspirators, for all their operations would be fettered. He felt strongly his reluctance to suspend this great and important charter of our liberties; yet during the last 25 years there had not been a more imperious necessity for doing so than now. He would propose it with every proper guard. For the present, he should reserve himself on the subject: but he had no intention to propose its continuance beyond the present session of Parliament, leaving it to their wis-

dom to renew it, or to let it drop. It was a great gratification to find that nothing existed to render the suspension necessary in Ireland, which was in a state of tranquillity, and which, he hoped, had drawn useful lessons from experience, and was improving in loyal and peaceable dispositions, by which her prosperity would be best promoted. From this indispensable measure, to which he resorted with great reluctance, he should proceed to notice others which he also considered indispensable to our safety. A law was passed in 1793, on the occasion of a daring outrage offered to his Majesty in the exercise of one of his most solemn functions—going to deliver his speech from the throne in Parliament: a similar atrocity had, as they well knew, been disgracefully attempted towards the Prince Regent. A law was made to regulate proceedings upon attacks on the Sovereign. In what he meant in this branch of the subject, there could not be a second opinion. He wished to extend the same legal protection to the person of the Prince Regent as to the King. For this purpose he should therefore bring in a bill. There was another important point for Parliament to consider. It appeared now, as it had on former occasions, that hopes were entertained by the disaffected, of seducing the soldiers and sailors from their allegiance; for this object systematic efforts had been made. The House would not hesitate to say, that it was indispensably necessary to protect the soldier against these enticements: and therefore, to make this measure a permanent part of the law, regarding this great crime. The soldier was bound by his oath of obedience and fidelity to the King; therefore he could not suppose two opinions on this point. He came now to a branch of the subject which had occasioned great differences of opinion in 1795: but he trusted that the motives which influenced the Legislature in 1795 and 1799, would produce the same result in the present instance, with respect to the prevention of seditious meetings. The bill was passed for three years. The act of 1799 rendered all secret illegal, and all those affiliations, &c. which aimed at employing physical force. Though it was declared, and held to be legal, to meet and petition, and though no obstacle was to be thrown in the way of the right of petitioning, yet it was felt quite necessary to stop the progress of dangers growing out of the diffused principles of the French revolution, by a combination of various societies spread throughout the country, and who, as they increased, think themselves superior to the Parliament and the State. The House did not view this as a temporary danger in 1799, but thought it so abhorrent to the constitution as to deal with it by a perpetual law. But this law was rendered ineffectual in operation from an inadvertency in framing it. Several provisions of the act of the 39th of the King referred to parts of the 56th of the King, which was only a temporary law,

and expired. So far, therefore, as the act of the 39th depended on that of the 36th, it was defeated in its operations. It became therefore necessary to avert the apprehended danger, to renew the act of the 39th with the provisions of that of the 36th, called the Seditious Meetings Bill. Formerly there had been meetings at Copenhagen-house, and other places, and proceedings, alarming to the loyal and well-disposed, but no public acts of violence had been committed. The Legislature did not wait for the effects; but provided against the nature and character of them. At large indiscriminate public meetings, popular orators tried the effect of their seditious harangues in leading the people to the commission of flagrant crimes, such even as high treason, and managed themselves in the way best calculated to work upon their blind instruments. This case the House had now before them. The thing was actually done in 1817. Under the pretence of seeking a Reform, the meeting was held for the purpose of seeing whether the minds of the public were sufficiently ripe. Government must be besotted if they waited for a repetition of those disgraceful transactions, for which Parliament had before passed a bill under circumstances comparatively speculative. There was nothing to record as to the manner of executing the former law of suspension, to render them doubtful with respect to passing it now. It announced to the people the determination of Parliament, that the right of petitioning should not be perverted into the direct means of corrupting the public mind. The public mind was responsive to nothing so much as to the fixed and declared opinions of Parliament. The representation, which was vilified by some, was also responsive to the mind of the public. He did not doubt when Parliament spoke with authority, that many deluded persons would change their conduct; and that the meetings would disappear as before, under the moral influence of the law, and without the necessity of enforcing its execution. There were systematic arrangements for promoting blasphemy, treason, and immorality. In general we could have no better security against them than the moral and religious habits of the public. At present restraints were necessary: nothing seemed better adapted for this purpose than to put the debating societies under the regulations of the act in 1795. These debating societies were held in some room in every public-house resorted to by the disaffected and their clubs: they were called generally, Societies for Light and Information. The Spenceans go to the Hampden Clubs. There had been societies of United Irishmen, London Corresponding Societies, &c. &c. Yet the Spencean Clubs carried on them a most particular mark of approbation. The noble lord (Cochrane) had said, that the Spenceans were only about 100 in number; but the evidence went far beyond that which was stated by some of the officers of the clubs themselves. They professed to aim

at general happiness, as all the reformers did. (*Hear.*) If one looked at the Spencean creed, it was a beautiful specimen of this. The Hampden Club people must not think their system more beautiful than the Spencean. The scheme of the latter was the general distribution of the land. It was extraordinary that in these times such a sect as this should exist in direct hostility to all the fundamental principles of society. The Hampden Club was found passing the same resolutions as the Spencean. The committee had documents shewing that Hampden Clubs at Sheffield, &c. made references to the Hampden Club in London; and in September, 1816, it was resolved that any member paying 20s. to the club at Sheffield, should become an honorary member of the club in London. These country clubs referred to that in London. But it would be futile to waste time in special pleading on the difference of the clubs, for they converted their names from one denomination to another with great facility. The Hampden Club made resolutions in the same words as the Union Club, and the Bath Union Club does the same with the Hampden. The Government would be drivellers if they did not proceed against the whole of them, as a common enemy. (*Hear.*) The Spenceans sought to entwine themselves around them all. The other clubs were contented to let the Spencean principles be infused into them, as a principle of plunder. These wretched mechanics occupied themselves in discussing agrarian laws, and schemes for making all England a sort of parish-property. In their goodness, however, they proposed not to destroy the present land-owners, but to allow them pensions out of the parochial funds. All this was described in florid language. He had the Spencean creed in his pocket: it was drawn up with much ability and considerable eloquence. It was worth buying for a curiosity. They held out to their converts the same delusion that Buonaparte used to encourage his armies with—namely, that at the end of the war they should all obtain certain lands; and he believed these phantasmagorists and promoters of a golden age, would, after fighting and triumphing in the sacred cause of mankind, find themselves just about as near obtaining their promised reward of acres, as Buonaparte's soldiers were to getting their landed remunerations. This system was clearly nothing but a cloak under which to fight against what were called the privileged order, the land-owners, and those monsters, as they were termed, the fundholders. (*Hear.*) Such, however, were the rewards held out for traitorous exertions. (*Hear.*) It was an object to inoculate their principles into all the clubs. One could hardly tell what was the original and what the incidental disposition of many of the clubs. Now he should propose in viewing all these evils—first, the suspension of the Habeas Corpus Act; secondly, to extend the provisions of the act of 1795 to the security of the person of the Prince Regent; thirdly, to

embody in one act the provisions of the former acts against seditious meetings in two branches : one against tumultuous meetings, and the other to regulate the Debating Societies, taking the provisions of the 39th of the King, against all societies administering illegal oaths, and all those bound together by secret affiliations : also to make the appointment of a delegate from one society to another a proof of their affiliation. (*Hear.*) He hesitated not to contend, that the provisions of the law ought to be permanent against aggregating societies : and trusted the House would see it made effectual. But he did not wish the law against Debating Societies and seditious meetings to remain in force longer than the necessity of the case ; therefore he had taken a shorter period than formerly. He hoped that the sense of Parliament, and the sound and the discerning part of the community, would make the prevailing absurdities fall to the ground with rapidity. Though the theories were of so absurd and disgusting a character, yet they were dangerous enough to call on Parliament to act with a vigilant and determined hand, to relieve the public mind from the bondage of despicable men, countenanced too much by the conduct of men of higher rank and importance. (*Hear.*) They must therefore be prompt and efficacious. He was as reluctant to propose those measures as any gentleman could be on the other side of the House, whatever language he might assume respecting the Constitution. (*Hear.*) Ministers would have betrayed their duty, had they hesitated from mere personal repugnance. On these grounds, then, he exercised this painful act of duty arising out of the report. He concluded by moving for leave to bring in a bill for the more effectually preventing seditious meetings.

Mr. Ponsonby said, that having been a member of the Committee, he might, perhaps, mention some things that ought not to be mentioned. If he did so, he should wish the noble lord to correct him. It was true the Committee were unanimous. The noble lord was right in saying that there was nothing in the report not believed in his sober judgment, and, as far as he knew, of the other members, this was correct. The noble lord mentioned several remedies for the cure of the distemper ; and stated three or four measures he wished to introduce and carry. He would extend to the Prince Regent the protection given to the King ; in the propriety of which, he (Mr. P.) was disposed entirely to concur. It was better for Parliament to do this upon a particular occasion, than to legislate on such a point generally, thereby incorporating the Regent with the King ; as there were circumstances attending the King not strictly applicable to the Regent. The noble lord wished also to guard against the seduction of the troops : he would agree to the introduction of such a law. The Parliament gave to the Crown an army, for the use of which the Ministers were the responsible persons : but still it was the

King's army ; and the law ought not to be so loose as that a doubt should exist in the minds of any, whether any part of that army belonged to the King, or to the mob. (*Hear.*) The noble lord also wished for a law uniting the provisions of the 36th and 39th of the King, so incorporating them into one effectual act. As far as the noble lord had stated his intentions, it was impossible for him at present to give an opinion upon it : but he for one felt no objection to the introduction of the bill. It was his sincere desire to go every length, consistent with duty and propriety, to strengthen the hands of Government, and provide for the general security. As for those foolish and criminal people called the Spenceans, nothing could be more absurd and contemptible, than their designs when known, understood, and watched : but he yet could imagine, that if they were allowed to run their length, they might become far from contemptible—they might become formidable. (*Hear.*) He only, however, assented to the introduction of the bill, not pledging himself to a single clause it might contain. But to the proposal to suspend the Habeas Corpus Act, he would give his decided opposition. (*Hear.*) He had a particular dislike to debating by anticipation. He wished always to argue only on what was before the House. (*Hear.*) When the bill came before them, he should state his sentiments unreservedly, and at as much length, if necessary, as he should think befitted him. With respect to the duty of Ministers in making the communication, he felt it due to them to say, that had he been in the Cabinet, he should have thought it, under all the circumstances, his duty to make it. (*Hear.*) He did not wish to raise any alarms, or to throw odium on any persons : but he must observe, that the noble lord might have been a little more prudent in his observations. It seemed unbecoming in him, as a Minister and a member of the Committee, so to express himself as to draw down a suspicion on the head of any man. He was sure that was not the feeling of the Committee. If they had felt it right to do so, they would have been manly enough to have done it properly. (*Hear.*) He did not, however, know on whom the noble lord intended to throw any imputation whatever. (*Hear.*) He did not feel it desirable to say any more at present. Of some points he had given his unqualified approbation ; on others he required time for consideration : and to the suspension of the Habeas Corpus Act he expressed his opposition, on the fullest reflection from the day when he was appointed a member of the Committee. The nature of the case did not require this remedy. He could not vote to give such a power to any administration ; not even to one composed of his best friends in the world, unless he was convinced, by good reasons, that the Constitution could not be protected by any other means. His opinion was, that other means existed, and therefore he decidedly objected to it. (*Hear.*)

Lord Castlereagh observed, that the conspirators in their proceedings had looked forward to the appointment of some committee of public safety, which they imagined might be composed of some individuals, who it was thought improbable would be connected with them.

Sir Francis Burdett said, that having so very different an impression from reading the report of the Committee of Secrecy, from that of the noble lord opposite, or the right hon. gentleman (Mr. Ponsonby) near him, he could not give a silent vote on the occasion. Seeing so much exaggeration of well-known facts, and such unauthorized insinuations against persons who were innocent: believing that an attempt was made to create alarm for no other purpose, than as a ground for measures which would prevent the people from demanding their rights, he felt that he should not be doing his duty if he did not oppose *in limine* these new regulations which Ministers had proposed. He called them new regulations, though they might plead precedent in their favour, because the circumstances, when they were first enacted, bore no resemblance to its condition now, when their re-enactment is contemplated. It seemed to him absurd and ridiculous to pretend that there was any necessity for new laws to suppress or guard against the efforts of a few wild enthusiasts. It appeared ludicrous for men of property, to whom an alarm was now sounded, to stand in fear, lest they should be deprived of their property by a plan that was known to exist for more than twenty years, and which could have no formidable adherents. He was convinced that they would neither surrender their estates, nor stand by and see them taken from them. (*Hear.*) He could not believe that the gentlemen of England would exhibit such weakness, or would be compelled to yield to such projects; but if there was any danger proceeding from the scheme of dividing the land of the country, he was sure that the suspension of the Habeas Corpus Act could bring no remedy or afford any protection. The most efficacious measure that could be adopted in such a case, would be the arming of the country for its own safety, on the plan proposed by Sir W. Jones. The men of property might then be protected against the Spencean plan of the societies for the division of land, and of the ex-Spencean plan of the noble lord, for seizing the national funds. (*Low cries of hear.*) The report of the Secret Committee, and the speech of the noble lord alluded to pamphlets of various kinds that poisoned the public mind. He held in his hand a pamphlet which was written in the temper of the noble lord's speech, and contained useful hints. It was entitled, "Reform the Watchword of Revolution;" and contained, among other recommendations, advice to all the friends of order to oppose the revolutionary doctrines that were now prevalent in Europe, and to stand up against Reforms, because it might prove the occasion of introducing a foreign army to

suppress disturbances, and might lead to a state of things that would end in despotism. Now, whether this would be the consequence of the solemn league between the Sovereigns of Europe, he could not say. If it was, a foreign army could only be called in, because a native one was not prepared to plunge their swords into the bosom of their countrymen. The liberties of the country were sufficiently endangered by the standing army we already possessed. It was considered as the police of the country, or as the auxiliaries of the police. It met us every where, and if allowed to exist much longer in its present magnitude, would endanger our freedom and subvert the Constitution. Wherever a Government was supported by a standing army it became a Military Government, and a Military Government was another word for despotism. If we were to have a standing force, let it be on Sir W. Jones's plan; if we were to have a protection against the Spencean societies, let us neither look for it from the suspension of our most sacred laws, or the throwing new powers into the hands of Government. Could Mr. Spence's disciples prevail on the land proprietors to divide their estates; could that pamphlet, which the noble lord said was well written, induce those who had property to allow those who had it not to deprive them of it, and to parcel it out as they pleased? (*Hear.*) If mischievous blasphemies and seditious pamphlets were published for effecting these objects, for overthrowing our Constitution, and sapping the morals of the people, had we not laws for them? If conspiracies existed, could the conspirators not be brought to punishment on our present system? If blasphemy was published, could the authors of it not be brought to trial, and suffer punishments adequate to the offence? Where was the power of the Attorney-General? What greater control could he claim over the press? Could he not by *ex officio* informations and special juries destroy the liberty of the press altogether? Indeed, it would be better to destroy the liberty of the press altogether, to make an Act against any free public communication of your thoughts, than to lay such traps for us as we are at present liable to fall into. An *ex post facto* law might as well be made, and every person transgressing it punished. Adverting to the report of the Committee of the House of Commons, he remarked, that he saw nothing in it about the Union Societies so much spoken of in that of the other House. In them the most dangerous conspiracies were discovered, and plans were said to be hatched to overturn the State. If his Majesty's Ministers were aware of these combinations, and really thought them so formidable, why not take measures earlier against them, why delay so long to call Parliament together? (*Hear, hear, hear.*) One would have supposed that the noble lord was himself embarked in the conspiracy (*Hear.*) from his long concealment of it. The Prince Regent in his speech from

the throne said nothing about them, and did not even hint at their existence. He was so far from it, that he praised the fortitude and patience with which the people bore their privations. If combination, and treason, and conspiracy had existed then, why not mention them? If all was hope and tranquillity at that time, what had since occurred to alter, not only the opinions of Ministers, but the measures of Parliament? (*Hear.*) With respect to clubs, he himself belonged to more than one of those from whom danger, treason, and conspiracy were said to spring. He (Sir Francis) owed allegiance to the laws and the constitution, but he owed no allegiance to the Ministers of the day, he owed no allegiance to the borough-mongers of the House, and he believed that the cry of treason was raised from a dread of a Reform of the House. (*Hear, hear, hear.*) The measures proposed were intended to prevent the people from meeting to express their grievances, now so severely felt, and to demand their rights, now so universally understood. (*Hear.*) He happened to be Chairman of one of the dangerous and denounced Hampden Clubs. (*Hear.*) It was now it would appear treason to meet for political discussion, or to correspond with others of the same opinions. (*Hear.*) He remembered the time when such was not the case. He remembered that in 1780, Mr. Pitt, who then had great influence over him (Sir F.) from the principles he maintained, had supported the cause of Reform without being exposed to the charge of sedition. He had given strong reasons for Reform. That Reform had not taken place, and all the evils under which we at present laboured, had arisen from the failure of the attempt. Without Reform we could have no security for our rights or our property, against that sect to which the noble lord belonged. (*Hear.*) He (Sir F.) was a member of the Hampden Club; he had the misfortune likewise to belong to the Union Club, both proscribed by the noble lord. He was called a traitor for mingling in such societies; whereas he taxed the noble lord with being a traitor—he would tell him he had committed offences for which he ought to be impeached (*Hear, hear*); and for which he would have been impeached, if he had not been protected by the general participation of his crime. (*Hear, hear.*) He had committed more treasons than all the Union Clubs put together! he had endangered more the safety and the Constitution of the country. (*Hear.*) The noble lord was an old offender. (*Hear, hear, and a laugh.*) Let his conduct in Ireland be considered; let the bloody course he there pursued be duly taken into account, and this country would see reason for being on its guard against him. (*Hear, hear.*) He should not be allowed here to adopt the measures which he introduced there. Ireland, during the season of his power, had witnessed scenes at which the blood curdles—scenes which he could not venture to de-

scribe—scenes that would for ever exist as a lasting stain in the History of England. (*Hear, hear.*) The noble lord had not only dealt in corruption by retail, but had carried on the trade by wholesale: he had sold the Irish Parliament at once. Having led it to disgrace itself by its shameful prostitution, he induced it to commit suicide upon itself, as an act of political justice. (*Hear, hear.*) Adverting to the report, the hon. baronet described it as vague, general, and indefinite. It said, there were few, if any, of the higher orders that had lent themselves to violent projects. He would ask, are there any? (*Hear, hear.*) If there are any, let them be named. (*Loud cries of hear, hear.*) The report was said to be unanimously agreed to by the members of the Committee, who were not all ministerial. There were some, he allowed, in the Committee, who sat on the same side of the House as that where he now sat: but without meaning any disrespect to them, he would say, that they were all notorious alarmists. (*Loud cries of hear.*) A noble lord (Milton,) one of them, had said on a former evening, that he never heard Reform mentioned without its shaking every nerve in his body. (*Hear, hear, and no, no.*) So far as the Union Societies were concerned, the report of the Commons said nothing; and although a petitioner presented a petition to the other House, which was so strangely rejected (*Order*), there was no evidence that it had done any thing to deserve such notice. This society had existed only a short time, and had done only one act, or issued one declaration. If the lords were mistaken in this case, what reliance could be placed on their Report to others? Might not their allegations against other societies turn out equally unfounded? If there were evidence against them, why not produce it? (*Hear.*) He might ask in the words of a Roman poet:

Quo cecidit sub crimine? quisnam
Delator? quibus indicis? quo teste probavit?
Nil horum: verbosa epistola venit.

If these societies, however, and the other persons against whom the report was drawn up, were really so dangerous, why not make a special law for their particular case, rather than suspend the law for the whole nation? With regard to the change in the law of treason, he saw no necessity for it. The Prince Regent was, to all intents and purposes, the Sovereign; but he saw no necessity for the statute of 1796, which modified the ancient law of treason. With respect to the gagging-bill, he thought it intended against the Reformers. If so, in God's name, let any petition for Reform be declared high treason at once. (*Hear, hear.*) Till it was so, he would support it with the utmost of his ability, as he believed in his conscience, that without a Reform, security of property and personal liberty could not exist much longer in this country. (*Loud cries of hear.*)

Mr. W. Eliot trusted, that the importance of the subject would plead his apology for a few observations. The measures proposed were of such consequence, that they should neither be adopted nor rejected, without the fullest consideration. He (Mr. E.) would not follow the hon. baronet (Sir F. Burdett) into all the topics of his speech, as general declamation could have little effect, where strict argument and deep reflection were demanded. The laws proposed were not brought forward as speculative improvements of Government, but as necessary precautions for its safety. (*Hear, hear.*) A nation might be in such a situation as to be obliged to choose between two evils, and resort to measures not positively good in themselves, but indispensable to preserve acknowledged benefits. A suspension of some privileges might in some cases be necessary to protect the rest. Particular laws might sometimes be strengthened or altered, that the frame of the government might be kept from destruction. The question here was merely a question of danger. (*Hear, hear.*) He stated it to be a question of danger, because, though he (Mr. E.) agreed with his right hon. friend (Mr. P.) on the general matters of the report, he differed with him on the extent of the danger. Now, if it were necessary to make out a large combination—if it were necessary to shew powerful parties, established over different parts of the country, prepared with all manner of force and union for acting against the constitution—if this were necessary to lay the grounds of the proposed measure, he (Mr. E.) allowed they would be uncalled for; but he submitted whether, if affairs arrived at this extremity, we should not speak of the field, and give up legislation? (*Hear, hear.*) The danger, though not of this kind, was far from being trifling. It consisted in attempts to corrupt the great body of the people, both morally and politically. (*Hear, hear.*) The people might by some be despised, and their efforts treated with contempt, but the House would see the impolicy of this kind of language or conduct, when it considered the danger of separating the moral from the physical strength of the nation. (*Hear, hear.*) The process with which this mischievous and unfortunate result was to be brought about, was by immoral and blasphemous publications, by societies expressly formed for overthrowing the Government; and by others acting under the mask of Reform, but Reform of a wild and fanatical kind. It was said that these societies were nothing, because they were of a partial nature; but their effect would be measured when their union and combination were weighed. Let any one consider in his own neighbourhood, Manchester for instance, the effect of a society of the lowest of the people meeting for discussions on the foundations of government and society, the extent of obedience due to the civil power, and mooted the most delicate questions on resistance or submission; and suppose another

society at some distance corresponding with it, and entering into its designs, which spread over others; would there not be reason for apprehending danger? This was the real state of the case. There were several combinations over the country, some of them of a malignant nature, and would any man tell him that there was no danger?—(*Hear, hear.*)—danger that struck at the root of social order—danger that required the strongest measures to repress it? (*Hear, hear, from the Ministerial benches.*) He therefore concurred with his right hon. friend, (Mr. Ponsonby) as far as he went, and was disposed to go farther, and to yield that power into the hands of Ministers, which he was disposed to deny them. Not that he in ordinary cases would give up his personal liberty or that of the country into the hands of Ministers, with whom he differed, if he did not believe in his conscience that there were strong grounds for the measure. (*Hear, from the Ministerial benches.*) He did so, however, to protect the people from themselves, (*Hear*) to preserve that grand and generous system under which they enjoyed a degree of happiness and liberty, never before enjoyed by any other nation: convinced that, whatever arts might be employed to distract and delude them, the Constitution under which they lived was still deeply engraved on their hearts, and cherished in their affections. (*Hear.*) But though the great body of the people are sound, those who were acquainted with history had not to learn that great dangers might arise from a corrupt and despicable minority. (*Hear.*) If at present, when there were so many manufacturers without work, discharged sailors and soldiers, and such a mass of general and irritating distress, if the means of inflammation were not crushed, it might be afterwards necessary to put such a power into the hands of Government, as would amount to despotic sway. (*Hear.*) He, and some of his friends, had been called alarmists by the hon. baronet. He had entertained the same sentiments 25 years. He therefore allowed, that he might have a prejudice in favour of opinions that had flowed in a perpetual current through his mind for so long a period; but if the proposition was true, as applied to him (Mr. E.) on one side, might it not apply to the hon. baronet on the other? (*Hear.*) If he (Mr. E.) had seen dangers where there were none, had not others seen none where they really existed? (*Hear.*) And while he was accused of being too sensible to fear, might he not advise others to take care that they were not too confident of security? (*Hear, hear.*)

The Hon. Mr. Lamb denied that the report was in reality what it was called, a libel on the people of England. It took the utmost care to distinguish between the sound part of the people, and the incendiaries; between those who endeavoured to delude them, and the more worthy part of them, who had not been misled or excited. The hon. baronet, in order to

throw discredit on the report, and on those of this side of the House who concurred in its statements and inferences, had described him (Mr. L.) and his friends as notorious alarmists. This giving of names was neither decent nor parliamentary, nor gentleman-like. (*Order.*) If this language was not consistent with the usage of Parliament, he would then say, that the hon. baronet's expressions were not consistent with usual good taste. (*Hear, hear.*) If he (Mr. L.) were to retort upon the hon. baronet, and call him, in return for notorious alarmist, a notorious jacobin, (*Hear,*) it would not be decent or Parliamentary; and yet there might be as much reason for this charge on the hon. baronet, as for that which he had brought forward against others. (*Loud cries of hear, hear.*) The hon. baronet had alluded, not very properly, to a noble friend of his (Lord Milton) on a former debate, but he had entirely mistaken his meaning. He would not attribute motives to any one; but without meaning any thing disrespectful to the hon. baronet, he (Mr. L.) might say, that to censure as he (Sir Francis Burdett) had done, and to deal about general imputations and insinuations, required, in order to justify it, a degree of talent, of wisdom, and of purity, which, with all his wishes to think well of the hon. baronet, he could never recognize him to possess. (*Gries of hear.*) With respect to the report he would say, that he firmly believed the truth of its facts, and the justness of its inferences. It was founded on the best evidence that could be procured; and, above all, was qualified by the evidence of circumstances. There appeared to the committee to be danger, and danger of the most alarming kind. The danger arose from clubs determined to carry their objects by physical force. It was not the Spencean plan that appeared on paper, with all its absurdities about it; but it was a general system of combination cruelly oppressive in many cases, and highly detrimental to the interests of the country. Many had relied on the absurdity of the Spencean plan, as destructive of its danger: but he (Mr. L.) was afraid he could not pay so high a compliment to the people in this or in any other country, as to suppose that the absurdity of a project, if the end seemed desirable, was a sufficient argument against any attempt to realize it. (*Hear, hear.*) It was certainly wild and visionary, if viewed in all its parts; but its commencement in plunder might not be so objectionable to its adherents. It might be said of it, as was said of Reform, that some would take steps and gain a beginning, some would go the length of Brentford, and others would pass on to Windsor. So the Spenceans would seize the property of the country, and wrest it from its present possessors, whatever might afterwards become of them or of it. They reminded him of what Napoleon said when he was advised not to enter the palace of the Thuilleries before his coronation as emperor, "I will enter it to-morrow," said he, "and I

shall not go out so easily as the last inhabitant." (*Hear, hear.*)

Sir Francis Burdett explained.—He did not mean alarmist in a bad sense; but jacobin could not be used in a good one, as it generally passed for cut-throat.

Lord Milton, in explanation of his meaning on a former debate, said that he used the expression about Reform, touching a chord that vibrated without his controul, not for the purpose of declaring that he was alarmed at Reform, but for stating that it was a subject on which he was almost always disposed to speak long; and, in delivering his sentiments, on which he might be tedious to the House.

Sir S. Romilly.—Before the House proceeded to adopt any new measure, there were some considerations that appeared worthy of its attention. He was not disposed to underrate the evils of the country, or the dangers that arose out of them. He felt that the evils were great, and the dangers were formidable. (*Hear.*) When he so spoke, it became him to say what he meant. These dangers, then, did not appear to him to threaten the Constitution. The persons mentioned in the report were too insignificant; they could not carry their designs into execution. The danger appeared to him to threaten individuals. His right hon. friend (Mr. Eliot) had not succeeded in proving to him the necessity of suspending the Habeas Corpus Act, nor had the noble lord shewn the necessity of his other measures. There was great danger of rashness in legislating; and if there had been a due consideration of what the law was as it at present existed, and how far Government had endeavoured to carry it into execution, he was convinced that the committee would not have recommended any change. The noble lord was mistaken in his speech, in supposing that no law existed against secret meetings. There were strong, efficacious, and severe enactments against such seditious or secret meetings, against societies that took oaths, against societies that corresponded or had an interchange of delegates, against societies that required contributions of money; all persons who are found guilty, are liable to transportation for seven years. All these clauses were embodied in the 39th of the King, c. 79, which was still in force. The hon. and learned gentleman read the act itself, which he said was still the law of the land, and sufficient to suppress all dangerous clubs, societies, or meetings. The clause against debating societies had dropt out of this act by the expiration of the 36th of the King, from which it was adopted, but every other part of it yet remained in force. Had these societies grown up under the Government, or without its knowledge, while they had such means of suppression in the act in question? The concluding paragraph of the report "that the utmost vigilance of Government, under the existing laws, was found inadequate to the dangers," was very remarkable, and shewed

that the committee were not aware of this act, or did not know what efforts Government had used. If these laws were not effectual, what could be effectual? What steps had been taken by Ministers to enforce them? The only other part of the report referred to blasphemous and seditious libels. It should be known here likewise, how far existing laws had been enforced before new powers were claimed. Punishment for a second offence in publishing libels was very severe. Why had not prosecutions taken place for a first offence, so as to lay the foundation of a punishment for a second, if it should be repeated before a new law was claimed for a severe visitation on a first? He did not urge extreme proceedings in enforcing laws, but he thought their whole extent should be tried before the Legislature was called upon to make new statutes. An extreme desire to procure conviction might be hurtful, as in a case at the Old Bailey, where a person (Watson) was put on his trial capitally for an offence of which, on the statement of the case to the learned judge, he was acquitted; and from this circumstance, although his crime was great, turned the sympathy of the spectators into a kind of indiscreet triumph. The hon. and learned gentleman concluded a speech of considerable length (for which our limits allow us no more space), by declaring his opinion that the proposed measures were as uncalled for by necessity, as they were contrary to the constitution.

The *Attorney-General* said, that the Government with reluctance introduced any measures of additional severity. The noble lord was not mistaken in calculating the effect of the existing laws, as his hon. and learned friend (Sir S. Romilly) had stated. If statutes could be evaded, it was necessary to amend them. His hon. and learned friend asked what the law-officers of the Crown had been doing? They had looked long and anxiously at the subjects of the report's complaints, but they could not reach them. The most blasphemous and seditious publications, as they appeared every where, they were unable to restrain from their numbers. The rule on which he acted was to prosecute as little as possible. Formerly a single passage or article in a newspaper was all that those in his situation had to prosecute; now he could not follow up the 20th part of the publications pointed out to his attention. They were distributed by children, and if any interruption was given them, there was the loudest clamour against the invasion of the liberty of the subject. He could tell the House, however, that some of these publications had been under consideration, and the delinquents would be sent before a jury of their countrymen. He would rather, however, err on the side of lenity, than appear to run down the liberty of the subject by numerous prosecutions. The hon. and learned gentleman explained the case of Watson, and shewed, that after the information given before the magistrate, and the grand jury finding a true bill, it was ne-

cessary to bring him to trial on the charge for which he was indicted.

The *Solicitor-General* observed, that the report was not confined to the proceedings of one description of societies, but described an evil resulting from a combination of causes, for which the law at present furnished no adequate provision. There was undoubtedly a law for the punishment of riots, but there was none at present to prevent them. He knew of no provision made by any statute that could be applied to these societies, which acted independently of each other, though upon principles common to all, and assuming even the same denomination. Had his hon. and learned friend (Sir S. Romilly) looked into the 39th of the King, cap. 79, with his usual accuracy, he must have seen, that those associations to which he had referred were not within its meaning; and his own opinion was, that they had been organized for the purpose of evading it. The object of the act was certainly to prevent unlawful confederacies, but it did not extend to societies which communicated with each other by delegates at public meetings, and, perhaps, this was an omission in that act.

Mr. *Brougham* declared, that although suffering under severe indigestion, yet having listened to the noble lord's new plan of legislative measures, and the conversation to which their disclosure had given rise, after hearing the concessions made by his right hon. and learned friend (Mr. Ponsonby,) natural perhaps to him as one of the committee upon whose report these measures were founded, he must express a very material difference of opinion. That diversity of sentiment which it must always give him pain to entertain might proceed from his ignorance of the evidence, from his being compelled to look at the Report, and the Report only; and if that should appear not satisfactory, the necessity he was under of opposing the practical result, which was no other than a suspension of the British Constitution. (*Hear, hear.*) There were some circumstances, certainly, which tended to make him a little inquisitive, as to the grounds upon which the Report was framed, and one of these was a remarkable difference between the conclusions to which two of his right hon. friends, who concurred in that Report, had come, and which had been stated to the House; the one (Mr. Ponsonby) thinking that the evidence did not call for a temporary repeal of the Habeas Corpus Act, and the other (Mr. W. Eliot) thinking that it did. This appeared to him a very important difference, because it shewed that those who alone had access to a knowledge of the evidence, upon whose report they were to act without further inquiry, did not agree in the same conclusions. This difference must proceed from different views of the extent and amount of the danger, which was in fact the whole substance of the question. He knew not, then, how to estimate the magnitude of that danger, when he found two such

distinguished and enlightened members of the committee opposed to each other *toto calo* with regard to the measures necessary for repelling it. Another ground for the suspicions he entertained was, that although the existing laws were stated to be insufficient, it did not appear that the committee had satisfied themselves whether the utmost vigilance of Government had been exerted in enforcing them. On the face of the Report itself, many things appeared calculated to destroy its effect. Let the House advert, in the first place, to that passage in which the most scrupulous care might have been expected, that in which reference was made to the degree to which treasonable attempts had been traced upwards in society. To this point public attention had been naturally directed; every man was anxious to learn who and what were the conspirators; but the Report, instead of satisfying this curiosity, merely informed them, that "a few only" of the higher orders, or even of the middle classes of society, were engaged. If the committee had meant any thing by these expressions, it was incumbent upon them to have spoken out, to have declared their meaning explicitly, and not to have launched these charges, or rather these insinuations, vaguely and indirectly, when they called upon them to lay down their constitutional rights, to submit to a gagging bill to-day, to the punishment of libel by transportation on the next, and to a total suspension of the constitution on a third. (*Hear, hear, hear.*) Required, as they were, to give unlimited credence, their entire faith, to the accuracy and justness of the Report, it was to be lamented that any part of it should be unsatisfactory. When he considered the very small extent to which actual insurrection had gone, and the smallness of the means by which it had been proposed to maintain it, it did appear marvellous to him, that twenty-one hon. gentlemen should upon such evidence gravely state, that a few wretched Spenceans had met in a place not far distant from the Bank, which they had devoted to pillage, for the purpose of afterwards taking the Tower by a *coup de main*. They had, it was true, no other military means than a few pike-heads; but Government, he must presume, was utterly unprepared for such an attack. It also appeared by the report, that, without a single sapper or miner, one of their ulterior objects was to be the destruction of all the bridges, an achievement which, although he had no great knowledge as an engineer, he held to be impracticable with such means. (*A laugh.*) This, therefore, was an additional indication of the looseness or haste with which the statements and conclusions of the committee were drawn, and of the disposition by which they were influenced to believe in the existence of some great public danger. He knew well that the distress now felt was most severe. In consequence of the unprecedented number of hands which had been thrown out of employment, some riots had taken place, and some discon-

tent existed; there were also a few mischievous persons, he believed, willing to convert those discontents into disaffection, for private and wicked purposes; but the conclusion which he drew from all this was, not that the constitution was defective, but that the powers with which the Executive was armed, its civil and military police, and the laws already in force, were more than sufficient to suppress the evil. In support of this conclusion he need refer only to the conduct of Ministers themselves, in order to see whether the danger was real or imaginary, and the alarm professed at it genuine or pretended. His opinion was, at least, that they wished to make the most of it; for they had advised a further prorogation of Parliament at the latter end of last November, when these same disorderly meetings were taking place in the metropolis; and when, to use the language of the Report, the rioters "had assumed the symbols of the French revolution." Tricoloured flags seemed indeed to be great engines with the Spenceans, and one of their best matured schemes was to encourage the manufacture of ribands of three colours. (*A laugh.*) One would have thought that the wearing of so visible a badge was not the surest bond of any criminal combination; and when he saw observations of this sort mixed up with statements of a design to blow up bridges, and to take fortresses, with no more ammunition than had been found in an old stocking, he could not help regarding it as rather a strange production, and not likely to obtain the greatest degree of credit. An hon. friend of his (Mr. Lamb), who always spoke with great force upon every subject, had observed, that they ought not rashly to despise doctrines because they were absurd, or were entertained only by obscure persons: but it might also be added, that the more absurd an opinion was, the more easy it must be to explode it, and the shorter must be its probable duration. Many were the absurdities which by persecution were forced into reputation, and many established as martyrs who would otherwise have been the laughing-stock of society. No doctrine that ever had been promulgated was more likely, from its monstrous extravagance, to die a natural death, than that of taking away men's property, and doling it out to parishes for the purpose of again equally dividing it among the community. But even a doctrine as ridiculous as this might possibly be magnified into importance by persecuting the miserable enthusiasts who professed it. There was indeed another class of Spenceans, whose object was pillage of a less philosophical kind, who prowled about the highways, and sometimes frequented public places in the shape of pickpockets, and with regard to whom it would be quite sufficient to hand them over to his learned friend the Attorney-general. Mr. Spence, the visionary author of the new system, lived 20 years ago, and published his opinions in stupid prose about that time. Another person, now high in the

confidence of his Majesty's Government (the Poet laureate), published precisely the same doctrines, at the same time, in more respectable verse: Down with Kings, Lords, Commons, and even Bishops, equal rights and equal property; and yet this had escaped the attention of the Attorney-general, whom he would advise to read (if any man could read), and compare the two publications. (*A laugh.*) Mr. Spence, however, was now dead, and the poet held an honourable office under the Crown. His argument was, if doctrines were dangerous, apply to the law for a remedy; for when had it ceased to be a crime to publish or to utter sedition? So long as the Spenceans dwelt on their reasoning, he would abstain from all interference with them; but the provisions of the 37th and 39th of the King, furnished ample security against the danger of seeing their schemes put in execution. The noble lord had greatly mistaken the law as it stands, when he supposed that the last-mentioned statute had become inoperative. He admitted, that if the 36th could not apply to attempts against the person of the Regent, it would be right to adopt some measure for the purpose of extending it to that point. With regard to the difficulty of trying persons for treasons of this particular kind under the statutes of William and of Queen Anne, that difficulty was greatly removed by the 39th and 40th of the King. Having now adverted to the carelessness that appeared to him to preside over the Report, he begged permission to refer to an insinuation thrown out by the noble lord, in which he seemed unwilling to except even all the members of that House. He had told them, that they who, in the discharge of a public duty, gave countenance to meetings which might terminate in mischief, were responsible before God and man for the consequences. He would tell the noble lord, that they who discharged their duty, were not responsible for the acts of other men. Such a hint would be received by them with perfect indifference; it would pass innocuous over their heads; they meant to abide by the Trial by Jury, to trust to the Habeas Corpus, and to be saved by those barriers which our ancestors had flung around us. But if the Constitution was in danger, and it might shortly become a question whether he should go home from that House, or against his will to some other place, then it became an important question for him to consider whether he should arm such Ministers with such powers, for the basest and most pernicious of party purposes. (*Hear, hear.*) The whole of these measures appeared to have originated in a design to distract and divide their political opponents, as well as to divert the attention of the country from the necessary redress of its grievances. He trusted that a signal failure would attend both these speculations, and was sure that his right hon. and hon. friends, after this discussion should be at an end, would re-unite to prosecute those objects of Retrenchment and Reform, in which they

had been so actively engaged. The hon. and learned gent. concluded by stating, that with the exceptions he had already mentioned, he reserved to himself the right of opposing the new measures, although he did not object *in limine* to their introduction.

Lord *Cochrane* made a few remarks against so violent an encroachment upon the Constitution. He proceeded to state, that no resource would ultimately be left to the people, but that of withholding their money from the tax-gatherer, when he was interrupted by a general cry of "Order," and an appeal to the chair.

The *Speaker* declared, that the language of the noble lord was nothing less than to encourage resistance to the laws. (*Hear, hear.*)

Lord *Cochrane* said, nothing was farther from his mind than the idea of active resistance; but he conceived he was justified in alluding to a passive resistance, in withholding supplies which enabled the Crown to subvert the liberties of the people.

Mr. *Canning* did not rise to detain the House at any length, as there was no doubt with regard to the practical effect of the discussion in which they were then engaged. He pretended not to lend any aid to that side of the question which was already so triumphant, but was desirous of observing on some of the facts alleged by the hon. and learned gent. (Mr. Brougham.) He had often heard it remarked, that those who were the most incredulous themselves, were most disposed to make large demands upon the credulity of others; but he never in his life met with such an instance of it, as in the speech of the hon. and learned gent. He had required of the House to believe, that the whole conspiracy which had been disclosed in the Report was fabricated by his Majesty's Ministers, for the purpose of dividing a phalanx who were preparing to drive them from their stations. The extent of this belief must amount to this—that they had first devised a set of principles of more than ordinary absurdity and wickedness; that they had then caused them to be proclaimed by a set of men to whose capacity and situation they appeared the best adapted; and finally threw such an air of plausibility over the whole, as to impose on the understandings of five honourable members, accustomed to act in opposition to them. Of all the extravagant hypotheses upon which men were ever called on to act or reason, this surpassed what he had yet heard addressed to a rational assembly. But the principal fact alleged in support of this theory was, that Parliament had been prorogued in November, about the same time that the proceedings in Spafelds were going on: as if, because Government were aware of these proceedings, they were likely to be more cognizant of their whole character and probable termination than the unhappy man (Mr. Hunt) whose petition had been presented to them that day. He freely acquitted that individual of any such guilty knowledge; he believed that he

repaired to those meetings in the perfect innocence and vanity of his heart (*a laugh*); and that when he thought only of making a splash, he was an unconscious agent in rebellion. His Majesty's Ministers were not unapprised of the possibility of mischief; but so far was he from thinking that it was a sufficient cause for summoning gentlemen from their distant residences, he believed that, had they been assembled, their dispersion would have been an act of infinite wisdom. It was not till Government discovered, in the process of inquiry, that the insurrection was of a more alarming nature, that they resolved to apply to Parliament; and made their reluctance yield to their sense of duty, in asking for additional power. The whole question, however the terms of it might be stated, simply was, Are the existing powers of the Constitution sufficient to protect it from the danger that threatens it? To him it appeared a danger assuming various shapes, as time, place, or circumstances altered; now operating by irreligion, now by sedition, and sometimes by a combination of all means, however unlawful or atrocious, against the whole frame of society in this country. (*Hear.*) Was it true that doctrines manifestly absurd always carried with them their own practical refutation? Could they apply such a rule to the doctrines which were first started 20 years ago, which appeared to have lain since dormant, and now went forth aimed—not, he agreed, to their own realization, but to that stage, which, if once reached, must involve all in a common destruction. He did not impute to them that they would divide the land, but he did impute to them that they would take the land. He did not think that they would ever succeed in effecting an agrarian division of the soil, but he thought it possible that, if not prevented, they would strip the owners of it, and of their possessions. How could such a doctrine be represented as entirely visionary and absurd, when, to say nothing of modern events, the early History of Rome abundantly proved how well calculated it was to produce a popular impression? Was it no alarming symptom, that a large class of individuals professed objects of speculation which it was allowed would be mischievous in practice? The noble lord who spoke last, had re-echoed sentiments often repeated before, that Parliament was enacting laws against the people: they were indeed enacting them for a majority of the people against that desperate and active minority, that aimed at the destruction of all the bonds of society. And why talk of numbers, when the history of passive majorities, and active and triumphant minorities, riding in blood over the necks of a slaughtered people, furnished a warning that no foe was to be disregarded for the smallness of his force. Why talk of absurdities? as if the history of the French Revolution was not a conquest effected

by absurdity over reason! Who, when at the commencement of the Revolution, the Convention decreed death to be an eternal sleep, would not have exclaimed against the possibility of such a doctrine making any progress? who would have imagined that the boasted sovereignty of the people would have ended in the extermination of the most valuable part of the people from the earth? He would not contend that we were now to dread the same consequences; but he used the argument to shew, that absurdity afforded no protection against proselytism, nor minority any safeguard against defeat. It was asked, who was to take the lead in any insurrectionary measure? That had been answered by his hon. friend, in a speech that did him immortal honour. Such a man as could take the lead did not perhaps at present exist: it was occasion that would make him. Did Robespierre, at the commencement of the Revolution, ever look up to the dreadful eminence he afterwards attained? No; but circumstances over which he could exercise no control, raised him to a height from whence he trampled on the necks of his prostrate countrymen. Was this fiction? Would any man who had seen the publications circulated with such devilish zeal, say they were not formed for the eradication of that creed which was the support of all human virtue, the consolation of all human affliction? (*Hear.*) Would any contend that no mischief could emanate from societies where obscenity was mixed with the contempt of all social order, and where the relaxation of rebellion was infidelity? When such was the crisis, who could doubt whether the arm of Government should be strengthened to meet an emergency so unexampled? We had before had political differences; but then, principle was opposed to principle, and not a negation of all order inculcated: we had before had differences in religion, but they were differences in point of doctrine, and not a negation of all Divine authority, which stripped the victim of his creed, in order that he might become a remorseless assassin.

The question was then put, "That leave be given to bring in a Bill, for more effectually suppressing seditious meetings."

For the Question, Ayes 190, Noes 14.—Majority, 176.

The Bill was read a first time, and ordered to be read a second time on Wednesday.

Lord Castlereagh then presented a Bill to extend to the person of the Prince Regent, the statute of 36th Geo. III. for the better preservation of his Majesty's person; and a Bill to extend the 37th of his Majesty, for rendering more penal the seduction of the soldiery. They were both read a first time, and ordered to be read a second time on Wednesday.

The House adjourned at half after twelve o'clock.

HOUSE OF LORDS.

Tuesday, February 25.

The House went into the proceedings in Sir Edward Owen's Divorce Bill. Mr. Warren attended as Counsel for the Petitioner. It appearing, however, that execution had not been sued out upon the judgment in the Action below, in consequence of the Defendant in that Action having sued out a Writ of Error in the Exchequer Chamber, and stated in behalf of the Petitioner merely for delay,

The Lord Chancellor observed, that the House considered it essential in those cases that there should be proof of every exertion having been made to execute the judgment of the Court below; there must be, however, at all events, in this instance, proof that the Writ of Error was merely sued out for the purposes of delay. The consideration of the case was therefore postponed *sine die*.

On the motion of the Earl of Lauderdale, an account was ordered of all Offices abolished during the present Reign, of all Offices regulated, and of all those which had been created during the same period, and were now held by individuals.

The Malt Duty Bill was brought up from the Commons, and read a first time.

HOUSE OF COMMONS.

Tuesday, February 25.

LICENSED VICTUALLERS.] Sergeant Onslow presented a petition from the Licensed Victuallers of London and its vicinity, 2,200 in number, complaining of the unconstitutional manner in which licenses are granted, and praying for redress. As he understood a Bill on the subject was now in contemplation, he should only move, that the petition be read, and do lie on the table; which being done, the petition was ordered to lie on the table.

Mr. Barclay concurred in thinking that this was a subject requiring immediate investigation.

PARLIAMENTARY REFORM.] Lord Stanley presented a Petition from the town of Clitheroe, praying for a Reform in Parliament; and another from the township of Leigh, which had formerly been rejected on account of a want of signatures. It was now duly signed; and though he was not prepared to go to the extent the Lancashire petitioners had done, he agreed with them on many subjects. The distress in the petitioning township was so great, that the poor-rates were 15s. in the pound.

Sir F. Bardsley presented a Petition praying for Retrenchment and Reform, from the parish of Arnold, in the county of Nottingham.—Ordered to lie on the table.

A Petition from Southwark was presented by

Mr. Calvert, which, he said, had been agreed to by a most respectable meeting, with the exception of only one individual. The meeting was composed of Whigs, Tories, and neutrals. The petition prayed for Reform and Retrenchment, and complained of the Septennial Act.

Mr. Barclay wished the House to attend to the tone and character of the Petition, which was signed by most respectable inhabitants of Southwark, of all parties. The distresses of the public could not, in his opinion, be removed by a Parliamentary Reform only. On that subject he had his own opinions, but he hoped, that as the House had not on former occasions been deterred from legislating by a popular clamour, so now he hoped that, when popular clamour was in favour of a particular measure, however irregular popular conduct might be, they would not be deterred on that account from considering fairly the subject proposed.

Sergeant Onslow said, that as he was connected with the county whence this petition came, he must say that it was signed by respectable characters, and that he commended the temperate language in which it was couched. He would go as far as any man in the way of Retrenchment, but could not agree to a committee on a radical change in the constitution of Parliament. He could never consent to that, nor to any measure, unless accompanied by some plan to which he could give his assent. The subject had often occupied his attention; but the plans of many illustrious men had never met his ideas, as better, for practical purposes of representation and liberty, than the existing system.—Ordered to lie on the table.

Mr. Atkyns Wright presented a Petition from the city of Oxford, praying for Retrenchment and Reform.—Ordered to lie on the table.

Mr. Bennet presented a Petition from Church-Stretton, Salop, in favour of Reform. He did not support the doctrine of Annual Parliaments and Universal Suffrage, but he would not contend that nobody else should. The spirit of the Constitution allowed differences of opinion. Let that which was good be defended, and that which was wrong be defeated by argument. The report of the Committee threw calumnies on the people of England. He would say, that a more loyal body had not existed, than the people of the place whence this petition came.—Ordered to lie on the table.

Mr. Speirs presented a Petition from the Burgesses, Householdors, and other Inhabitants of the Royal Borough of Renfrew, praying for Retrenchment and Parliamentary Reform.—Read, and ordered to lie on the table.

Sir Ronald Ferguson presented a Petition, for the same objects, from the town of Dysart.

Sir W. Geary presented a Petition from Faversham, praying for Parliamentary Reform.—Ordered to lie on the table.

IRISH GRAND JURY PRESENTMENTS.] Mr. Courtenay brought in a Bill for the better ap-

plication of the money raised in Ireland by Grand Jury Presentments for the maintenance of the Roads—Read a first time, and ordered to be read a second time on Thursday three weeks.

DUTY ON WINE.] Mr. *Sharp* presented a Petition from certain Wine Merchants, in which they alleged, that ruin must happen to their trade if the duty were not diminished more than one half; from the duties being so high, the loss to the Revenue, in the Port of London only, had been 348,000*l.* within the last year.

The *Chancellor of the Exchequer* said, Government certainly had not entertained any idea of lowering the duties. The article of wine was one from which the greatest revenue ought to be drawn.

Mr. *Ponsonby* thought the right hon. gentleman pursued the worst means of obtaining the greatest revenue. By reducing the duty, Ministers would find the revenue increased, and therefore it was their duty to reduce it.

The petition was laid on the table.

SUSPENSION OF THE HABEAS CORPUS ACT.]

A message from the Lords informed the House, that their lordships had passed an Act to enable his Majesty to secure and detain such persons as he might suspect of conspiring against the State, and desired the concurrence of the Commons to the said Act.

On Lord *Castlereagh's* moving that the Bill should then be read a first time,

Mr. *Ponsonby* complained that the noble lord had intimated no intention to press the Bill, nor had any one understood that the Bill would pass through any stage that night.

Mr. *Bennet* said that the noble lord, with as much clearness as he usually indulged in, expressly stated that the Bill would not be read till Wednesday.

Lord *Castlereagh* then gave notice that he should move the first reading to-morrow.

Lord *Stanley* presented a petition from the cotton-manufacturers, touching the Report of the Secret Committee: among other things they stated, that they had no Spenceans among them, nor any that held such nonsense, and prayed that no measures might be adopted inconsistent with the spirit of the Constitution.—Ordered to lie on the table.

Sir *Francis Burdett* said, he had a petition to present from the inhabitants of the city of Westminster against the suspension of the Habeas Corpus Act; and he trusted, if time were given by Ministers, that the example of this petition would be followed by many places. He believed other measures proposed by the noble lord were objectionable to the petitioners, as well as that for suspending the Habeas Corpus Act, as far as the noble lord revealed them in his little despotic code of last night.—He moved that the petition be brought up.

Lord *Cochrane* observed, that there was the greatest propriety in the conduct of all persons assembled to hear and agree to this petition.

He entertained no hostile sentiments against the Constitution, and knew none who did. Pass bill or not, in one sense it was indifferent to him. He had never belonged to the Union Club; but of the Hampden Club he was a member; there he had attended but once, when only three members were present. He should never abstain, or be intimidated by the threats or power of Ministers, from meeting his constituents, or those whom he thought it proper to meet, not even by the terror of dungeons, chains, and punishments. He had before displeased the right hon. the Speaker by saying, that the people had no resource but one. It was far from his intention to suggest any thing improper; but when he saw on their journals and records of better times, when oppressive measures were attempted, that the House had thought it its duty to the public to feel it had the power of withholding the supplies (a salutary practice which they had relinquished); then he thought it right to advert to what had been the practice, and a right, he must suppose, delegated to the House by the people. He implored the House to pause in this mad career, before they enacted a change greater than any they could impute to the Reformers; such as a suspension of the liberties and Constitution of the land. Whether Ministers wanted only to serve a present purpose, to alarm the timid, and rally them around them, whatever their object was, even though they did not mean to carry their powers into execution, he should protest against the proceeding as unnecessary and wicked.

Mr. *Long Wellesley* said, that many at the Westminster meeting deprecated the principles there preached. If the gentlemen of the country at large took up the subject, he was sure many counter petitions to that now presented would be received, respectfully signed.

Sir *Francis Burdett* was desirous that the gentlemen of England should meet throughout the country to hear what were the sentiments of all England. In such a case, whatever the result, he, for one, should give way to the general opinion; but it was of attempts to suppress opinion that he complained. He was very sorry that persons of rank, property, talents, and character, in whom patriotism was naturally supposed to exist, and which was the case in England with such persons generally till of late years, did not assemble. They could guide by their information, character, and talents, and lead the people after them, as they were wont to do. The people used to bow to their authority even when not entirely convinced. There was the force of a general character among the gentry of the country. He hoped this was not to be altered. If we looked at Spain, we should find a remarkable circumstance; in the day of trouble, persons of the highest rank and of the most ancient families, stood still, and quietly looked at the great struggle, and left their own country to be fought for by other nations. (*Hear, hear.*) Sorry should he be if such ever should

become the degraded state of this country. He wished for something liberal, rational, and patriotic, according to old constitutional practice and principles.

Mr. F. Robinson observed, that he never thought any comparison would be made between the nobility of Spain and the gentry of this country. Was it to be supposed that the gentry of England would see their country fought for by other nations? If there were any parts of this country wherein the union of the gentry and the people was disturbed, it was not owing to the gentry, but to the efforts of those who strove to break asunder all the bands of society. The hon. baronet was of ancient birth, of high character, and of considerable property, and he had no doubt was respected and loved by those who were connected with him; but why should he not suppose similar circumstances to exist respecting others? Why should he express himself so as to traduce others, as if they were cut off from the affection of those around them? What grounds of fact could he have for such aspersions? How could he conceive himself justified in drawing such a picture, unless he meant to infer that the gentry of the country were conspirators against the liberties of the country? He (Mr. R.) believed that the country gentlemen had no stronger wish than to protect the people.

Sir G. Heathcote denied that his hon. friend had accused the gentlemen of England of detaching themselves from the body of the people. He (Sir F. B.) only lamented their supineness. He expressed his desire to see them cordially join, and wisely guide the sentiments and feelings of those over whom their rank and property gave them a natural influence; and he regretted that the legitimate direction which superior information and improved judgment would give them was not claimed or exercised:—He wished them to meet along with the people, that they might rescue the people from those that would mislead them.

The petition was then read.

Upon the motion that it do lie on the table,

Sir F. Burdett wished, that the country might have an opportunity of expressing its sentiments, and took occasion to express his regret that the gentlemen of England were not more forward in conveying their wishes and views to the Government. Upon this a right hon. gentleman (Mr. Robinson) had founded a charge against him of slandering the gentlemen of England, an imputation which he entirely disclaimed. He merely took the word from the hon. gentleman opposite (Mr. L. Wellesley), who had said that the body of the people were in favour of arbitrary measures. He (Sir F.) did not put the gentlemen of this country on a level with the degraded nobility of another; but he had complained of their supineness, and had alluded to the better times of our history, as affording a great contrast in our character. He liked frank and free opinion on all occasions; and at a time

like the present it might be desirable to have the sentiments of the great body of the nation. A certain portion of the people were alluded to, as if they could either form no opinion, or as if their opinion was not worthy of attention—as if they had no rights to protect, and no interest in the acts of their Government. The House was accustomed to hear from the noble lord opposite such phrases as these—degraded rank, lower orders, and other unwarrantable expressions. Now, for his part, he knew of no degraded rank in the state to which the noble lord could apply this denomination. The only degraded ranks that he knew were the sinecurists, (*Hear, and a laugh,*) who, in these times of distress, fattened disgracefully on the public money. He most certainly knew of a privileged order—the peers of the realm, and the commons of the land; but he would acknowledge no other distinction. The commons included the whole people, not lords; and neither admitted of higher or lower orders, degraded or dignified ranks. Nothing could be more wicked and mischievous than such language. The people should be treated as all upon the same level; none of them degraded by situation, or unequal in point of right; they should be taught to unite for the common good of all; to respect each other and themselves. The rights of the wealthiest and the poorest had, in the eyes of the law, the same foundation, and did not admit of this mischievous classification. When taxes were the question, then there was another distinction of the people, into rich and poor; and it was said such a tax will affect the one class without affecting the other, as if the real income of the labourer was not affected by the assessments made on his employer. The price of the poor man's labour was just what his employer could afford to give him; and the situation of the former was as much injured by what the latter gave away in taxes, as if he had himself paid them. The money taken out of the rich man's pocket, which was the poor man's bank, was as much a loss to the poor man as if it were taken out of his own. This was a time for union, that the country might be able, by common effort, to support those grievous burdens which a mischievous policy had brought upon it, and which weighed it to the ground; and not a season for calling the people names, and arraying them against each other as if they were natural enemies. By joining their common strength to support their common calamities, much might be done to alleviate their sufferings, and alleviation, he was sorry to say, was all that could at present be expected.

Lord Castlereagh entirely disclaimed the use of the terms attributed to him, in the sense alleged by the hon. baronet. He never called any part of the people a degraded rank. In speaking of those who engaged in treason, he used the phrase; but it was applied to those only whom their treason degraded by folly, absurdity, and wickedness. (*Hear, hear.*) He

never meant to use any such phrase to any part of the people.

The Hon. Mr. S. Cocks expressed his disapprobation of public meetings in the present state of the public mind. He was a friend to liberty, but it was regulated liberty, order, and independence.—He defended the character of the gentlemen of England.

Mr. Ponsonby said, the Report of the Secret Committee praised the principles, the temper, the conduct of the people generally. It was obliged to confess, that in some parts acts had been committed, or principles encouraged, of which it disapproved; but it excused even the offenders, on the ground that they were acted upon by designing men, who took advantage of their distress to mislead and delude them. As a member of that committee, he would ask, what undue partiality could be attributed to him? It was not a partiality surely to his Majesty's Ministers—he generally opposed them. It could not be a partiality to the measures of which the report was made the ground-work—he had expressed his protest against them. It could not be a partiality proceeding from interest; if he had any interest, it was on the other side. (*Hear, hear.*) His interest led him to please the people. He could assure the House, that neither interest, partiality, nor prejudice, had been the motives of his conduct; and he acted entirely from a sense of duty, and the deliberate conviction of his own mind; and that whenever he felt that sense of duty, he would regulate his conduct by its dictates, whether he acquired popularity or not by the course he pursued. (*Hear, hear.*)

Lord Folkestone said, the words of the Report amounted to a declaration that the nation was universally infected with mischievous and seditious principles, and was prepared to proceed to acts of treason and rebellion. What else could justify gagging-bills for the whole people? (*Hear.*) Nothing but charges that would amount to a libel could justify such measures. The noble lord explained the meaning in which he understood the words of his hon. friend (Sir F. Burdett,) and contended they were not liable to the construction put upon them by a right hon. gentleman opposite (Mr. Robinson.) He admitted that it was too much the practice of the gentlemen of England to withdraw from public meetings, which they ought to countenance by their rank, instruct by their superior knowledge, and guide by their temper and moderation. If at the present moment danger were apprehended from these meetings, as he saw was done by an hon. gentleman, (Mr. Cocks,) surely the best mode of preventing it was the attendance of men, who, from their rank, influence, situation, and connections, had the greatest authority with the people, and could rescue them from the hands of the discontented and factious. (*Hear.*)

The Hon. Mr. Law felt it necessary to remark that the report was not a libel on the whole nation, as it expressly excepted from any charge of disaffection or discontent the whole

of the higher ranks, or even the middle classes of society, and almost all the agricultural population. That could not be a libel, therefore, upon the whole, which made such important exceptions. But, said the noble lord (Folkestone) the remedy is intended for the whole population, therefore the disease must have infected the whole. This sort of reasoning could only be admitted when the noble lord pointed out a way of legislating for traitors as a distinct class in the community, like certain kinds of manufacturers, a way of making laws to restrain or punish any individual without having reference to the whole. All laws must be general, though the evils be only partial.

Mr. Brougham was glad to hear from the lips of the hon. gentleman that there was so limited a range of danger; that there were none of the higher ranks infected; that the words "few, if any," meant literally none at all; and that, by such an ingenious mode of interpretation, we got quit of an important part of the charge of insinuation. (*Hear.*) The report had been called a libel on the whole people of England. He (Mr. B.) was not one of those who concurred in that opinion; but if the report was not a bill of indictment, the measures grounded upon it were a sentence against the whole nation (*Hear*): if they passed into laws, the people would be condemned without being accused, punished without being tried. (*Hear, hear.*) They had been acquitted of offences by all who witnessed their conduct and admired the fortitude with which they bore their sufferings; they had been acquitted of offences, and declared from the throne peaceable and well-disposed under distresses of which few in the House, or in affluent circumstances, could have any idea. None of those who in Parliament gave their opinions coolly on the pressure of the times, who spoke of the necessity of patience and resignation under suffering from night to night in the House, could have any idea, either derived from their own experience or what they saw in their families or in the world, except among the objects of their charity—they could have no conception, unless that derived from fictitious tales, of what it was to feel the agonies of hunger (*Hear*); and yet to this state many were reduced who still, in circumstances so deplorable and hopeless, had not only behaved peaceably, but decorously; had not only abstained from crimes, but had exhibited the utmost fortitude in bearing their calamities. Would it not appear then a monstrous injustice to pass sentence of condemnation on such a people for the errors of a few, mentioned in a vague report, and, while they were meriting the admiration and praises of the world, to deprive them of the benefits of the Constitution? (*Hear.*)

Mr. W. Eliot thought the report could not be declared a libel on the whole people of England. It said the great body of the nation was sound. (*Hear.*) What it said was not that the whole nation was infected, but that practices existed

calculated to shake the foundation of social order. (*Hear.*)

The petition was then ordered to lie on the table.

LORDS OF THE ADMIRALTY.] Sir M. W. Ridley rose to move for a reduction of such of the Lords Commissioners of the Admiralty as could be spared without detriment to the public service. He would not point out the number that might be reduced, but leave the determination of that point to the counsels of his Royal Highness. If he were required to deliver his own opinion he would say, that two might be spared, four being enough to perform the effective duties of the Board. The cry of retrenchment had resounded through all parts of the country: it had been echoed from one side of the house to the other, and all professed to have the same object equally at heart. He did not expect much in point of real saving from the measure he now proposed, but it would be laying the foundation of a system of reduction by which the undue influence of Ministers might be abridged. Previous to the reign of Henry VIII. there was no navy: in time of war, when ships were wanted, they were either hired from the merchants at home or purchased from foreign traders. In the reign of Henry a sort of navy-board was established, dock-yards were built, and commissioners were appointed to regulate them. This lasted through the subsequent reigns till the time of Charles I. when some alteration took place in the management of the system, and two committees, consisting of three individuals each, were appointed to superintend the new plan of naval administration. Whatever disposition the Admiralty Lords of the present day might feel to imitate their predecessors, there was one point to which he did not think that they would be anxious to carry their imitations: he alluded to the salaries formerly enjoyed, for he had found from old documents that the Lords Commissioners in the time of Charles received but 3*s.* a day. (*A laugh.*) During the disturbances that afterwards occurred in the reign of Charles, the navy was neglected and became insignificant, till Cromwell, by great and constant exertions, raised it to a degree of high eminence and power. All branches of the service were improved: the number of ships was increased, and the dock-yards became more important depots. In the feeble administration, however, of Richard, Cromwell's son, the navy again fell to decay. On the restoration of Charles II. the navy revived, partly under the direction of the Duke of York, but chiefly from the activity and attention of Mr. Secretary Pepys, who first introduced regularity and system into his department. The conduct pursued by that distinguished individual was well worthy of the imitation of the Ministers of the present day. He did not cast his eyes about to see from what quarter he should procure such persons as would best secure or augment his parliamentary influence, (*loud cries of hear from the Opposition*)

but, on the contrary, he looked for the most able professional men, whose knowledge and experience fitted them best for performing the duties of a naval administration. Since that period a navy board had been in constant force, though the commissioners had varied in numbers: sometimes they were 5, sometimes only 4. In 1702, when Prince George was at the head of the naval lords, their number was only 4: in 1706, the number was the same. In 1709, when Lord Orford was first commissioner, the number was 4: in 1714, under the Earl of Strafford, the number was 5: in 1717, under Lord Berkeley, it was 5: 1775 and 1776, under Lord Sandwich, the number was still 5. Since that time he was aware that the number was usually 6. Perhaps the business of the Board had increased during the long wars that had succeeded; but though that number might be necessary during the operations of war, he saw no reason why it should be continued in peace. The appointment of six lords was neither consistent with former practice nor with the necessity of present circumstances. Mr. Secretary Pepys, in his naval administration, laid down a rule which was well worthy the attention of his Majesty's Ministers: he took care not to employ any gentlemen who were not masters of naval affairs, and distinguished at the same time for strict integrity and regular habits of industry. (*Shouts of hear, hear.*) To this testimony he might add the recommendation which some years ago appeared in the Report of the commissioners appointed to investigate the state of the naval management. They had stated their conviction as to the necessity of employing the most effective means for the right administration of the navy: and observed, how much depended on scientific knowledge, on ability, on uninterrupted industry, and recommended that no other circumstances should be permitted to introduce any persons into the Board of Admiralty management except the being fit for all the duties of the situation. How far his Majesty's Ministers had complied with this recommendation, he left it to the House and to the public to judge. (*Hear, hear.*) When it was seen that a cornet of hussars, without the slightest pretensions to naval knowledge, was made a Lord of the Admiralty, what motive could be supposed to have influenced the minds of those who made him so, except such a motive as was too obvious to every understanding to make it necessary for him even to touch upon it? (*Shouts of hear, hear.*) He must be permitted to regret that it was not more the custom of the House to attend to the recommendations of its committees. Had it done so in the present case, it would not now be his duty to make his present motion: but he must say, that it was absurd to appoint committees for the consideration of different subjects, and yet to entirely disregard all their suggestions. The committee had observed, that in time of peace it might be a fair subject of deliberation whether some reduction might not take

place of the number of these Admiralty Lords without any detriment to the public service. (*Hear.*) The question was, whether the present was such a time as they had contemplated. At the period of their observation the number of seamen employed was 140,000: the present number was about 19,000. At that time there were 1,200 vessels in service: at present, he believed that the vessels of every sort and description did not amount to 200. Could any thing, then, justify the continuance of these useless lords, unless it was meant to say that their office ought to be kept as sinecure offices for the reward of the friends of Ministers. (*Hear, hear.*) He really was at a loss to know what ground of defence would be resorted to. The noble lord on a former occasion had talked of the Board of Admiralty having been constituted on its present scale at the time of the Revolution: he trusted that he had entirely shewn the fallacy of that supposition. The noble lord had also said something about innovation: but this charge of innovation in idea against a useful reform came with a very ill grace from him who was recommending the monstrous innovation of removing the very bulwark of our liberties. (*Hear, hear.*) At such a time it became the House more especially to take care, that before they rejected a motion like the present, their motive for so rejecting it was solely for the public good. They ought to shew themselves incapable of any bias, except toward the common welfare. He concluded with moving a humble address to the Prince Regent that he would give directions, in conformity with the clause in the speech from the throne, to reduce the number of the Lords of the Admiralty in such a way as was not incompatible with public safety, and was most suitable to the exigencies of the times. (*Hear.*)

Lord Castlereagh said, it certainly had not been in the contemplation of his Majesty's Ministers to submit any recommendation to the Prince Regent for the abolition of these offices, but, perhaps, it would have been better if the hon. member had waited for the opinion of the committee of finance on this subject. Gentlemen on the other side, had adopted a course which seemed to him to be in direct opposition to those parliamentary rules which had been framed on a comprehensive view of public utility: he alluded to that course of insult and unconnected notices respecting different places and appointments, (*A laugh from the Opposition.*) the perpetual renewal and suspension of which over the heads of the House, kept the public mind in perpetual agitation. He could not admit that office was to be tried by that strict rule which the hon. bart. seemed to contemplate, that public business was always to be done by the fewest possible hands. If the principle of making persons in high office perform all the labour possible, without any such relaxation as they might be supposed to require, were acted upon, offices of state would be filled by very different

persons from those who now filled them. (*Hear, and a loud laugh from the Opposition.*) Did the hon. gentleman mean to say, that the labour performed should be precisely as much as a man could perform without any relief? Did they mean to hold out the expectation that any men of liberal rank in life would submit to such a rule? And would they go further, and drive out of the administration all those young men of high birth, whose accession to a government was one of the best pledges for the security of the Constitution? Would they tie down persons of this description to the same laborious routine of duty as a banker's clerk, or a merchant's apprentice. And as to these different notices of motions for retrenchment, he felt that, altogether, their amount was but trifling—not above 4 or 5,000*l.* at the most. He did not mean to undervalue such a saving in a time of distress like the present; but he thought that saving would be a detriment rather than a benefit to the country, since it would tend to throw office into less enlightened hands. (*A laugh.*) In his conscience he believed, that nothing was more likely to do mischief to the public service, than that the navy should be solely in the service of naval men. As to any individual against whom this motion might be aimed, he should not enter into any particular defence, but was prepared to say, that a few offices should exist in which young men of high rank in life might find a motive for studying the Constitution of their country. (*A laugh.*) Few men could be statesmen at once; they must learn through the gradations of inferior offices to manage the high departments of the State. It was true, that there had been some instances of men emerging into the height of public life at once. Mr. Pitt started at once into that distinguished situation which he continued to fill during his life: but there had been other great men, perhaps, of not inferior talent to Mr. Pitt, who had risen by slow gradations to the highest rank. Mr. Fox had not thought it inconsistent with his character or talents, to take his seat as a member of the Naval Board, though he had not the slightest professional knowledge of the navy; nor was he the only illustrious man who had begun by filling this minor office. Sir Robert Walpole, and others, had first come to the notice of Parliament and of their Sovereign, through this very office. He would contend, then, that if the circle of offices was to be narrowed or abolished, serious mischief would accrue to the Constitution: for one great source of the education of statesmen would be cut off. He never understood that the noble lord on the opposite bench (Lord Althorp) had thought himself unfit to take seat at the Navy Board, though not a naval man; and Lord Spencer, he had put quite as much confidence in lay lords of the Admiralty as any other administrators. Having thus protested against the principle of the motion, he came to the business part of the question. He did not find that it had been

proved that the numbers were too great during the war; and though he was willing to allow a distinction between peace and war, yet he denied that it would be a fair argument to say, that because the number of ships in commission was less in time of peace than in war, that therefore the duties of the Admiralty were less arduous. During war, they were forced to neglect many of the details respecting the dock-yards, which, however, were of the highest importance, and occupied their attention in peace, quite as much as the attention of such persons could be expected to be occupied. (*A laugh.*) He must contend that it was very useful that the Admiralty Board should be so constituted as at the same time to sit in London, and to send out a competent commission to act at the outports. He apprehended that gentlemen would see that great delay would be saved to the public business, by thus preventing the necessity of that sort of communication which must be kept up between the Board and common agents, before any thing could be transacted. As to the general argument used by the hon. baronet, he was ready to admit that the House had a claim on Ministers for such economy, as was safe and consistent with their duty; but, considering that the reduction of the officers of the Admiralty would be detrimental to the interests of the nation, he should move the previous question.

Lord Althorp said, if seven lords of the Admiralty could do the whole duty in the time of war, it was not necessary to retain an equal number now, when the business was so greatly reduced. With regard to the outports, it was almost a useless branch in time of peace; and as far as concerned the necessity of two boards, it was very well known, that, as the board of Admiralty was now constituted, questions were seldom put so as to come to a majority, the business of the board being generally considered to belong to the first lord.

The Hon. Mr. Law did not view this as a question that ought to be discussed abstractedly on its own merits; the House would do well to consider it on general principles. Let them reflect that they were not called on to sanction the destruction of two offices, but of every office; let Ministers, when the body of the place was attacked, resist the enemy, and not give up a single outwork. (*Hear, hear, from the Opposition benches.*) Let not the House imitate the conduct of some of the weakest of mankind, some of the Roman emperors, who, when they surrendered one province after another, said, "We can do without silks, we can do without spices," forgetting, however, that every foot of ground they abandoned, must lead to the destruction of their empire. Let us not, therefore, imagine that we can do without two lords of the Admiralty, lest the same fatal consequences should attend us. (*Laughter and hear.*) If we did this, we abandoned the principle on which our whole empire rested. On this breach we

must take our stand; here we must fight the enemy. (*Hear.*) It was not so much for the advantage of Ministers as for the interest of the country, that he would wish these offices to be retained. Ministers were by no means overpaid for the labours of their office; and if they did not find in the places now to be abolished, some gratification for the dreadful responsibility and uneasiness to which they were subject, a responsibility and uneasiness under which the firmest minds had sometimes been broken down, no opposition would be desirous of taking possession of the offices of Government. Would the House be willing to diminish the present influence of the Crown? Would they again reduce it to that state of anarchy in which it was no longer able to maintain itself against a factious opposition? Considering that violent changes were abroad, and that the most wild and wicked doctrines were preached by those who undermined where they could not attack, and desolated where they could not enjoy, he could not consent to strike out of the hand of the Crown the only remaining weapon by which it could defend itself. (*Laughter and hear.*) He should therefore vote for the previous question.

Mr. Warre observed, that the hon. member had spoken very eloquently about breaches and outworks; but he greatly doubted, whether Ministers would like his alliance on this occasion: he questioned whether they would thank the hon. gentleman for his fair and candid avowal of the military position they assumed. (*Hear.*) He (Mr. Warre) enquired not what was done in former days: if former administrations had done wrong, it now became the House to do right. (*Hear.*) All the episodes of the noble lord were superfluous to the question. Of the lords of the Admiralty, three of the sea officers, and one of the land lords, were efficient officers; but the other two offices were complete sinecures. As to the three officers who were to form a *quorum* at the outports, he supposed the noble lord thought that two would quarrel in a post-chaise, and want a third to settle the business. (*Laughter and hear.*) He gave his most cordial support to the motion.

The Hon. Mr. J. W. Ward would not shrink from asserting and defending the opinions he entertained upon this question. The other side of the House seemed to think that economy at all hazards ought to be practised, forgetting that though reduction and retrenchment might be good things in themselves, yet all reductions and all retrenchments were not expedient: they were for taking from the sovereign all his influence, and were not only anxious to strip off useless and expensive embroidery, but to deprive him even of decent and necessary apparel. (*Hear, hear, and laughter.*) He (Mr. W.) could not consent to lend his aid to the corps of political riflemen recently embodied, which was employed in picking off place after place, however important or serviceable; which attacked to-day the Admiralty, to-morrow the Stamp-

office, and the next day the Post-office, and which, on the principle of such irregular troops, shewed no mercy and granted no quarter. Had gentlemen forgotten that a committee of retrenchment was now sitting? Did they not recollect that motions like the present could only obstruct its labours? It was true, that they had refused their confidence to that committee, because it was not formed merely of the immaculate uninfluenced members who sat on the other side of the House; but was it respectful to it, or to the House, in this way to press forward motion after motion? The conduct of hon. gentlemen on the other side on this occasion might be consistent with their conduct in general, but was it consistent with the vote of the majority of the House, which had given its confidence to that committee, though not formed according to some members' notions of ideal excellence. (*Hear.*) Had he been chosen one of that body, he should have begged to have been allowed to withdraw his name, convinced that, however assiduous and anxious to discharge its duties, the committee could never hope to keep pace with the rapid and sweeping abolitions recommended from the other side of the House. The examinations of persons, papers, and records by a committee, were idle and ridiculous if this system were continued. The whole House was not now the proper place where the subject was to be considered; it had delegated its authority to a number of its members, and whether the motion of to-night had been of a more sweeping nature, or directed against only one department, it was equally objectionable. The naval establishment of the country was, undoubtedly, at present very inconsiderable, (*Hear.*) though the military departments had been kept up: but had it been shewn in any way, that, because the latter might be reduced in some unimportant respects, it was fit to put an end to two political offices of the highest consequence. The noble lord had truly said that they were valuable as convenient introductions of young men to business: by means of these two places of lords of the Admiralty, useful experiments might be made upon the capacities and dispositions of young men. (*Hear, hear, and laughter.*) It was expedient, besides, to preserve them as inducements to individuals to devote their talents and industry to the service of their country; for as long as human nature continued what it was, such means would be required to stimulate exertion. The diminution of secondary offices would also be injurious, as lessening the competition among men who might become ornaments of the State: the number of persons who would be willing to contribute their services for a proportionate reward would be reduced, and the consequence would be, that all places would fall into the hands of an oligarchy, of all the most odious, viz. an oligarchy of wealth. (*Hear.*)

Mr. *Banks* commenced by referring to the proceedings of the committee over which he

had presided. It had, he said, been his anxious wish to have established there some distinct rule and general principle by which offices should be judged. In that attempt, however, he had been strenuously resisted by the noble lord opposite, (Castlereagh) who had contended, that it would be much wiser to examine each place separately, to suggest certain abolitions, and if others were proposed by the antagonists of Ministers, to discuss them *seriatim*. The argument of the noble lord to-night had shewn that what he held to be fit up stairs, he considered most inexpedient down stairs; and, without much regard to consistency, he now turned round to oppose what he had before recommended. (*Hear.*) The House came to the consideration of this subject under the most favourable circumstances; for, not only were the general arguments decidedly in favour of the proposition of the hon. baronet, but the question seemed to be decided by the report of a committee made nearly twenty years, of which the Speaker had so ably discharged the duties of chairman, and which was composed of men of known integrity and prudence: the names of Lord Harrowby and Mr. Henry Thornton were sufficient to secure it from the charge of injudicious precipitation. That committee had possessed all possible information, and it had determined against the continuance of six lords of the Admiralty in time of peace. It was true that nothing had then been said of ambulatory lords, a sort of board of Admiralty in *eyre*, much talked of to-night, and to very little purpose. The broad and better ground of resistance to the motion was, that these offices formed a part of the justifiable influence of the Crown, and that young men were, by the hope of this reward, induced to devote their labours to the public service; yet this argument was most indefinite, and under this pretence of a nursery for statesmen the power of the Sovereign might be augmented to a most injurious extent. He admitted, that it was essential that persons in high official situations should occupy seats in Parliament, and he ridiculed the absurd notions of inconsiderate and uninstructed Reformers, who termed this practice an abuse of the Constitution: it was fit, however, that some limit should be assigned: in his opinion that limit was the duty discharged by the individual, since no parliamentary office ought to be preserved merely because it suited the purpose of the Minister. The bill he (Mr. *Banks*) had introduced did not indeed include the places in debate, but his measure was calculated for a state of war, and he could not therefore be charged with inconsistency. One hon. gentleman (Mr. *Law*) had vehemently insisted, that this outwork ought never to be abandoned to the enemies of royal influence; but he (Mr. *B.*) would advise him, if he endeavoured to defend every post, however insignificant, to take care that he had a sufficient garrison for such an extensive fortress; while he was protecting as

outwork, the enemy might make himself master of the citadel. (*Hear, hear.*) The table was loaded with petitions, which, though idly praying Annual Parliaments and Universal Suffrage, at least deserved attention when they required retrenchment; and he called upon all members who had presented them, to join in a vote in support of a motion for the abolition of two offices which were a useless burden upon the public.

Mr. Huskisson opposed the motion, contending that, although a committee might have decided against the places in question, their report did not extinguish the deliberate functions of the House.

Mr. Croker alleged, that ever since 1685, 1,000*l.* per annum had been allowed in all the estimates for seven lords of the Admiralty. It was remarkable that the office now singled out for attack was the only one that had remained always the same.

Sir G. Pole stated, that the salary had formerly been only 770*l.* a year. He observed, that lay lords could be of no service, and that the present secretary himself was not very useful; and said, that since the time of Birchall, in 1659, no secretary but the present had been ignorant of the neighbouring seas. He supported the original motion.

Mr. Canning said, after the menace of unpopularity which has been thrown out against those who might oppose the motion of the hon. baronet, he should hold himself guilty of a base dereliction of duty, if he were to shrink from an explicit declaration of his sentiments. The motion was avowedly the first of a series of attacks upon that established system of political office by which the administration of the Government of this country was practically carried on; and by which it had been carried on for upwards of a century,—that is, during the period of our history, when our laws and liberties had been best guarded, as well as best understood. The reduction of a number of such offices might undoubtedly form a fair subject for discussion: but to discuss it fairly, the system must be viewed as a whole. It was not by picking out details, and by putting this or that office separately upon its trial, that the expediency of a parliamentary administration of the Government could be usefully considered, or that the number of holders of office which might be properly and conveniently allowed to sit in the House of Commons, could be justly ascertained. As a matter of economy, the possible saving upon the two Offices in question, was by general admission too inconsiderable to be taken into account: no man had gravely insisted upon it in this debate. It had been argued, indeed, that saving, as saving, was good in itself,—good in principle without reference to amount; and it had been contended, that to this sort of saving, among others, they were pledged by the Address in answer to the Speech from the Throne. But he must be permitted to

remind the House,—and he appealed to the general sense and recollection of all who then heard him, that this was *not* the class of office specifically in the contemplation of those who voted for the Address, and for the appointment of the Committee which grew out of his Royal Highness's recommendation. The reduction specifically in contemplation was unquestionably in those offices which are called *Sinecures*. In saying this, he did not mean to say that the House, either by the Address or by the appointment of that Committee, was precluded from carrying reduction beyond those particular offices; but he thought it material for the House to bear in mind, that the attention of the Government and of the Committee had been immediately directed to that peculiar species of reduction which had been most earnestly called for by the public; that this motion therefore was not necessary to quicken either the Ministers or the members of the Committee in the discharge of their duty; and that the suggestion of to-night was not (as was pretended) in furtherance of an admitted course of policy, but in recommendation of a policy which, so far from having been admitted, was then brought before the House for discussion for the first time. The new policy might be right or wrong in itself (that was matter of argument); but it must be examined and decided on its own separate merits. The labours of the Committee were active and unremitted: and the fruits of those labours had been neither small nor slow in growth. In one short week they had resolved on the abolition of all those great *sinecure* offices (those of the Exchequer he meant) which have long been held out to public view, as the great blots and stains in the official appointments of the State. He would not here examine whether it was a just or unjust view that had been taken of these offices. Undoubtedly he thought there was much of unfair prejudice, much of misapprehension and misrepresentation in the attacks which had been made upon them. Undoubtedly, he thought they could not be abolished, without the substitution of something in their room. It might, however, be true, that being (whether justly or unjustly) degraded in the public estimation, they had ceased to be the most fit rewards of honourable public service, and had thus lost the charm by which their nominal existence was prolonged. His own sentiments on this subject were indeed already recorded. The House might possibly recollect that he had twice voted for a Bill of an hon. friend of his (Mr. Banks) which went to abolish *sinecures* on an extensive scale; substituting for the abolished offices other means, to be placed at the disposal of the Crown, for the reward of public service. The details of that Bill, he thought, in many particulars faulty and ill-digested:—nevertheless, approving of the principle of the measure, he voted for it with all its imperfections on its head. To a Bill of the same kind he was

still ready, in common with his colleagues, to lend his cordial support; and if his hon. friend would then accept such aid—to assist him in moulding and shaping his measure, in such manner as might best tend to ensure its ultimate success. Let him not, however, be supposed visionary enough to imagine, that such a concession, although involving nine-tenths of all that was professedly demanded, would satisfy those who clamoured most loudly for Retrenchment and Reform, and who inflamed the imaginations of the multitude with the expectation of impossible relief. Their purpose was not to amend what was really amiss in our establishments, but by cavilling alike at every thing that existed in them, and at every proposition for amendment, to feed and keep alive the discontentment of the times, and (if they could) to ripen it into disaffection. It would be vain to look for any other effect from this concession upon such men, than that their complaints and remonstrances might perhaps be transferred from the point conceded to some other on which concession was known to be utterly impracticable. What was the main grievance of which the clamourers of our day had been complaining?—*Sinecures*. Against which branch of the Constitution had their clamours been directed?—Against the House of Commons. Would it not then naturally be supposed, by any person ignorant of what had been passing during the last few years, that the Crown had recommended the abolition of *Sinecures*, and that this House had disregarded the recommendation? or that the House of Lords had passed some resolutions to that effect, which the House of Commons had refused to adopt?—But what were the facts? Why, that the House of Commons had twice abolished *Sinecures*, so far as its decision could abolish them; and that this decision of the House of Commons had twice been frustrated by the House of Peers! Such were the grounds upon which these equitable dispensers of public favour heaped obloquy upon the House of Commons, whilst the House of Peers stood blameless in their estimation. But fond indeed would be the fatuity which should imagine that there was any more of sincerity in their approbation than there was of justice in their censure. The House of Peers was unblamed only because its time was not yet come: The House of Commons was vilified because these men were wise enough in their generation, to know that that House alone stood between them and the ruin which they meditated;—that, the House of Commons once destroyed, the road lies open, without impediment, to the overthrow of the Peers and of the Crown. On every such matter, therefore, as was this night propounded for their deliberation, their judgment should be guided, not by the loudness of the demand, but by the propriety and expediency of the thing required. Clamour was not a reason for refusing what it might be right to grant:—but

let no man flatter himself that clamour was to be appeased by granting what it would be right to refuse. He did not mean to dispute the right of any hon. gentleman to bring forward any specific proposition that might strike his fancy; but it was for the House to decide, whether, after having appointed a Committee systematically to examine our establishments with a view to all practicable reduction, it was either regular or expedient to take particular parcels of assigned work out of their hands, and, after day, to debate them separately in the House; thus resuming in detail the power which has been delegated in the aggregate. His hon. friend (Mr. Banks) had mistaken the nature of the objections to this practice which had been stated by his noble friend (Lord Castlereagh) or at least he had not satisfactorily answered those objections by asserting, that in the Committee up stairs, his noble friend had himself proposed to proceed on the same plan. His noble friend objected in the Committee to the laying down of those general principles which he required to be laid down in the House. To be sure he did,—and where was the inconsistency of doing so? Was not the House the place where general principles ought to be proposed and considered? And was it not peculiarly the province of a Committee to regulate the application of those principles, and to discuss the details which their adoption might involve?—This proceeding of his noble friend's, was not only perfectly consistent in itself, but exactly conformable to parliamentary rule. Not so the course adopted by his hon. friend, who insisted on laying down general propositions in the Committee, and on examining the details in the House,—thus inverting the order of parliamentary proceedings, and interchanging the natural and proper functions of the Committee and the House.—To come to the question immediately before them,—not only had the number of Commissioners remained invariable from 1688 to the present day, but the composition of the Board had always admitted a proportion (not uniformly the same, but a proportion) of lay members, mixed with those of professional habits and experience. He knew that the advantage of this mixed constitution had long been a mooted question. Some had wished all the members of the Admiralty to be of the land, some all of the sea: with others, who remembered the rough Admirals of old times, they had passed for a sort of amphibious body, breathing of salt and sea-weed, true *phoca* like their finny predecessors: others, again, cried out like *Trinquin*, in the *Tempest*, that this was not the sort of monster they wanted. He, however, was convinced that the Admiralty ought to be constituted partly of lay and partly of sea lords. He considered the motion of to-night as the *summa salens* of successive and sweeping confiscations of efficient office. If Ministers could take so narrow a view of this question, as to be in-

fluenced by any calculations of their own immediate interest, then undoubtedly they would at once withdraw all opposition to the motion. The trifling sacrifice of direct official strength or influence which the proposed reduction involved, would, in the present state and temper of the country, be repaid to them tenfold in an accession of temporary popularity. Nay, had they been disposed to indulge that species of malignity which delights in catching an adversary in his own trap, they should at once not only have assented to the present proposition, but should have hastened to take the lead of the hon. gentlemen opposite in the whole train of their projected reductions, and to outbid them by the suggestion of others still more comprehensive. For, situated as Ministers happened to be, the loss would really be unfelt by them in carrying on an established administration; but far different would be its consequences to those who looked to succeed to their situations. When they had routed and driven them from the field,—when the happy hour had arrived for distributing their spoil and satisfying the claims of their numerous and expectant followers; they would find, that without these offices which they were then assailing, and other offices such as these, a new administration could not be formed with strength enough to carry on the ordinary business of that House for a single day. He protested that even on this account, he was most disinterestedly hostile to the present motion, or rather to the projects of which it was the sample and the harbinger. If he thought that the Crown ought to have the means of forming and sustaining an administration, he did not the less think that it ought to have the means of changing one: and he was well persuaded, that if we swept away these political and parliamentary offices, changes of administration could not only not be so easily effected, but could not be effected at all without material detriment—certainly not without most inconvenient interruption to the business of the State. They were told, that not the smallest influence of the Crown in that House ought to be tolerated, because it was not recognized in any theoretical scheme of the Constitution. But he maintained, and in doing so he only spoke what every man felt and knew, nay, avowed, whenever the purpose of the moment did not require the denial of it, that, in practice, the Government of this country could not be carried on without some proportion of such influence. The amount of it, he was far from denying, was matter of fair constitutional jealousy. Suppose the theory, such as it is contended for, carried to its full extent;—suppose a complete separation between the Ministers of the Crown and the Members of the House of Commons; the result would assuredly be an endless struggle between that House and the Crown. He might be told, perhaps, that few persons were in fact so much misled by an uncalculating attachment to abstract theory, as to

desire that complete separation. Even his honourable friend (Mr. Banks,) jealous as he was of a preponderating influence in the Crown, allowed, that the persons holding the highest offices of State ought to have seats in Parliament. But while his hon. friend admitted this principle, he, in a great degree, nullified his admission by the limits which he would prescribe to its operation. Was it to be believed that half a dozen insulated Ministers could withstand the assaults of that numerous body always to be found within those walls,—the systematic opposers, the designated successors, of any existing administration,—deprived as those Ministers would be of the aid and comfort, of the official knowledge and practical experience of gentlemen filling the secondary offices of the State? Suppose then, that the Crown were to take the theorists at their word, and rejecting his hon. friend's kind but utterly useless concession in favour of the Ministers themselves, were to determine to carry its self-denial still farther, and not to suffer any of its servants to sit in either House of Parliament: in other words, were to select its Ministers from amongst men not having seats in either of the two Houses of Parliament.—Suppose we were to find at the beginning of a new Session, that the Crown, thus impatient of the imputation or suspicion of influence, had appointed, for its First Lord of the Treasury—for its Chancellor of the Exchequer—and for its Secretaries of State—gentlemen of perfectly unexceptionable character, but wholly unknown to the nation; and that out of extreme reverence for the purity of Parliament, none of these gentlemen possessed, or would accept, seats as Members of the Legislature.—There would be nothing in this arrangement contrary to the theoretical Constitution, nay, it would be exactly conformable to that construction of it which had been of late so loudly claimed as the right of the people of England, and towards the practical adoption of which the motion of this evening tended. It would be only pushing to excess the principle of jealousy in which this motion was founded. But would any man say, that if such an arrangement were adopted, the practice of the Constitution would not be at an end? Would not a facility be given for arbitrary selection, and unfit appointments, over which that House had always watched with peculiar jealousy? Would not a road be opened to Court favour, which the parliamentary administration of the Government was particularly calculated to close? Would not Office and Parliament be equally degraded by a choice which separated their functions? And would not this separation infallibly lead to incessant jealousies, collisions, and conflicts? It was no reply to this argument to say, that it *did* push the hypothesis to an extreme. He admitted that it did so. But, if that be objectionable, it was objectionable *only* on this ground—that some mixture of official men in the Houses of Parliament was allowed to be highly expedient (if not absolutely

necessary) in practice; although the letter of the Constitution was silent as to that practice, and although the theory of the Constitution was asserted to be adverse to it. If *some* there *must* be, the controversy was reduced from a question of *principle* to one of *degree*; and this reduction cut off at once as altogether idle and irrelevant those general declamations against the influence of the Crown in Parliament, which constituted all the eloquence, and almost all the argument, that had been employed on this and similar subjects of debate. Once admit that *some* official men *must* sit in Parliament—and away at once with all those brilliant and animating generalities which denounce as corruption the very name of influence, and demand its radical extirpation as indispensable to the well-being of the state! All such fine flights were by this single admission commuted for the much tamer task of measuring the *quantum* of that influence which it might be safe and convenient to allow. The controversy once brought to that issue, he was confident he would shew that there never was a period in our history when the *quantum* of influence was so low as it was at the present hour. The theoretical principles and the practical operation of the British Constitution were necessarily to be taken into view together, as explaining and modifying each other. The separate provinces of its several powers were easily described in theory: but it was not so easy to describe their actual workings, to trace the play of all the parts, and to delineate not only the structure of the mechanism, but its complicated movement and operation. The theory modified by the practice, formed in reality the Constitution under which we lived. The prerogative of the Crown, the high functions and authorities of the House of Lords, and the rights and privileges of the House of Commons, were capable of strict definition. But, when the definition was given strictly, the wonder was how the Government went on. With such a system of checks and balances,—of opposite tendencies counteracting each other,—it should seem that if each were to exert its specific power to the utmost, the whole machine must stand still. According to the theory of the Constitution, the Commons and the Crown were armed against each other,—the Commons with the right of granting or withholding the supplies, the Crown with that of interposing its *Veto*. In practice, how often had the supplies been stopped?—how often or how lately had the *Veto* been interposed?—The fact was, that the consciousness in each of the other's power, operated reciprocally as a check upon both; and the march of the Government proceeded unimpeded in a middle course, the result of contrary and combined impulses. The Crown, aware of the ultimate and irresistible strength of Parliament, proposed nothing that could call for or justify the putting forth that strength into full action. But, for the purpose of counterbalancing this irresistible strength in Parliament (or, to speak plainly, in the House of

Commons) and for preserving its due weight in the Constitution, what efficient force did the Crown possess?—What—but a certain degree of influence in Parliament? He was not saying whether this change, from prerogative to influence, from conflict to compromise, was for the better or for the worse. He stated the fact as it existed; he knew of no advantage in shutting our eyes to what was evident and notorious. As things now stood,—as they had stood since the Revolution,—the effective monarchy of this country could not be upholden without a just share of influence in Parliament. He said “a just share,”—because he spoke of that avowed, direct, legitimate influence, which arose from having, in that and the other House of Parliament, a certain number of the political servants of the Crown; or (which was the same proposition in other terms) from the Crown's choosing its political servants among the members of the two Houses of Parliament. The *more* or the *less* of this influence was unquestionably matter of fair inquiry: and it remained therefore to examine whether the Crown now possessed that influence in a greater proportion than formerly, or in a degree excessively too preponderant for the general interests of the state. Try this question by comparison. A reference to former times,—to what are considered as the brightest periods of the Constitution,—would shew that the direct influence of the Crown in the House of Commons had, at every former period, been greater than it was at the present day; and the more remote the period, the larger the excess. Immediately after the Revolution the number of members of that House, holding offices under the Crown, was double, and frequently triple, the present number. During the Whig administration in the reign of George II.,—in Sir Robert Walpole's time,—it appeared, from authentic lists of divisions on great questions, that there were about *eighty-five* persons holding offices *during pleasure* under the Crown who had seats in the House of Commons. In the present House the number of persons holding such offices amounted to no more than about *forty-five*. In such a degree had the direct influence of the Crown actually decreased; but proportionally the decrease was infinitely greater. For be it remembered, the House of Commons then consisted of one hundred members fewer than since the Union with Ireland. Ireland had, till the year 1800, its separate Parliament. The comparison was therefore to be instituted between the proportions of *eighty-five* placemen in a House of Commons of *five hundred and fifty-eight* members, for the government of Great Britain alone; and of *forty-five* in a House of *six hundred and fifty-eight*, for the government of the whole United Kingdom. If any such direct influence was to exist at all, surely no man would assert that the present proportion of that influence, as compared with the past, was one that required diminution. *Positively*, no doubt, the influence of the Crown

had increased, with the extent of our establishments—with the augmentation of our revenue; but only just as the nominal rental of every landed estate had *proportionally* increased within the last century, without augmenting in a degree at all proportioned to its nominal increase the effective power of the proprietor. Positively, the Crown might have more to bestow—as the proprietor of an estate might have more to receive, and to lay out—than formerly: but the value and effect might in both cases be less. Power was not merely positive:—to form a true estimate of its efficacy, we must compare it with that by which it was opposed. If he were told, that the Crown had now double the number of offices, civil and military, at its disposal, which it had some time ago, he answered, that the power of the Crown, was, in these latter times, controuled in the disposal of offices, by a degree of moral influence such as was never exercised over it before. The army and the navy, large as these establishments had been, were far less available, as sources of patronage, than in times when their numbers were infinitely less; when—as was notorious—preferences were given, without scruple and without shame, on account of political opinions or connections: when—as was notorious—a vote in that House given against an existing administration, would not only stop the preferment of the voter, but possibly strip him of his commission. What individual in our times had found his adverse politics stand in the way of his preferment in the army or the navy?—In how many instances, that must be in every body's recollection, had the direct contrary been fairly to be inferred?—He answered, then, that against the increase of patronage must be set off this mighty increase of the power of public opinion;—a power which, since the Revolution, had grown from a pigmy to a giant,—a power which watched over, and governed, and controuled, not only the actions, but the words of every public man; which, drawing its chief aliment from the publication of the debates in Parliament, held a warning terror over every member who spoke in that House;—a power, under the influence of which he then addressed them, knowing that to-morrow, whatever he then said, would be submitted to a thousand eyes, and criticised by a thousand tongues,—that every word he uttered, even every accidental verbal inaccuracy, would be held up to public notice, and fixed upon him as a reproach for ever. Was it possible to deny that such a power as he had described more than counterbalanced the so much dreaded influence of patronage and favour?—Was it possible to suppose that any minister could venture, in times like these, to stand solely upon the favour of the Crown, and to rely solely upon its patronage for support,—independent of public opinion? It had been truly said, that “words are things;” and mere names are often found to be indicative of the bias of popular feeling. Forty or fifty years ago, a minister

was habitually spoken of as the “servant of the Crown;” at present, the “servants of the Crown” are, in common parlance, the “servants of the public.” Trifling as this instance might seem, it was a genuine symptom of the ascendancy which the popular part of the Constitution had been daily and hourly acquiring. This popular spirit did indeed pervade and vivify all our political institutions. But, on the other hand, to preserve the soundness and strength of the monarchy was not less essential to the conservation of our happily tempered form of government; and he could not believe that any thinking man, who considered the signs of the times, would imagine that the danger of the present day was from such an inordinate growth of the monarchical branch of the Constitution, as should be likely to overshadow and to blight the liberties of the people. So much as to the influence of the Crown,—which formed one of the alleged grounds, for demanding the abolition of two lordships of the admiralty. But it was not from this negative defence alone that he would argue the expediency of preserving them. The business of the country was transacted in that House; and by the practice, if not in the theory of the Constitution, the character of a British statesman was compounded from the union of parliamentary and official duties. Foreigners often asked, “by what means an uninterrupted succession of men, qualified (more or less eminently) for the discharge of these united duties, was secured?”—First, he answered (with the prejudices perhaps of Eton and of Oxford), that we owed it to our system of public schools and universities. From these institutions was derived, (in the language of the prayer of our collegiate churches,) “a due supply of men, fitted to serve their country, both in church and state.” It was in her public schools and universities that the youth of England were, by a discipline which shallow judgments had sometimes attempted to undervalue, prepared for the duties of public life. There were rare and splendid exceptions, to be sure; but in his conscience, he believed, that England would not be what she was without her system of public education; and that no other country could become what England was without the advantages of such a system. After education at the university came that education in that House which was the fruit of a sedulous attendance upon the business of Parliament; an attendance quickened by the ambition of one day sharing, or being thought qualified to share, in the administration of the Government. To fit men for the duties of the higher departments of the Government was one of the uses of such offices as those under discussion. He knew how obnoxious this part of his argument is to ridicule. He knew too that here, as in the case of preparatory education, there were splendid but rare examples of men who had leaped at once to the highest pinnacle of official situation. Such men (if such there were among those whom he

saw opposite to him) could afford to strike the lower rounds out of the ladder of ambition. But exceptions are not rules; and, generally speaking, it was in such offices as these that young men were trained for higher stations. And how were they trained? By "signing their names?"—Idle sneer!—No. By learning (if nothing more) at least the habits and the punctuality of business; by associating with men of business—a description of society to which young men are not usually prone;—and by being induced, through motives and duties of more constant and certain operation than their mere duty as members of parliament, to give to this House much of that time which might otherwise be wasted in frivolous, and, it might be, not in harmless pursuits. His hon. friend (Mr. Ward) had justly stated this argument as applying with peculiar force to men, who, in the outset of life, hesitate between professional and political pursuits; but it was not applicable to them alone. He (Mr. C.) applied it also to those very cases which he knew were thought to be the most untenable,—the cases of young men of ancient name and family, whom the temptations of rank and affluence might lead far out of the road of official labour; but who, by being brought into these offices,—and being mixed in them with others of humbler fortunes, who had names to build for themselves,—continued, through a more advanced period of manhood, in that wholesome equality of intercourse which schools and universities had taught them; an equality which mainly contributed to maintain in the British constitution the animating and active vigour of a Democracy, corrected and restrained but not subdued, by an hereditary Aristocracy and an hereditary Crown. It might be true,—it unquestionably was true,—that many individuals passed through these offices as they had passed through the previous stages of education, without benefit, or at least without renown. But it was also true that these offices had been the nursing-places of great ministers and statesmen: and if but one of any six lords of the admiralty came out of this initiatory course the better prepared to serve his country with advantage, he could not but consider the cost of the whole six as wisely and economically incurred. In all free countries a share in the administration of the state had been the object of liberal ambition. To discredit that object, was to discredit freedom itself. To discredit it among the noble and the powerful, was to deprive the state of its natural props and ornaments. To discredit it among those who had not these inherited advantages, was to restrict the Crown in the choice of its political servants, to the wealth and aristocracy of the country. Even with all our present official institutions, which it was now wished to maim and to curtail, politics were perhaps the least alluring and advantageous pursuit of any of those to which a young man of talents and education can devote himself. The same ability, industry, and duration of service applied to other liberal pur-

suits, could hardly fail of meeting with more adequate and splendid remuneration. In the army, in time of war, the highest ranks and honours were open to the young candidate. At the bar, wealth, dignity, and fame, were placed before him; and, although it might not perhaps be in the competence of many to attain, by their exertions, to the eminence of the hon. and learned gentleman opposite, (Sir S. Romilly) yet, at the bar, that moderate degree of success which even the least sanguine might venture to anticipate as the reward of unremitting study and assiduity, would afford means of earlier competence than was afforded by a life of secondary office, with all its chances and vicissitudes, to the average even of tolerably fortunate politicians. Would the House then sacrifice a permanent and assured advantage to a temporary pressure, which that sacrifice could not in the smallest imaginable degree tend to relieve?—Would they, in obedience to the clamours of demagogues, destroy the power of carrying on the Government on the system which has, for more than a century, been found practically expedient and beneficial,—safe for our liberties, and conducive to our glory,—by destroying those minor offices from which the wants of the state in its highest departments are constantly fed and supplied?—This was the true point for the decision of the House. The interest of the present Ministers in the question was absolutely nothing,—except as their interest was inseparably connected with the public good. He had said that the acceding to this proposition and to those which were announced as intended to follow it, would really not disable Ministers; but would, indeed, be unpropitious to the hopes of those who sat opposed to them. If it were with any such personal views that their opponents pressed these reductions, they acted like the impatient expectants of a dilapidated inheritance. They would pull down the building to obtain possession of the ruins. Finding themselves unable to remove Ministers from their pedestals, they were willing to blow up a portion of the edifice with them into the air. But if it were possible that the real object of the motion was merely to turn them out, never certainly was such a compliment paid to any administration before!—Other administrations had been attacked for errors or misconduct of their own: the present administration was attacked for institutions long ago established; institutions which no ministry had ever hitherto dreamt of reforming; of which their opponents as well as themselves had, without scruple or remorse, enjoyed the benefit; and which were now first attempted to be brought into disrepute after a quiet unquestioned usage of more than a hundred years. Let it not, however, be supposed that Ministers would defend these institutions merely because they are old,—if they were not firmly persuaded that it was our duty not to suffer the interests intusted to them, on the part of the public no less than of the Crown, to perish or

to be wasted in our hands. He concluded therefore, as he began, with the declaration that, unimportant as the particular question was in itself, he was deeply and sincerely impressed with the mischievousness of its tendency,—with the danger that would ensue from its success (followed up as that success would be) to the whole frame of our practical Government. And while he acknowledged, on the one hand, that there never was a point which (selfishly considered) it would have been more convenient for Ministers to yield, he felt, on the other hand, so strong a conviction of the impropriety and inexpediency of yielding it, that—rather than do so voluntarily,—he would for his own part, be contented to stake the existence of the administration upon the result of their opposition to this motion.

Mr. Brougham was surprised to observe the manner in which the right hon. gentleman had misapplied his speech, which appeared to have no reference whatever to the present question. To what other question his observations had been directed, and to what arguments he had replied, he should not stop to inquire: as they did not belong to the discussion of that night. It was his wish to bring the House back to the question before them. With respect to the character which the right hon. gentleman had wished to fasten on the sea lords, the monster he described was not more strange or amphibious than that exhibited in the combination of a lord of the Admiralty and an officer of cavalry. He did not know what great office the person who afforded an instance of this amphibious character was in training for; whether for prime minister, leader of an opposition, or commander in chief, was yet to be discovered. If offices were to be called useful for training statesmen, it might be expected they would be such as required some attendance: not sinecures; not such as required no labour from the possession, except signing a receipt for a thousand a year. It was a bad object for the House to aim at a victory over the people. The abolition of useless places was universally demanded. The principles of retrenchment were recommended by those who better understood them than the right hon. gentleman, as the true means of adorning and fortifying the Constitution and the Crown. The committee, in which the Speaker took so prominent a part, as well as other honoured persons, unfortunately now dead, were now insulted, by being told that their objects were not reforms, but the countenancing of clamours, and the piercing through the sides of the Constitution. He should at that hour spare observations on the bewildering latter part of Mr. C.'s speech; but the right hon. gentleman made misrepresentations as to the diminution of the influence of the Crown, which he had said was operated by force of public opinion. He pushed that point too far. He had spoken of placemen in Whig times; but were there no other ways of influence than by seats in Parlia-

ment? There might be more influence exerted when there were only 50 placemen in the House than when there were 100. The increase of the revenue, and the means it afforded, were to be considered, as well as our extended foreign dependencies. As to the inducements to persons to enter into a political life, that was a large and delicate field which he should then abstain from touching. He wished Ministers had not spoken so openly about sets of political men, who entered on politics as a trade; which was not very well suited to present circumstances. As to the supposed profits of the exertions of a lawyer, the right hon. gentleman had a little overrated the matter. There might be some particular cases in his favour; but there was little hope in that profession of getting so large a sum as 14,000*l.* a year, with comparatively little or no labour at all. (*Hear.*) This, it appeared, was open to traders in another branch. The noble lord and the right hon. gentleman had attempted recrimination. The question itself they left unanswered. They said only, "what did you do when in office?" This was a wretched and miserable *tu quoque*, which they instantly paraded. If well-founded, it was beside the question. It did not apply to him, nor to those who were of no particular party, and still less to the people. (*Hear.*) It was irrelevant as well as false in application to his (Mr. B.'s) friends, who were twitted and taunted with it. During the time they held the places we were at war, therefore the argument was inapplicable. He implored the House to dismiss every consideration, except the state of the country, particularly if they wished to put down clamour. The right hon. gentleman himself had been the greatest deluder and wholesale dealer in clamour of all, from 1807 down to the end of his speech that night. Those who wished well to the Constitution of the country, and of that House, ought to feel the necessity of satisfying the just, reasonable, and right expectations of the people. (*Hear.*)

The House then divided on the previous question moved by Lord Castlereagh:—

Ayes . . . 208 | Noes . . . 152—Majority 56.

MAJORITY.

Abdy, Sir W.	Binning, Lord
Abercrombie, R.	Blackburne, J. J.
Addington, Rt. Hon. J. H.	Blair, J. H.
Alexander, J.	Bloomfield, Sir B.
Allan, Geo.	Boswell, A.
Apsley, Lord	Bourne, W. S.
Arbuthnot, Rt. Hon. C.	Bridport, Lord
Ashurst, W. H.	Brougham, J.
Barne, N.	Brydges, Sir E.
Barry, J. M.	Buller, Sir E.
Bathurst, Rt. Hon. C.	Butler, Hon. C.
Bective, Esq.	Calvert, John
Benson, R.	Campbell, Gen. A.
Beresford, Lord G.	Canning, Rt. Hon. G.
Beresford, Sir J.	Canning, G.
Bernard, Lord	Cartwright, W. B.

Casberd, R. M.
 Castlereagh, Visc.
 Chichester, A.
 Clute, W.
 Clements, H. J.
 Clerk, Sir G.
 Clive, Visc.
 Clive, H.
 Cockerell, Sir C.
 Collins, H. P.
 Colthurst, Sir N.
 Cotter, J. L.
 Courtenay, W.
 Courtenay, F. P.
 Cuckett, R. A.
 Crosbie, J.
 Croker, J. W.
 Curtis, Sir W.
 Daly, Jas.
 Davis, R. H.
 Davis, H.
 Dawson, Geo.
 Deroos, Hon. H.
 Desbrow, L.
 Doveton, G.
 Douglas, W. R.
 Dowdeswell, E.
 Drummond, G. H.
 Drummond, J.
 Dundas, Rt. Hon. W.
 Dunlop, Gen. J.
 Egerton, Sir J. G.
 Egerton, W.
 Elison, R.
 Estcourt, J. G.
 Evelyn, L.
 Falkner, Sir F.
 Fitzgerald, Aug.
 Fane, J.
 Fane, Gen.
 Farriner, S.
 Farquhar, J.
 Follows, W. H.
 Finch, Hon. E. Gen.
 Fitzgerald, Rt. Hon. V.
 Fitzhugh, W.
 Fraser, C.
 Garrow, Sir W.
 Gascoyne, L. Gen.
 Gilbert, D.
 Gicrawley, Vis.
 Golding, P.
 Good, L. S.
 Guilburn, H.
 Grant, A.
 Grant, C. jun.
 Graves, Lord
 Gunning, Sir G.
 Gurney, H.
 Hall, B.
 Hare, Hon. R.
 Harvey, Charles
 Heathcote, T. F.
 Holford, G. P.
 Holmes, W.
 Hope, Sir G.
 Horne, W.
 Hamilton, Hans
 Houlton, J. N.
 Howard, Hon. T. G.
 Hulse, Sir C.
 Hume, Sir W.

Huskisson, Rt. Hon. W.
 Jackson, Sir J.
 Jenkinson, Hon. C.
 Jocelyn, Visc.
 Jones, J.
 Irving, J.
 Kirkwall, Vis.
 Kynaston Powell, J.
 Iacon, E. R.
 Lascelles, Vis.
 Law, Hon. E.
 Leigh, J. H.
 Lloyd, Hard.
 Lockhart, W. E.
 Loftus, W.
 Long, Rt. Hon. C.
 Lovaine, Lord
 Lowther, Lord
 Lowther, James
 Lowther, J. jun.
 Lushington, S. R.
 Luttrell, H. T.
 Luttrell, J. T.
 Lygon, Hon. H.
 Maberley, J.
 McNaughten, E. A.
 Macqueen, T. P.
 Manning, W.
 March, Earl of
 Meyler, R.
 Michl, Gen. J.
 Milne, P.
 Money, W. T.
 Moore, Lord H.
 Moorsom, Sir R.
 Morrutt, J. R.
 Needham, Hon. F.
 Neville, R.
 Nicholl, Sir J.
 Ogle, H. M.
 O'Neil, Hon. J.
 Osborn, J.
 Paget, Hon. Gen.
 Paget, Hon. C.
 Paget, Hon. B.
 Pakenham, Hon. H.
 Palmer, C. M.
 Palmerston, Visc.
 Peel, Rt. Hon. R.
 Percy, Hon. J.
 Perring, Ald. Sir J.
 Phipps, Hon. E. Gen.
 Pitt, J.
 Pitt, W. M.
 Pocock, G.
 Pole, Rt. Hon. W. W.
 Porter, Gen. G.
 Pringle, Gen. Sir W.
 Quin, Hon. W.
 Robinson, G. A.
 Robinson, Rt. Hon. F.
 Rochford, G.
 Rose, Rt. Hon. G.
 Round, J.
 St Paul, Sir H.
 St Paul, H.
 Shawe, B.
 Sheldon, R.
 Simeon, Sir J.
 Singleton, M.
 Smith, Alderman
 Somerset, Lord G.

Somerville, Sir M.
 Spencer, Sir B.
 Staniforth, J.
 Stirling, Sir W.
 Sullivan, Rt. Hon. J.
 Sumner, G. H.
 Suttie, Sir J.
 Sutton, Rt. Hon. C. M.
 Thynne, Lord J.
 Tomline, W. E.
 Ure, M.
 Valletort, Lord
 Vernon, Gran.
 Wallace, Rt. Hon. T.
 Walpole, Lord
 Ward, Hon. J. W.
 Ward, Robert

Warrender, Sir G.
 Webber, D.
 Webber, E. W.
 Wellesley, W. W. L.
 Wetherell, C.
 White, M.
 Williams, R.
 Willoughby, H.
 Wilson, C.
 Wood, Sir M.
 Wood, Colonel T.
 Wright, J. A.
 Wrottesley, H.
 Wyatt, C.
 Yorke, Rt. Hon. C.
 Yorke, Sir Joseph

MINORITY.

*Althorp, Viscount
 Anson, Hon. Sir George
 Atherley, Arthur
 *Ackland, Sir T.
 *Browne, Dom.
 Burrell, Sir C.
 *Burrell, Walter
 Babbington, Tho.
 *Bastard, E. P.
 *Bentinck, Lord W.
 Bolland, John
 Barclay, C.
 Bennet, Hon. H. G.
 Baring, Sir Thomas
 Barnett, James
 Barnard, Viscount
 Birch, Jos.
 *Brind, Hon. Thos.
 Brougham, Henry
 Burdett, Sir Francis
 Burrell, Hon. P. D.
 Carter, John
 Calley, Thomas
 *Cust, Hon. W.
 Chetwode, Sir J.
 Calcraft, John
 Calvert, Nic.
 Calvert, Charles
 *Carew, R. S.
 *Caulfield, Hon. H.
 *Cavendish, Lord G.
 Chaloner, Robert
 Cocks, Hon. J. S.
 Cocks, James
 *Coke, Thos.
 *Davenport, D.
 *Dickinson, Wm.
 Duncannon, Viscount
 Dundas, Hon. L.
 *Dundas, Charles
 Deerburch, Viscount
 Fhrington, Viscount
 Elliot, Rt. Hon. W.
 *Fane, John
 *Frank, Frank
 Fazakerley, S. N.
 *Fergusson, Sir R.
 *Fitzgerald, Lord W.
 Fitzroy, Lord John
 Folkstone, Viscount
 Frankland, Robert
 *Fitzgerald, Rt. Hon. M.

*Geary, Sir W.
 Gaskell, Ben.
 Gippe, George
 Gordon, Robert
 Grenfell, Pascoe
 *Gause, Sir W.
 *Hamilton, Lord A.
 *Hamilton, Sir H. D.
 Hanbury, William
 *Heathcote, Sir G.
 Heron, Sir Robert
 Howard, Hon. W.
 Hughes, W. L.
 Hurst, Robert
 Jervois, G. P.
 Lester, B. L.
 *Long, R. G.
 Leigh, Thos.
 Lockhart, J. I.
 Leader, W.
 Lamb, Hon. W.
 *Lambton, T. G.
 *Langton, W. G.
 *Latouche, Rob. jun.
 *Lemon, Sir W.
 Lewis, T. F.
 *Lounds, W.
 *Methuen, Paul
 Marryat, Jos.
 Morrutt, J. B.
 Macdonald, James
 *Mackintosh, Sir J.
 Madocks, W. A.
 Martin, Henry
 Martin, John
 *Milton, Viscount
 Molyneux, H. H.
 *Monck, Sir Charles
 *Morpeth, Viscount
 Moore, Peter
 Newnam, R. W.
 *Neville, Hon. R.
 Newport, Sir John
 North, Dudley
 Nugent, Lord
 Onslow, Arthur
 Ord, William
 Ossulston, Lord
 Peckell, Sir Thos.
 Pole, Sir C. M.
 *Portman, E. B.
 *Powell, W. C.

Protheroe, E.
Peirse, Henry
Phillips, George
Piggot, Sir A.
*Ponsonby, Rt. Hon. G.
*Ponsonby, Hon. F. C.
*Power, Richard
*Prittie, Hon. F. A.
*Pym, Francis
Ramsbottom, John
Rashleigh, Wm.
Ramsden, J. C.
Rancliffe, Lord
Romilly, Sir Samuel
*Rowley, Sir W.
Russell, Lord William
Russell, Lord G. W.
Russell, R. G.
Saville, Albany
*Sebright, Sir J.
Shaw, Sir James
Swan, H.
Scudamore, Robert
Sharp, Richard

Sefton, Earl of
Smith, John
Smith, Sam.
Smith, Abel
Smith, Wm.
Smith, Robert
Smyth, J. H.
*Spiers, Arch.
*Stanley, Lord
*Stemayne, J. H.
Thompson, Thos.
*Favistock, Marquis
Taylor, C. W.
Tierney, Right Hon. G.
Townshend, Lord J.
Vaughan, Hon. J.
Wright, J. Atkins
Walpole, Hon. G.
Waldegrave, Hon. W.
Warre, J. A.
*Webb, E.
Wilkins, Walter
Wynn, C. W.

TALKERS—Banks, Henry—Ridley, M. W.
*County Members.

HOUSE OF LORDS.

Wednesday, Feb. 26.

Lord Sidmouth laid on the table two reports relative to the management of the Sinking Fund.

The Malta trade bill was read a third time, and passed. The coal bill, and the malt duty and office contributions bill were read a second time.

HOUSE OF COMMONS.

Wednesday, Feb. 26.

ROCHESTER ELECTION.] Sir T. Baring, the chairman of the committee appointed to try the merits of the petition complaining of an undue return for the city of Rochester, reported from the committee, that the poll had been prematurely closed, that the sitting member, J. Barnett, Esq. had not been duly elected, and neither the petition nor the opposition to it had been frivolous and vexatious.

On the motion of Sir T. Baring a new writ was ordered to be issued for the city of Rochester, in the room of J. Barnett, Esq. whose election had been declared void.

WOOTTON BASSETT ELECTION.] Lord W. Russell presented a petition from Thomas Jeffries, who had been committed to Newgate for prevaricating on the Wootton Bassett election committee. The petitioner attributed his fault to want of preparation and fear, and stated that he had a wife and three children, and prayed the mercy of the House. He was ordered to be brought to the bar of the House to-morrow.

PARLIAMENTARY REFORM.] Lord Lascelles presented petitions on this subject from the townships of Eckmondwyke and Barton.—Laid on the table.

Lord Deerehurst presented a petition from

Worcester, signed by 3000 persons in favour of Parliamentary Reform. He should feel it his duty to promote any plan which might secure a practical and salutary Reform; but he would never listen to any chimerical schemes of Universal Suffrage and Annual Parliaments, the tendency of which was, in his opinion, to lead to open revolution.

The petition was ordered to lie on the table.

Mr. J. Smith presented a petition from the town of Nottingham for a Reform in Parliament. Laid on the table.

HAMPDEN CLUBS.] Mr. J. Smith presented a petition from the members of the Hampden Club, praying that the Habeas Corpus Act might not be suspended, and complaining that they had been falsely criminated in the Report of the Secret Committee: they alleged that they had never harboured any designs against the Constitution; that their meetings had always been open, and they prayed to be heard at the bar of the House. The hon. member expressed his regret that the committee had not received evidence of this nature before they made their Report.

Lord Rancliffe hoped the House would pause before they proceeded with the measure in contemplation. After the noble lord who brought it forward had betrayed his country abroad, there was little confidence to be placed in the measures he might pursue at home.

The petition was ordered to lie on the table.

CITY OF LONDON PETITION.] Mr. Sheriff Brydges brought up a petition from the Lord Mayor, Aldermen, and Common Council of the city of London, deprecating the intended suspension of the Habeas Corpus Act.

On the motion that it should lie on the table, Sir W. Curtis would not oppose that motion, but he disagreed with every word contained in the petition. (Hear, hear.)

Sir J. Shaw thought the language of the petition moderate, and deserving the utmost attention. He had no objection to three of the bills proposed by the noble lord; but, with respect to the suspension of the Habeas Corpus Act, after all the attention he had been able to pay to the Report of the committee, and after the opening speech of the noble lord, he solemnly and conscientiously affirmed, that he could not see any ground laid for that measure. (Hear, hear.)

Mr. W. Smith agreed with the worthy alderman, that there was no ground for such a measure; and he was surprised to hear another hon. alderman (Sir W. Curtis) say, that he disagreed with every word of the petition. He trusted he had stated the hon. alderman's words rightly.

Sir W. Curtis.—Perfectly right. (A laugh.)

Mr. W. Smith was sorry that he was so; for he hoped to have held out an opportunity of explanation.

Mr. Curzon exclaimed, that after sitting in that House 30 years, and at a time when the greatest differences had prevailed on this question, he had never seen it treated with such a

scandalous want of feeling as by the hon. alderman who had thus raised a laugh on the subject. He would not say that he should ultimately oppose strengthening the hands of Government; but, unless they made out a strong case, he should not be willing to take away the liberties of the subject. It was impossible for any one who recollected the times of terror not to feel the alarm that he did: at that period no person could differ in opinion from Government without being suspected of designs against the country.

Sir *W. Curtis* said, he was not accountable for the laugh of the House. He had not himself shewn any degree of levity, but merely stated that his sentiments differed totally from those in the petition. (*Hear, hear.*)

Mr. *Curwen* thought the peculiar and abrupt manner in which the hon. baronet expressed his dissent, without assigning the least reason for it, had an appearance of levity.

Sir *W. Curtis* said, he had given his reason at length in the Court of Common Council itself.

Mr. *Philips* observed, that as the district in which he resided had been referred to in the Report as infected by treasonable practices, he felt it necessary to state, having resided there since last Session, what he himself knew. Distresses and sufferings had been experienced, such as no gentleman not living in manufacturing districts could have any idea of. To adopt a phrase in the Report, "few, if any," were employed; and "few, if any,"—he might almost say none—who had employment, could maintain themselves. They might procure food, but they could not procure clothing, except in "few, if any," instances. (*Hear.*) At such a time of distress were they to compliment Ministers by surrendering to them the liberties of England? In the districts he was acquainted with, disaffection might be said to exist for ever, if Parliament or Government lent an ear to credulous persons. He remembered one story of a man's house having been burned down because he had spoken against the reformers: a story which alarmed many; but it turned out that the man had burned his house himself. He had been told of great disaffection in adjacent districts, but he could draw out no facts. He inquired of persons of knowledge and veracity, and was told there was no such thing. The Manchester people, indeed, had been told to petition for Reform, as the best mode of curing their grievances: but the town officers declined to call the meeting. This did not irritate the people, as might have been expected, for they met and conducted themselves with order and decorum. He had passed by one of these meetings for the purpose of observation, and never saw a public meeting more orderly. (*Hear.*) He wished for some knowledge of the characters of those who gave the information on which the Report proceeded; for if they were narrow credulous people, he should not give them credit. A most serious

power would be given to municipal officers by the suspension of the Habeas Corpus Act: and they might be as credulous as the poor people they interrupted. They might make petition of any thing; even of a petition for dismissing the Ministers. (*Hear.*) He admitted that there always existed combinations to raise wages and regulate trade, which were injurious, and which he should like to see at an end; but as to treasonable conspiracies, he required much more information than he had received.

Mr. *M. Fitzgerald* had opposed the bill giving such extraordinary powers to magistrates, because he thought the measure sprung from an inadequate source. One part of the Report seemed calculated to excite alarm, and afford ground for extraordinary powers, by leaving it probable that some of the higher orders were engaged. He felt it not right to legislate the suspension of our rights and liberties, without distinctly asking for an explanation as to who of the higher orders were connected with it. If the expression was only a lapse, or something of the same slovenly character as the rest of the Report; if really some of the higher orders were concerned, then he called on Ministers to state the fact explicitly. At present the House was all in the dark. Were any of the middling classes connected with the conspiracy? The Report was general and mysterious; the charges were as vague as the powers called for were great. To the protection of the Prince Regent, and the prevention of the seduction of the King's soldiers, he readily assented. He did not belong to this country; but he would not vote for suspending this country's liberties on slight grounds, and he hoped English members would have the same feelings towards Ireland. The outrage on the Prince Regent, he believed, affected more deeply the friends of rational freedom than it did those of any other description. (*Hear.*)

Mr. *Wrottesley* was sorry the discussion was thus anticipated. An hon. member had given an account of Manchester, respecting which place he seemed sore. As to the distress there, all were aware of it: not at Manchester only, but in Staffordshire fully as much. In that county, manufacturers had suffered greatly; but he gloried in saying, that they had not run into the excesses of the people of Manchester. He wished the hon. member's friends at Manchester had confined themselves to their county, and not sent their orators, at so much per day, to other counties, where no sign of disloyalty appeared before their arrival. A meeting was held at Newcastle-under-Lyne, and attended by an orator from Manchester, who received 24s. 6d. for his expenses. He thought to seduce the people in the Potteries. He might be one of the hon. member's friends. In Staffordshire the people were disposed to be peaceable and grateful, if left without these emissaries; but he was happy to say, that the orator was literally hooted out of the town of Newcastle.

He hoped the hon. member would contrive to keep these people quiet at home. (*Hear.*)

Mr. *Ponsonby* expressed his great surprise and astonishment at the speech he had just heard, and the charges it contained (*hear*); particularly when he recollected, that for several years the hon. and learned member had co-operated with the hon. gentleman, and others on that side of the House, so very cordially, and could not then see in them any disloyal intentions, or any disposition to support disloyalty in others. (*hear.*) He had called the people whom he condemned, the friends of the hon. member. All this discovery of disloyalty remained secret till after he had pinned himself behind the back of the Ministers! (*hear.*) "I will tell the hon. and learned member, that my hon. friend is as loyal as he is: aye, and as any of his proudest or meanest connexions. No man, elevated to any dignity, could carry with him a more honest heart, or a more independent mind. But the hon. and learned member must have forgotten himself. I may therefore reasonably expect he will apologize." (*hear.*)

Mr. *Wrottesley* observed, that if in the heat of observation he had said that the hon. member was one of those persons—(*cry of "friends, friends!"*) He then proceeded to observe, that he should think the hon. member the very last person he should conceive to be so connected. It was quite out of the question with him, he could assure the House. (*Hear, hear.*)

Mr. *Philips* observed, that the hon. and learned member had imputed to him soreness respecting Manchester. He had no more reason for soreness respecting Manchester than Birmingham and other places. He was not a representative of Manchester.

Mr. *Brougham* would not take up the time of the House after the well merited infliction on the hon. and learned gentleman, administered in the speech of his right hon. friend. (*Hear.*) That relieved him from the necessity of remarking on the prominent parts of the hon. and learned gentleman's speech, in which he called the emissaries of sedition the friends of his hon. friend. (*Hear.*) That was now at an end; thanks to the good sense of his right hon. friend (Mr. *Ponsonby*). The hon. and learned gentleman admitted that Manchester was distressed, but said that Staffordshire was as much so, and wished that Manchester would behave as well as Staffordshire; but there were the local knowledge and inquiries of his hon. friend, stating that Manchester had also behaved well. He had borne testimony to the good order of his own neighbourhood, where every thing was so still and quiet, that, to use a common phrase, you might hear a *vas stir*! (*Hear.*)

Sir *Gilbert Heathcote* observed, that Ministers went on the ground of secret societies, and that those who professed Reform were actuated by views of revolution. Where were the facts and proofs of this? Twenty years ago he had himself voted for Reform, and yet he had no such

intentions as those now imputed to such numbers of reformers. (*Hear.*) The present laws he considered sufficient for the peace and tranquillity of the country. There was no occasion to destroy or suspend the most valuable privilege of the people. Why not have assembled Parliament sooner, when the mischief was said to be known in autumn? Besides, circumstances were now quite different from a time when we were at war, and were threatened with a French invasion; and the speech from the throne said, that the great powers of Europe had expressed their desire of peace and friendship with this country.

Ordered to lie on the table.

SUSPENSION OF THE HABEAS CORPUS] The order of the day being moved by Lord *Castlereagh* for the first reading of the Habeas Corpus Suspension Bill,

The Hon. Mr. *Bennet* rose to oppose it. He would oppose in every stage this arbitrary, impolitic, and uncalled-for measure. After what had passed in the House to-night—after statements of various members, and from various parts of the country, he was surprised that the noble lord opposite should move the reading of this bill as a matter of course. He was surprised that no defence was offered, that no explanation was given, that no facts were stated for the purpose of inducing the House to enact a measure which suspended all the benefits of the Constitution, which enslaved the country, and placed the liberty of every man in it at the disposal of Ministers. If it could be shewn that nothing else would save us but the measures in contemplation—if it could be proved that the ultimate security of the nation demanded a temporary suspension of its rights—if a case of strong and paramount necessity could be made, he would be the last man in the House or the country to oppose a concession of increased power to the Government. But, he would ask, had any such case been made out? had any danger demanding the proposed remedy been clearly substantiated? He had a few observations to make on the Report as laying the ground of the powers claimed by Ministers, in which he was anxious not to be misunderstood. He would not discredit that Report, nor the members who composed the committee from which it originated, although he was surprised that his right hon. friend (Mr. *Ponsonby*) should have disgraced himself by accepting of a place in it, and sitting in the same chamber with the noble lord opposite. (*Shouts of hear.*) Could his right hon. friend think himself in safety with the noble lord? (*Shouts of hear.*) He meant no reflection on the private character, but alluded to the public conduct of the noble lord. Did his right hon. friend not remember the noble lord's conduct on a former occasion, when he induced his right hon. friend to grant him his support? The noble lord came down to the House at the beginning of the last war against the people of France, and by professing to have no designs

against the people of that country, by declaring that there was no intention in the Allies to force upon it a government, by stating distinctly that there was no wish entertained to restore the old abuses and the *Bouillons*, he procured the support of his right hon. friend. He made all these professions, and produced these effects by them, at the very time that he had a declaration in his pocket that *lied* them; he declared there was no engagement to interfere with the choice of the French people, at the very time that he had made this country a party to an alliance for the restoration of the family they had chased from the throne. (*Hear.*) His right hon. friend should have remembered these things, when he was nominated a member of a committee in which the noble lord sat. He was free to say, that had he (Mr. B.) been nominated a member of that committee, no inducement on earth would have led him to risk his character by acting with the noble lord. (*Shouts of hear.*) He would now enter into a critical examination of some parts of the Report, the charges it contained, the alarm it was calculated to spread, and the manner in which it was drawn up. He would, in doing so, declare, that he was perfectly unbiassed; that he belonged to no party; that he would make his strictures upon it, not as a party Report, but would view it as coolly as if it referred to the Popish plot. It must, in the first place, excite some degree of suspicion and jealousy against it, that it was drawn up on *ex-parte* evidence, and resembled so much other reports, the allegations of which were found to have been false or grossly exaggerated. In 1794 charges of the same nature were brought forward, the characters of individuals were disgracefully traduced, accusations of treason were levelled against them; they were sent before a jury of their countrymen, with all the suspicion attached to them, arising from a previous sentence of condemnation by a committee of Parliament; and in the face of Parliament, that had declared them traitors, they were acquitted; no treason was found; the evidence was declared false or insufficient. This was not all; another Report was drawn up by a secret committee in 1812, that contained charges against individuals. When its allegations, however, came to be examined on oath, nine-tenths of them were found to be false. This committee itself was divided about the examination of witnesses, and the matter in dispute was laid before the House. Mr. Whitbread stated, that the Luddites had been excited in some instances by Government officers, who were hired for their detection and apprehension; and he laid before Parliament facts to confirm his statement. Had, therefore, a strict examination taken place, as he recommended, could any man doubt that Parliament would not have disgraced itself by finding itself imposed upon by false testimony—by making up a Report filled with falsehoods, and producing such a collection of trash as it had produced?

(*Shouts of hear.*) If the evidence taken before two former committees of the House on these recent occasions had turned out so completely unfounded; if, when examinations were afterwards taken on oath, it was for the most part overturned, what security had we that the allegations on which we were now called to legislate, on which we were required to sacrifice the rights of the people, and surrender the benefits of the Constitution, were founded in truth? Were we not authorized in believing, that the evidence before this committee was of a similar kind with that laid before others; and that this Report might be as erroneous as former ones? The first thing that he would remark upon was, that part of it which stated, that at the denounced meetings, "the most blasphemous expressions and doctrines are openly and repeatedly advanced, profane and seditious parodies of the Liturgy and Holy Scriptures are sung." Blasphemous and seditious doctrines he detested and abhorred as much as any man, and would go to any reasonable length to put them down; but he thought our present laws were sufficient for this purpose, and would not consent to enlarge the powers of Ministers under the pretence of stopping evils which the present laws could arrest. The laws against blasphemy were severe: why were they not enforced? Where was the Attorney-General, that he did not institute proceedings against, and procure its punishment? Was the whole nation to be exposed to the tyranny of Ministers? Was a new code of despotism to be enacted merely because we had an Attorney-General who was too timid, or too negligent, in the performance of his duty? (*Hear, hear.*) The next thing on which he would make an observation or two was, that part of the Report which stated, that the disaffected looked out for those people among whom the greatest distress prevailed, to excite inflammation and discontent. If they looked out for distress, he was sorry to say, that they could too easily find it; they could not long search in vain. Thanks to what was called the Pitt system, distress and ruin met us every where, in the cities, on the high roads, and in villages. There was no necessity to go about for proofs of misgovernment. After what he himself had seen, after what many hon. members had described, after what met the view of every person in society, there was no further evidence required of the ruinous and impolitic nature of the system on which the affairs of the country had for the last twenty years been conducted. There was no other food for discontent necessary, nor any necessity for the haranguing the disaffected, to heighten complaints, or point out the means of relief. He could not help remarking upon that plan of rebellion and insurrection which the Report attributed to them as means of obtaining redress, or taking the management of the country into their hands. "The design," says the Report, "was by a sudden rising in the dead of

night, to surprise and overpower the soldiers in the different barracks, which were to be set on fire, to possess themselves of the artillery, to seize or destroy the bridges, and to take possession of the Tower and the Bank." How was this mighty project to be accomplished? (Hear.) Could a hope be formed of success? Could there be the least danger apprehended from such wild and absurd projects? (Hear.) Could they suppose that they could overpower a garrison without spreading an alarm in a case where a single watchman would not be surprised? (Hear, hear.) There were barracks in several parts of the town; there were barracks in the Park, and in other places: could they all be surprised at once? (Hear.) Could armed men be expected to start up from the ground in the neighbourhood of each of these garrisons, to surprise the sentinel, to attack a force of nearly 5000 (which existed about town), to burn their barracks, to destroy every vestige of their power, to seize their arms, and turn them against their fellow-citizens? (hear, hear.) He was willing to admit that some wild, mad, desperate, and mischievous enthusiasts might discuss the probability of success attending such enterprises in ale-houses; that they might, in their ignorant and intoxicated societies, start such absurd ideas; but could there be any danger from such instruments? Was there not strength enough in the existing law to restrain their attempts; and because they were so frantic and foolish, was the liberty of the whole nation to be placed at the disposal of Ministers? (Hear, hear.) But it seemed that their next attempt would have been to blow up the bridges. How was this to be done? How were the strong works of Westminster-bridge, Waterloo, and the rest of those massy structures to be overthrown? What preparations were made for the mighty undertaking? Why, we found six men in a waggon, having an old stocking, in which there was a little powder. (Hear, and laughter.) Could these absurdities be repeated without exciting contempt and ridicule? This pompous display of burlesque design in the Report, compared with the instruments and the means of execution, put him (Mr. B.) in mind of a performance which, perhaps, the right hon. gentleman opposite (Mr. Canning) would remember better than he: he meant the drama of *The Abbey of Quiddlenburgh*. (A laugh.) To describe this enterprise in the style of that performance, there would be—*scene, Spafelds—time, morning—enter waggon, with six men and the ammunition stocking*. (Laughter.) From Spafelds they must proceed to blow up the bridges, without sappers or miners: they must take the Bank, defended by its guard; they must advance to summon the Tower, defended with artillery, and manned with soldiers; they must overpower all opposition, and take possession of the town. Was not such an absurdity, gravely advanced in the Report, sufficient to throw discredit on the whole? (Hear.) Then

there came the story of the pikes; and great danger was apprehended from the manufacture of such deadly instruments. He believed firmly, that the account given of these pikes was the true one—that they were fabricated, not to attack the citizens of London—not for the purpose of rebellion and insurrection, but to defend a pond against depredation. (Hear, hear.) He lent a more easy credence to this story, because he remembered, that in 1794 (the secret committee of that day having like them discovered deadly instruments) there was said to have been found eight tailors and one pike in Tooley-street in the Borough. (Much laughter.) Mr. Giahm, who went to search the house where these materials of rebellion were found, declared, that no mother ever looked with more delight and complacency on the face of a favourite and only child than he did upon this pike. (Much laughter.) Was not this account of pikes sufficient to excite the contempt of every rational man in the country? (Hear, hear.) Then came the mighty subscription, which was to support, encourage, and invigorate this dangerous conspiracy; and here it must be allowed there was a little improvement in the finances of rebellion since 1794. At that period the sum subscribed for carrying on the projects of treason was 91. 15s.; now it amounted to no less an extent than 10l. being 5s. more. (Laughter and hear.) He supposed, as they were to burn the barracks, they had previously robbed the military chest for such a supply. (Laughter.) "Shame! shame!" (exclaimed the hon. gentleman) to those who could produce this absurdity to Parliament, and, on the ground of its importance, call upon us for a surrender of our liberties." (Hear.) Now he came to the conclusion of the Report, where it stated, that, "few, if any, of the higher orders, or even of the middle classes of society, had lent themselves to these violent projects." A more vague, indefinite, obscure, and unjust insinuation was never heard; a more scandalous statement never appeared in the Report of any committee. (Hear, hear.) If there was a single individual why not mention it? Was there one gentleman, he would ask? (Hear, hear.) Was there one nobleman? (Hear, hear.) Was there one man of property? (Hear, hear.) Was there one in the middle ranks of life? (Hear.) If there was any one he ought to have been named. If there was none, then this part of the Report insinuated a falsehood. (Shouts of hear.) He said the Report was a gross falsehood. (Hear, hear.) Was the House to resort to the same arts, to get quit of its errors, as another House. (Order.) Was it to pursue a mean shuffling course; was it to say that a word was brought in, or a word left out, as suited its purpose? (Shouts of hear.) The whole people were in this Report libelled and arraigned; they were traduced in their characters, and were to surrender their freedom by such trash as this—"Trash," said the hon. gentleman, "which I only think fit for trampling

under my feet." Yet upon vague and absurd allegations, the invasion of the Constitution was justified, and measures were to be passed, "by which I," said he, "may be apprehended and imprisoned to-morrow, by the command, and during the pleasure, of the noble lord; who declares, that I and my friends are responsible to God and man for the encouragement we give to any plan for reducing his power, or supporting the liberties of the people." Parliament, on such trash, was called upon to suspend the Constitution, and to surrender the rights of the people into the hands of Ministers. "Though those," said the hon. gentleman, "in whom I have the greatest confidence were to require such a sacrifice—though Ministers whose conduct I was convinced had always tended to promote the public good—though my own friends made the demand, I would oppose them, till they shewed, in the necessity of the case, a justification of their proposals. I will never consent, therefore, to surrender the rights of the people without such necessity into the hands of such Ministers as the noble lord, who would abuse the power intrusted to them, who had already embroiled their hands in the blood of their country, who had already been guilty of the most criminal cruelties. (*Cries of order.*)

Lord Castlereagh rose to order, and called upon the hon. gentleman to retract his expressions, or to prove his charge, and to name the individual Minister to whom he alluded.

Mr. Bennet, after order was a little restored, proceeded. He charged the Ministers with criminal conduct in abusing their trust under the last suspension of the Habeas Corpus Act, and obtaining a bill of indemnity to cover their delinquencies.

Lord Castlereagh spoke again to order. The hon. gentleman had not explained or retracted the charge made against an individual of embroiling his hands in the blood of his country. (*Cries of hear, hear.*)

Lord Milton could not help recalling to the noble lord's recollection, that the hon. member (Mr. Bennet) had charged him with criminal conduct only in the sense of illegally requiring a bill of indemnity to protect him from consequences. (*Hear, hear.*)

Lord Castlereagh said, that if the hon. gentleman meant to say that he had committed cruelties, had imbrued his hands in blood, and been guilty of criminal actions, for which he required a bill of indemnity, he would reply by using the phrase that the hon. gentleman employed in speaking of the Report, that he uttered a falsehood. (*Shouts of hear.*)

Mr. C. Yorke said, that the act might be illegal, and not criminal. A bill of indemnity could protect against the consequences of the former, but not of the latter. If the hon. member adhered to the word criminal, his expression should be taken down, and made the subject of future deliberation; if he meant illegal only, he ought to state so. If all that he intended to say

was, that acts were done that were against law, and that were covered by a bill of indemnity, his words might be passed over as parliamentary, and allowable. (*Hear.*)

Mr. C. Wynn regretted the charge, but as it was made generally against the Ministers (*hear, hear, and no, no,*) and not personally against an individual, he thought the charge was allowable in debate, or at least not disorderly. On this ground he thought the debate might go on. He did not justify the expression, either as applied in one way or the other; but applied generally, he did not think it disorderly. (*Hear, hear.*)

Mr. Brand was convinced, from the use his hon. friend made of the expression, and from the scope of his argument, that he must have meant to convey the charge, that during the last suspension of the Habeas Corpus Act, Ministers had ordered arrests for which they would have been actionable after the expiration of the suspension, had they not been protected by a bill of indemnity. This must have been the meaning of the word-criminal; and while the occasion thus explained its import, it defined its extent.

The Speaker submitted to the House, that the question was, whether the hon. gentleman meant to charge the whole of the Ministers of the Crown, or only one individual, with being guilty—first, of sanguinary proceedings; and secondly, of criminal acts. If the charge was directed against the whole administration, it was not disorderly to be made in the House; if it was a personal charge against an individual member of the House, it was certainly disorderly. The hon. gentleman was called upon to explain. (*Hear.*)

Mr. Bennet resumed.—He was the last man in the House to retract an expression that he had used, whether orderly or disorderly, upon a peremptory demand; but he had no hesitation in declaring, upon the word of a gentleman and a man of honour, that he meant the charge to apply, not to one hand in the Ministry, but the whole Ministry who acted under the former suspension bill; during whose fatal reign, acts of such enormity took place in Ireland. (*Hear.*) If there was any criminal act, he was aware that it could not be screened by a bill of indemnity; the connexion of the words therefore proved that by criminal he meant illegal, and that not as directed against a member of the Government, but the whole Government.

Lord Castlereagh declared, that he was satisfied that the hon. gentleman did not mean a personal charge. He could not, therefore, complain of what was said against the Government of which he was a member, but as a member of the Government. In his own name, however, and that of his colleagues, and on public grounds, if a charge of cruelty was brought against them, and they were described as embroiling their hands in the blood of the country, he would use the words that the hon. gentleman applied to the Report of a committee, of which

his right hon. friend (Mr. Ponsonby) was a member, and say it was a direct falsehood. He could not deal out to the hon. gentleman any other measure of justice, than he himself dealt to his right hon. friend. (*Hear, hear.*)

Mr. Bennet resumed.—When he spoke of cruelties, they were impressed deeply on his mind; for they were cruelties perpetrated, not in remote regions, not beyond the bounds of our own country, not by a mandate to be executed at a distance, but at home, under the eye of Government, in the Castle-yard—

Lord Castlereagh rose again to order. If the hon. member meant to bring a direct charge against the Government of Ireland, he (Lord C.) was prepared to answer him; but he did not think it orderly, and he was afraid it might be mischievous, to make such accusations in the course of a debate, which had no connexion with them, and vilify the character of men, who would commit an irregularity in entering on their defence. (*Hear.*)

Mr. Bennet avowed, that he did not mean to pursue the subject; but as the noble lord had met his charge of cruelty with a negative, he thought himself called upon to state some facts as justification of his conduct in making it.—(*Hear.*) He might have been betrayed into too great a warmth of feeling, and might have used violent expressions, which he was sure the House would excuse. He meant to say, and he persisted in the declaration, that it would be fatal to public liberty, to put the powers which the bills before the House would convey, if they passed into acts, into the hands of men who had formerly possessed them, and who had outraged the rights of the people, and notoriously abused their trust. (*Hear, hear.*) He therefore should feel it his duty to oppose this bill in every stage.

Mr. F. Leavis did not come to the decision without serious regret. He should vote for the suspension of the Habeas Corpus Act, with a full conviction that he was parting for a time with the great safeguard of our liberties. He should give his vote with reluctance, but he decided as he had done, because in the balance of evils between a temporary suspension of our rights, and the endangering their ultimate security, the former was the least formidable. (*Hear, hear.*) He had only to choose between evils. He was anxious to shew the reasons why he thought so; but he was sensible that in enlarging upon them he should merely be going over topics already discussed. He would vote for the suspension, therefore, because he thought every establishment that was connected with the freedom, the happiness, the order, or interests of society, was in imminent jeopardy. (*Hear.*) Whatever might be attributed to the committee, it could not be denied, that it was composed of men of integrity and worth, men anxious to perform their duty, and men who, without the means of judging, never have declared, that they could not come to the conclusion that they did. The

House must take upon their authority what they took upon proof. If it was necessary, however, to look for proofs of disaffection and danger, could we not see them every where—flagrant lamentable proofs? Did we not see them in the wide dissemination of books of the most dangerous tendency and blasphemous character (*hear*); abounding in the most demoralizing maxims and the most fatal doctrines, tending to the overthrow of religion, of law, of order, and of property? Could any one shut his eyes to the profane parodies of the most sacred services of the church obtruded upon general attention, sold at every corner, spread not only over the population of the towns, but transmitted by post to the country, and scattering infection over the most secluded villages? (*Hear, hear.*) These things justified the greatest apprehension. This dangerous spirit that was gone abroad was not new; it was a remnant of what was seen in 1795. It was then suppressed, but it was cherished in the bosoms that first conceived it. It was then, as now, masked under the character of Reform. (*Hear.*) Reform had allied itself now with the dangerous sect of the Spencean philanthropists. This sect might be despised for the absurdity of its doctrines, but it was dangerous from their captivating quality: it was as formidable in one sense, as contemptible in another. From these sources proceeded our danger; but what was its magnitude? Was it of such amount as to justify the suspension of our most sacred law? He would not enter into a comparison of the dangers formerly and now; although he did not see that war very much increased them, or rendered a suspension bill more necessary then than now. What were the dangers we had at present to contend with? They proceeded from the public distress, which must always generate public discontent. Demagogues had fixed upon the discontents to turn them to their own use; and he was sorry to say, that they had no limit but our distress. The pressure arose from various causes, which did not admit of an immediate remedy: it arose from the change in our currency, from taxes, from the state of agriculture, and a variety of other sources, that legislation could not immediately reach. It had been said, conciliate; but how conciliate men who entertained the Spencean doctrines; and whose system could only be realized by a general distribution of the property of the country into new hands, and different shares? (*Hear, hear.*) A most important question he admitted it to be, was, whether the laws already in force were or were not sufficient to provide against the danger. This was a question which he certainly did not feel himself competent to resolve; but what he knew was, that whenever the country had been considered to be in imminent peril, the Habeas Corpus Act had been suspended. (*Hear, hear, from the Opposition.*) What he meant was, that there never had occurred a crisis of great internal commotion, or of external war, in which this mea-

sure had not been resorted to. In his opinion an equal danger existed at the present moment. It was not enough to revive the act of 1799, at a time when all law and all property were exposed to the same hazard.

Mr. *Torté* suggested, as a point of order, that a bill coming from the Lords, and of which the House could not be supposed to have any previous cognizance, ought to be read a first time before a general discussion upon it was entertained.

Mr. *Smyth*, of Cambridge, observed, that if he differed from those who proposed the measure now under consideration, it was for a very logical reason; as the premises upon which the proposition was submitted to him, did not justify the conclusion. In order to supply this defect in reasoning, as it appeared to him, an hon. gentleman had remarked, that numerous were the instances in which the few had prevailed over the many, in times of political agitation. But if there were such instances, which it was impossible to deny, he apprehended that they had always remained as proofs that the Government under which they happened, had been sleeping at its post, and had been guilty of a negligence for which they were responsible to the State, rather than that they had furnished any argument against the permanent advantages of a free Constitution. Allusion had been made to the example of the French revolution, as illustrative of the truth of the position; but to his judgment it appeared, not that the French revolution was a triumph of the few over the many, but the triumph of the many over the few, who were interested in perpetuating abuses. (*Hear, hear.*) Neither could he forget that that revolution took place in a country where there was no want of a sufficient power to imprison, (*hear,*) but where no such law as the Habeas Corpus had ever existed. (*Hear.*) It followed, not from the absence of arbitrary power, but from the experience of its grievousness. With regard to the poisonous and destructive doctrines which were in circulation, he considered them to originate in poverty and discontent; and, although not likely to make an impression on the minds of a virtuous and contented peasantry, he agreed might make a very mischievous effect on those of unemployed artisans and manufacturers. But then the question was, might not these dangers be guarded against by the laws? To this it was answered by the Attorney-General, that seditious doctrines were now promulgated with such *addressfulness*, that it was impossible for the law to reach their authors. But if this was so, the obvious remedy seemed to him to be, to amend those particular laws, which were found to be inadequate to their original purpose; but he must protest against this as a reason for arming the Attorney-General with the power of depriving any man of the trial by jury; and still more, of depriving the mass of the community of their most valuable inheritance. (*Hear, hear.*) If, at a time of universal distress, a just measure of gratitude had

not been returned to the unprecedented benevolence which it had awakened, and never had benevolence opened its arms, more widely, was this to justify them in making so alarming an inroad on the best securities of the Constitution? The principle of our Criminal Code had ever been, that ten guilty ought to escape, rather than that one innocent man should suffer. The proposed measure, however, went upon a different principle, and assumed, that no matter how many innocent should suffer provided public security was attained. (*Hear, hear.*) It was evidently a great departure from the maxims of our ancestors, and of which he knew no examples, unless in times of rebellion, or threatened invasion by a foreign foe.

Mr. *Robinson* could only account for the unanimity of the committee by the force of the evidence which had been laid before them. He knew that the reports of parliamentary committees were always exposed to a certain degree of odium and ridicule, and that they never proved satisfactory to the minds of all. If the danger were overrated by some, it was equally probable that it was undervalued by others; but it might be important to observe, that the present Report was not the first which took notice of the principles of the Spencean Societies. They were alluded to in the Report of a committee of that House in 1801, and although under a name somewhat different, viz. the *Spenserians*, still professing similar principles, and entertaining similar designs. He had heard it observed by an hon. and learned gentleman (Mr. Brougham), whom he seldom heard without admiration, that absurd doctrines might be persecuted into importance: but the doctrines in question were peculiarly calculated to attract the attention of the ignorant and desperate, in whose dispositions the common elements of treason were to be found. However despicable in its origin, the spirit of treason was of a subtle nature, and unless seasonably extinguished, might produce tremendous effects. (*Hear, hear.*) The Hampden and Union Clubs had proclaimed principles, the tendency of which was the same as those of other societies, and involved a combination of all that was wicked in hostility to the existing constitution of society. One formidable system of the character of these clubs surely was the practice of administering oaths; and another, that of keeping lists of names; for which no other reason could be assigned than an intention to single out those to whom they belonged as proper objects of popular vengeance. An hon. friend of his (Mr. Smyth) had observed, that the existence of a foreign war, operating in favour of the disaffected at home, had hitherto been the agreement upon which such a measure as the present had on former occasions been founded: but was not the reliance of the disaffected on foreign assistance at those times an evidence of their real weakness at home; and was not the boldness now manifested a proof of the consciousness they

fully of their domestic strength? It was the duty of Parliament to afford protection to the people against those who would delude and betray them to their destruction. An hon. baronet (Sir F. Burdett) had contended, that a general arming would be the best means of defending property against the doctrines of the Spenceans; but such a measure must, in his opinion, lead inevitably to a civil war; and, therefore, if likely to be effectual ultimately, was a remedy which, for the sake of humanity, it was not advisable to adopt. Nothing short of some measure of this kind could secure property, satisfy all those who wished for any thing rather than the ruin of their country, and afford due legal protection to that part of society which was anxious only to raise and maintain itself by the exertions of honest industry. (*Hear, hear.*)

Lord Althorp considered it almost impossible for any man to argue fairly on the present question without some knowledge of the facts upon which the Report was founded. With respect to the amount of the apprehended danger, there certainly was room for much diversity of opinion; and it could not, he thought, be denied, that the absurdity of a doctrine was at least one circumstance against the probability of its success. When called upon to legislate in former emergencies, some men of note were, or were supposed to be, participators in the conspiracy: here it was admitted by the Report, that there were few, and, according to the new construction of it, none of that description, who were even remotely connected with it. In the present case, if one obscure delinquent were removed, it never could be discovered whether he had not an equally obscure successor. The only circumstances which he had ever known that could justify such a measure, were those which took place in the year 1795. To some of the minor and subsidiary measures of the noble lord he had no objection, for he disliked all public meetings convoked by unknown or anonymous authority; but he was decidedly hostile to a suspension of the Habeas Corpus Act, under the existing circumstances. We might boast of an admirable, and, perhaps, unequalled system of magistracy, but magistrates themselves did not always distinguish between what was directed against the Government and what was directed only against the Ministers. It was remarkable, that at the time of the mutiny in the fleet, this measure was not deemed necessary. (*Hear, hear.*) A connexion was, however, then supposed to exist between the mutineers and persons in the metropolis, and other districts of the country; but the circumstances were still thought insufficient by the Ministers of that day to warrant such a proceeding, because it was not believed that the disaffected held any correspondence with foreign countries. (*Hear, hear.*) It was not judged proper therefore even at that period of alarm, to remove so important a bulwark of the Constitution.

The Lord Advocate communicated some facts to the House, relative to that part of the kingdom to which he belonged, which must, he conceived, justify his Majesty's Ministers against the charge preferred by the noble lord. Publications had been recently circulated there, calculated to familiarize the popular mind with every immoral and seditious principle. These productions, however, were so framed as to evade the cognizance of the law, although their evident object was to bring, not only the Crown, but that House, and the Constitution itself, into contempt. A magazine of petitions had been opened in Scotland, and even speeches sent down to be delivered, which those to whom they were transmitted were incapable of reading. Immoral and irreligious as these doctrines were, which were thus inculcated and propagated, there was not sufficient foundation for any proceedings on the part of the law officers of the Crown. All that they could do, they did. Directions were given to watch very closely the conduct of those persons who were conspicuous in the seditions of 1796. The consequence was, that they were soon put in possession of information, that a regular conspiracy had been organized; and whether it were connected or not with persons in this part of the country he could not tell; but certainly the leaders of it were in active correspondence with such persons. It was found that an oath, of the most dreadful import, was used to bind together the members of this conspiracy.

"In the awful presence of God, I A. B. do voluntarily swear, that I will persevere in my endeavouring to form a brotherhood of affection amongst Britons of every description, who are considered worthy of confidence; and that I will persevere in my endeavours to obtain for all the people in Great Britain and Ireland, not disqualified by crimes or insanity, the elective franchise at the age of 21, with free and equal representation and Annual Parliaments; (*hear, hear, from the Opposition*), and that I will support the same to the utmost of my power, either by moral or physical strength (*shouts of hear*), as the case may require: and I do further swear, that neither hopes, fears, or punishment, shall induce me to inform or give evidence against any member or members, collectively or individually, for any act or expression done or made in or out in this or similar societies, under the punishment of death, to be inflicted on me by any member or members of such society. So help me God, and keep me steadfast."

[The shouts at the end of this oath resounded from all parts of the House, but were loudest from the opposition benches.]

Many hundred persons were bound together by this oath, both in Glasgow and in its vicinity. Soon afterwards, information was obtained, that a meeting had been held, in which a was made for the; the oath, and of leaving out its most offensive terms; but such was the malignant disposition of that as-

sembly, such its determination to have nothing to do with persons who would flinch from their horrid test, that the proposition of amendment was unanimously rejected. The result was, that at the next meeting several persons were apprehended while sitting in full conclave. (*Here the shouts from the Opposition were louder and more vehement.*) Though these were all the persons who had been taken up, yet there were others in a different sphere of life who ought to have been apprehended, and who would have been taken up, provided the evidence against them had been more satisfactory. (*Vehement shouts again from the Opposition.*) This conspiracy was not confined to Glasgow; its ramifications extended through various parts of the kingdom; and so wide had the mischief spread, that he was in his conscience convinced that nothing but the passing of this bill could prevent the effusion of the blood of our fellow-citizens; for if a riot once commenced, who could say where it would end? He deeply regretted the great misfortune that such a measure should be necessary; but he was persuaded that the very safety and existence of the Constitution was concerned; and that the Constitution could not be preserved unless on this occasion one of its best and strongest bulwarks was suspended. (*Cries of hear from the Ministers, vehemently re-echoed from the Opposition.*)

Lord Milton felt no regret at a charge made against him that he had been duped by the papers laid before the committee of secrecy. He still retained his opinion as to the nefariousness of certain designing persons in the country, nor did he want the assertion of the learned lord to convince him of the dangerous nature of the proceedings of the disaffected. (*Hear.*) He was indeed considerably surprised at the course taken by that learned lord, for if he recollected right, the members of the committee of secrecy had, at the express request of that learned person, agreed to expunge from their report the oath which he had now divulged. This was extraordinary, and required explanation. (*Hear, hear.*) It did look indeed as if that learned lord had wished to keep back this oath *perdu*, for the purpose of a *coup de main* on the present occasion. (*Shouts of hear.*) He had stated before, that he had no doubt of the nefarious objects of many designing men throughout the country; but he denied that the intentions of such persons, however wicked, were a sufficient ground for removing the great bulwark of our liberties. It was not sufficient to say, that bad men had, in their vain imaginations, contemplated the overthrow of the Government; for when was the time that some persons did not exist whose desperate folly or wickedness would lead them to subvert all established order? It ought to be made out, that the danger likely to accrue to the Constitution was such as could not be resisted by any other means than by the suspension of that very Constitution. (*Hear.*) This suspension act was now, for the first time,

with one single exception, attempted to be passed in a time of profound peace; and exception was itself a precedent that spoke strongly against the present measure; for it was occasioned by Bishop Atterbury's plot—a plot in which a great part of the gentry and many of the nobility were in different degrees involved. (*Hear, hear, from some lord whom we could not see under the gallery.*) The noble lord under the gallery did not to relish the subject, but it was nevertheless quite certain that the nobility and gentry of that day were to a great extent adverse to the reigning family. And, as to the quality of the plot itself, he would read a passage from the speech of George I. on opening the session of 1703, which would shew at least on what ground the Ministers of that day asked for the suspension of the great characteristic of the Constitution. The speech says, that “the conspirators have made the strongest instances for assistance from foreign powers, and have resolved to attempt the subversion of the Government. (*Hear, hear.*) To this end they have provided considerable sums of money, engaged great numbers of officers from abroad, secured large quantities of arms and ammunition, and thought themselves in such readiness, that had not the conspiracy been timely discovered, we should, without doubt, before now, have seen the whole nation, and particularly the city of London, involved in blood and confusion.” (*Cries of hear.*) How different was the state of things from the present, when we were also alarmed at the miserable plots of these wretched Spenceans. Could any man doubt that the Ministers of those days would not have acted like the Ministers of the present time? In a time of real and imminent danger, they were so far from shewing an eagerness to suspend the Habeas Corpus Act, and so little did they distrust the loyalty of the majority of the people, that they did not come to Parliament for any extraordinary powers till near six months after the discovery of the conspiracy. (*Hear, hear.*) Could any man be blind to the immense difference between the importance of that conspiracy and the designs of the present plotters, against the State? At that time the duke of Norfolk, the earl of Orkney, and the lords North and Grey, were among the conspirators, and the well-known duke of Ormond was himself to head an army of foreign invaders? (*Hear, hear, hear.*) Such was the motive, and no less a motive was sufficient to induce Sir Robert Walpole to propose the suspension of the Constitution; and for this reason as well as for many others, none could doubt that Sir Robert Walpole was a great man. In the year 1745, there was another suspension of the Habeas Corpus Act; on which occasion, Lord Chatham and Lord Lyttelton (then Mr. Pitt and Mr. Lyttelton), and another person, whose name was not necessary for him to mention, strenuously opposed it. Yet the suspension was then only for two months; and, indeed, so

great had the jealousy always been of preserving this great prop of our liberties, that even in that dangerous year, after the Revolution, Parliament would not suffer it to be suspended for more than three months, and that by successive renewals of a month each time. All these circumstances made a strong impression on his mind, that our ancestors set a greater value on this shield of the Constitution than their careless and forgetful descendants. (*Hear, hear.*) He said *forgetful*, because they appeared from their indifference to have forgotten how, and at what cost, that constitutional bulwark had been obtained. It was a curious circumstance, that the want of such a bulwark had been one of the great causes of the French revolution. The people of France had been anxious to acquire a safeguard for their liberties; and if the monarch had not by mistaken men been induced to refuse such a concession, perhaps that revolution would never have happened. But however that might be, he would ask, whether any man in his senses could think of comparing the present state of England with its state in 1793? At that time there was an active correspondence between clubs in this country, and foreigners, and engagements were held out to violence by the promise of foreign aid. Oaths were framed, and passed current, quite as terrible as that quoted by the learned lord, and depôts of arms were proved to exist in different places. Under such circumstances it was thought proper to suspend the Habeas Corpus Act, and yet that suspension was suffered to expire; nor was it renewed even on the occasion of the dangerous mutiny in 1796. He could not but think that so much importance was attached to the wild notions of these visionaries, of whom so much had been said. History would shew that neither in this or other countries was the Spencean plan without a parallel. Doctrines as absurd, and equally assuming religion as their basis, had been frequently propagated. Germany had its Anabaptists—men who contemplated schemes of visionary reform with a bible in one hand and a battle-axe in the other; and yet what became of them? They were let alone, and their opinions died away of themselves. Our own country presented instances of enthusiasts not dissimilar. There was the insurrection of Wat Tyler, which though it had not religion for its basis, yet had its origin in some scheme of general Reform, of a nature not very different from that of modern times. The noble lord concluded by saying, that he should give his vote against the bill; for, to do otherwise, would, he thought, be voting against his country. “I feel,” said the lord, “great pain this vote, though I cannot express the cause of it.” (*Hear, hear.*) The noble lord sat down apparently much affected. He was supposed in the last sentence to allude to a difference of opinion between himself and his father, Lord Fitzwilliam.

The Lord Advocate explained.

Mr. Wynn expressed his regret that Parliament had not been earlier assembled to meet the difficulties with which Ministers were undoubtedly surrounded. That the spirit of turbulence had not subsided was evident from daily experience; and only this morning he had seen posted a hand-bill with the inflammatory title of “The Triumph of Justice over unjust Judges.” He was convinced that, had Government been more alert, the police might have been placed upon a footing to render the aid of military necessary only in extreme cases; but no investigation of the subject had been instituted, and it might become the duty of Parliament to interpose. Indeed upon a late occasion it had been his wish that the House should have taken the punishment of certain civil officers who had been grossly negligent of their duty into its own hands. He complained that efforts had been equally wanting to embody the yeomanry in the disturbed districts. Ministers might say, that some time since such a remedy would not have been proportioned to the disease; but their excuse was like that of the man who, after his house was consumed, said that he had not sent for the engines because the fire might have been extinguished at first by a wash-hand-basin. The real question was, the degree of danger to which we were exposed. Was the danger sufficient to justify the measure? In his opinion it was; and as long as danger existed, the nature of it, whether external or internal, was of no consequence. It appeared from undoubted evidence that the most treasonable correspondence had been carried on by means of clubs and delegates; and a connexion was thus kept up between them as the deliberative, and the people at large as the executive body. Surely this was sufficient to induce the House to arm Ministers with additional power; and to those who required evidence, he should reply, that if it were disclosed, all clue to detection would be destroyed. He illustrated this observation by reference to the case of Despard. Some honourable members had referred to periods of our history, when no suspension of the Habeas Corpus Act was thought necessary; but at those times no such general dissension and discontent existed as at the present moment. If it were allowed to continue unchecked, the consequences might be dreadful; the lawless scenes of 1790 might be renewed; and when once the shedding of human blood had commenced, the popular fury was uncontrollable. The noble lord who spoke last had adverted to the mutiny at the Nore as a case in point, forgetting that the mutineers had not only no correspondence at home, but none abroad; and that a cordon of troops had been stationed on the banks of the river to intercept any communication, should it be attempted. He had referred also to the Anabaptists of Germany, whose doctrines, he said, had peacefully expired, forgetting that those doc-

ines had existed as long as the individuals who detained them, upon whom the most grievous tortures and the most cruel deaths had been inflicted. The instance of Wat Tyler was equally unfortunate; for the rebellion had not been terminated without the greatest personal danger to the Sovereign, nor until 30,000 had taken up arms against him. Those who ridiculed the recent disturbances and the premeditated attack upon the Tower, would do well to reflect that not many years had passed since

stronger feelings in another country had yielded to the onset of an infuriated rabble. The suspension was necessary to stop the progress of the evil; and he believed that no man would wish to delay until it was necessary to meet the organized rebels in the field of battle. In the present times many dangers threatened that had not existed at any former period; and he conscientiously gave his support to the bill, because he felt convinced that it would prevent an actual rebellion.

Lord Althorp explained.

Sir S. Romilly would not long occupy the attention of the House, but he could not prevail upon himself to give a silent vote upon the most important question that had been discussed since he had had a seat in Parliament. All parties were agreed upon the inestimable value of that part of the Constitution which it was proposed for a time to annul: and there were few that denied that at present great evils existed, and that those evils required a speedy remedy. The question was therefore reduced to a very narrow compass, viz. Is this a case in which it is necessary to have recourse to such a remedy, and is the remedy adapted to the nature of the evils? (*Hear, hear.*) The first point must depend upon a preliminary question, whether other means had been duly resorted to, and had those means failed of success? The noble Lord (Castlereagh) had repeatedly declared, that the utmost vigilance of Ministers had been exerted; but it was now quite clear, from subsequent intelligence, that that utmost vigilance, in truth, amounted to nothing. (*Hear.*) It was admitted by the noble lord, that these traitorous designs had been proceeding for a considerable time before the aid of Parliament was required; yet, although Ministers had been fully apprized of the attempts upon the loyalty, the morale, and the religion of the people; though they had been in possession of the libellous and blasphemous publications so industriously circulated among the lower orders; yet, up to the present moment, not a single prosecution had been instituted against the authors. (*Land cheer.*) The excuse of the Attorney-General for this procrastination was most extraordinary and curious: in truth, he said, the libels laid before him were so numerous, that he could not see where prosecutions were to end. Where they were to end, he (Sir S. R.) did not pretend to decide, but it was not very difficult to determine where they ought to have begun. (*Glors*

from all sides.) The libels might be numerous, but if they were, nothing had been publicly known of them till lately; and the more numerous, the more urgent was the necessity that some of the authors should be severely punished, as a terror and an example to the rest. He satiated the House to recur once more to the circumstances attending the suspension of the Habeas Corpus Act in 1794. Why different then had been the conduct of Government, for that measure had not been suggested to the House until after prosecutions had been instituted for sedition at every quarter sessions in all corners of the kingdom? (*Hear.*) At that period, at least, Parliament had not been required to suspend the rights of the subject until recourse had been had to the existing laws. He much doubted, indeed, if those laws had not been too severely enforced: some notorious criminals ought to have been selected, instead of the indiscriminate and sweeping punishments awarded every petty offender. (*The Attorney-General smiled.*) He was surprised to observe the smile of contempt on the face of the learned gent. intended as it was to deride the censure of conduct directly opposite to that which he had thought fit to pursue. (*Hear, hear.*) The learned lord, to the surprise and dismay of his friends, had produced an oath taken by many deluded inhabitants of the kingdom, with which Ministers had been some time acquainted. Were they not aware that the most severe punishment known to the law, might be inflicted upon individuals subscribing that oath? Did they not know that it was felony without benefit of clergy, unless the person taking it within 14 days afterwards abandoned his associates, and betrayed their purposes? As to the question, whether this suspension were adapted to the existing evils, the only individual who had contended that it was so, was the hon. member who spoke last: he contended that, as sufficient evidence could not be procured to convict, it was therefore proper to give Ministers unlimited power to imprison. As the delinquent could not be brought to trial, he was to be punished without it. (*Hear, hear.*) On the contrary, as (Sir S. R.) contended, that this measure was in no way calculated to meet the evil, Government could fix upon no individual of leading influence or talent, whose arrest would check the progress of disaffection, and defeat the operations of the quorum agents: all were alike insignificant, and the extent to which the infection had spread, and was spreading, was the real evil. Would the imprisonment of two or three poor wretches prevent the diffusion of the poison through all the intricate ramifications of society? If indeed they were publicly tried, regularly convicted, and exemplarily punished, some effect would be gained; but the mere arrest for the fact would be known; but the mere arrest, the confinement of two or three men, would effect nothing in stopping the active mischief of

particular individuals. In 1794 the state of things was widely different in another respect: then no petitions were presented humbly praying that Parliament would reform itself; the disaffected then refused to acknowledge any Parliament at all, and in its place substituted the National Assembly of France, which boasted of its secret and active correspondence with this country. (*Hear.*) Much as he censured the adoption of this measure now, he was not one of those who thought that the Habeas Corpus Act ought never to be suspended; under some circumstances it might be most wise and necessary; and those circumstances had existed when, on former occasions, persons of great consequence and influence were in league with an enemy, and when their arrest paralysed the traitorous designs of all their dependents. But was such the case at present? Where could Ministers find one man of influence or consequence among the disaffected of our day? Where could they find even a man of the middle rank of life, among the vulgar, ignorant, and deluded wretches, against whom Ministers were about to launch their vengeance? How then could this suspension be useful, unless indeed this Government followed the example of a state it had recently supported, against the avowed wish of the people, in which not merely obnoxious individuals, but the inhabitants of whole villages and towns, had been thrown into dungeons. (*Loud cheers.*) Was not this, he confidently demanded, a most powerful reason for refusing what was now required? Would the House intrust Ministers with a power by which persons of low rank and obscure occupations, in shoals, would be placed at the mercy of every truckling informer? (*Hear.*) The noble lord (Castlereagh) had adverted on a former night to the names of individuals in higher stations, who had been placed by these insatuated Reformers upon what they termed the Committee of Safety or conservative body; but because misguided and illiterate men had had the audacity, without the slightest authority, to place upon this list persons of the most undoubted loyalty and of elevated rank, did it afford such a presumption of guilt as to justify the bold declaration of the noble lord, that in the eyes of God and man, they were answerable for all the consequences of rebellion? (*Continued cheers.*) Undoubtedly, the names of those most respectable persons were found there, on account of the sentiments they were known to entertain: and the noble lord, and a right hon. gentleman after him, had explained the declaration as a caution to certain individuals against supporting popular doctrines; which was as much as to say, that no man was to argue in favour of Parliamentary Reform, the Liberty of the Press, or any other topic displeasing to the other side of the House, unless he wished to fall under the dreadful denunciation of the noble lord. (*Hear.*) He (Sir S. R.) was not fond of making personal allusions, and he was the more unwilling now,

because the noble lord had this night shewn a remarkable soreness upon some points; but he could not help just observing, that there was a period, even of the noble lord's life, when he might have had the misfortune to fall under his own denunciations, and to have been included in a list of a committee of safety. The liberality of the noble lord's opinions at one time, and the pledges of championship in the cause of Parliamentary Reform, given by him at an early period of his political life, before he had entered into office, or had been planted in any of the hot-beds or nurseries for young statesmen, might have rendered even him responsible in the eyes of God and man for the consequences of disaffection and rebellion. (*Long continued cheers and laughter.*) Reverting more immediately to the question, he called upon the House not to withdraw a protection from the lower classes, to which they were as much entitled as the most exalted individual he was then addressing. It was impossible to calculate upon the abuses to which the measure might be subject; and at its expiration, the Minister would only have to come down to the House with a Bill of Indemnity, and his responsibility would be at an end. Our ancestors had never consented to the suspension of the Habeas Corpus Act, but in cases of extreme danger; and the proposal was now the more alarming on account of the precedent it would establish. It was now for the first time laid down, that under any circumstances of alarm the rights of Englishmen were to be dispensed with. Yet, in the year 1767 and 1768, when according to the letters of Dr. Franklin, great distress, unusual scarcity, and alarming riots prevailed, no person had ever dreamt of suspending the Habeas Corpus Act. Now, however, in time of profound peace it was contended, that the race of Englishmen was so degenerate that they were incapable of their own protection; and in consequence of their weakness and pusillanimity were willing to make a voluntary sacrifice of their dearest rights into the hands of His Majesty's Ministers. (*Cheers.*) True it was, that dangers threatened the country; but he would ask, was there no danger in empowering a few individuals to imprison all the rest of the subjects of the Crown, and that too without the slightest responsibility? (*Hear.*) Was there no danger in this suspension, when the standing army was so overgrown, and when already Government possessed more influence than had ever before been enjoyed? Was there no danger even to general liberty, when foreign States, already sufficiently disposed to check its growth, should see this once free country placed under the absolute dominion of its Ministers on account of the absurd schemes of a few miserable Spenceans? Was there no danger in public opinion, and that even to Ministers themselves? Were they well assured that this measure would have, in truth, the effect of strengthening their weak hands? Would not the peo-

ple see through the artifice of those who, under pretence of public security, were only endeavouring to secure themselves? (*Hear.*) In every point of view, he thought the suspension objectionable: the dangers might be great, but the existing laws had not yet been tried; and if tried, they would be found sufficient for every purpose of national protection.

The *Solicitor-General* considered the present bill as an evil that must be resorted to, in order to prevent a greater evil. He agreed that it was necessary, before a law was passed on this subject, to see what the existing laws were; for if the present laws were perfectly sufficient to prevent the evil, it was improper to have recourse to new measures. He denied, however, that the laws were sufficient to protect the country against the dangers which now threatened it. The House did not before suspend the Habeas Corpus Act because there were not laws in existence: he took upon him to say, that that Act had been continued from time to time, though every law stood upon the statute-book as it now did. With respect to the observation, that the law officers had not commenced prosecutions; if the existing laws were not sufficient, the neglect of the law officers was no reason why new measures should not be resorted to. As for himself, neither in that House, or out of that House, should he be deterred from doing his duty from the fear of any reproach or censure that might be cast upon him, either in that House or out of that House. The law officers, he maintained, were not justified in commencing prosecutions till they found sufficient evidence to ensure their success. One of the evils of a free Constitution was this—that we had no means of preventing crimes, but only of punishing them when they were committed. Prosecutions, however, had now been instituted; and many persons would have been prosecuted before, if the necessary evidence could have been furnished to the Crown. As far as his judgment went, no prosecution could be maintained against the societies, from the manner in which they were constituted. His hon. friend had said, that none of the higher classes were implicated in these designs; but he begged leave to state, that conspiracies, such as these, were not the less dangerous because they were conducted by the lower orders only. A multitude, whilst it was in power, was often more dangerous and ferocious than if it were under the control and direction of some of the higher orders. But low, and weak, and ignorant, as these conspirators might be thought to be, there were, however, such marks of consistency, of skill, contrivance, and ingenuity in their designs, as would do honour to wiser heads, if they were employed in a better cause. If there was no master workman behind to move these puppets, they were as dangerous as if they were composed of persons of greater rank and of more enlightened understandings. With respect to riotous proceedings in former times, it should

be recollected, that, in 1780, it was the mere ebullition of a mob on a particular subject: there were then no oaths, no tests, no declarations, no subscriptions, no meetings, no delegates, which marked an organized system for the purpose of destroying the principles of the Constitution, and of depriving every man of his property, and endangering his life. An hon. member had said, there was nothing in the Report to shew that any danger threatened the country: but he had forgotten this—that it was stated in the Report, that it was one of the contrivances of those persons to try their forces, and then see whether they could carry their schemes into execution. When they went to the Tower, the conspiracy was to arm all the people who assembled in Spafields; and then to persuade others to join them, in order to complete their designs. The anxiety that was manifested by persons in the country to hear news from London, was a strong mark of the general combination that existed throughout every part of the kingdom. The doctrines of the Spenceans were absurd in the highest degree; but were we to be told, that a wild and visionary scheme could produce no mischievous results. Nothing could be more wild and visionary than the schemes of the French Revolution, and yet they all took effect. The very lowest orders in the metropolis of France carried into execution their projects, and overturned the government of the country. When he recollected, therefore, what had passed in France, he could not persuade himself that there existed no danger here. There had been, and was, a traitorous conspiracy in this country to overturn the Constitution; there was a scheme for the division of property, which, absurd as it was, threatened the destruction of all social order, peace, and security; and therefore, it was necessary to have a temporary suspension of the Habeas Corpus Act, in order to guard the country against the impending dangers, and to preserve that Constitution which these wild, mischievous and traitorous persons were endeavouring to destroy.

Lord *J. Russell* could not give his vote on this occasion, without protesting against what he thought would be the most dangerous precedent that ever passed that House. He had heard with great astonishment and considerable regret, the arguments of an hon. friend (*Mr. C. Wynn*), for whom he entertained a very sincere respect: and he must declare, that those arguments were so superficial, so weak, and so unsatisfactory, that he should not have been induced by them to give his consent even to a Turnpike Bill. (*Loud cries of hear from the Opposition.*) His hon. friend had measured the dangers of the country by the distresses of the country: he had said there was a great deal of distress, therefore there must be a great deal of danger; and thus he condemned the whole people of England. (*Hear.*) But was it because the people were starving that they must be dangerous?

Was it because they had borne their sufferings with unexampled patience that they must be accused of treason, and deprived of the only consolation which remained to them—that of being a free and independent people? (*Hear.*) In all former periods of our history, the Habeas Corpus Act had never been suspended except in cases of foreign or domestic war. Let the House remember, for it was worthy of their most serious consideration, that at that very time when upwards of two hundred persons were concerned in a conspiracy against the State, and even the presumptive heir to the Crown was suspected—at that very time, he said, did the House of Commons go up to the King, and present him with the Habeas Corpus Act. (*Hear, hear.*) The Report of the Committee spoke of the plot which had now broke forth; but who were the persons concerned in this plot? By what means were they to carry it into execution? What acts had they accomplished? And what were the dangers which still threatened us? Few, and weak, and wretched, were all the parties who were said to be engaged in this foul conspiracy; and no one, he presumed, would venture to assert, that they expected any foreign support. As to the blasphemous and seditious writings that had been published, why had not the ordinary laws of the land been enforced to punish and prevent them? But prosecutions, it was stated, had at last been commenced; and if so, why did not the Ministers of the Crown wait to see the result of them? If secret oaths, and profane and seditious publications, could be punished by the existing laws, what occasion was there to suspend that great and glorious bulwark of English liberty, the Habeas Corpus Act? (*Hear.*) The law officers of the Crown were now proceeding, by their own confession, to prosecute these persons under the ordinary laws; and therefore, the measure which Ministers now proposed, was no less unwarrantable than it was uncalled for. (*Hear.*) He was anxious that the House should preserve its character in the country at all times, but more particularly in these times of general distress; and he was well persuaded, that if they would secure the attachment of the people, and induce them to bear their burdens still longer with fortitude and patience, it should be by manifesting a spirit of conciliation, by listening to their complaints, and redressing their grievances; and not by depriving them of what he valued even dearer than their properties—lives—their personal security and liberty.

(*Hear.*) Mr. Courtenay thought it a most mischievous doctrine, to say that this measure was calculated for the benefit of the Crown, and not for the benefit of the country. He considered the evidence sufficient to support the measure, and should therefore give it his support.

Sir Francis Burdett, in rising to oppose the motion, would not refrain from stating, in the first place, that nothing could have afforded him

a higher satisfaction than to see the noble lord near him, (Lord J. Russell) coming forward as he had done in so manly a manner, in support of the constitutional liberties of his country, and defending with so much ability, those rights for which his revered ancestors had forfeited their lives. He was inclined to agree with the learned gentleman who had recently spoken, that the measure that night proposed for the adoption of the House, was not brought forward for the purpose of strengthening the power of the Crown. The measure, he was convinced, was not intended either for the benefit of the Crown or of the people, but for the benefit of Ministers, who find the trade of profitable expenditure in danger of being lost. It was for the overthrow of that system their fears were excited, and not for any dread of the subversion of the Constitution. They had no real apprehension from the disciples of Mr. Spence, a poor visionary, who died twenty years ago; and who never had an idea that he should make so great a noise in the world; and the country had as little reason to be afraid of his schemes as Ministers. But what both that House and the country had the greatest reason to dread was, not the *Spencean*, but the *ex-Spencean* system; that system, the profligacy and profusion of which, had entailed unheard-of burdens on the people, and which had created a debt, the very interest of which equalled, he believed, the whole rental of the kingdom. But that system was what Ministers were above all things most reluctant to part with. This was evident from the circumstances which nightly occurred; from the struggles which they made for offices, which they ought to be ashamed to defend. When asked to retrench a useless lord of the Admiralty, they say no; they must make a stand—a stand for the Constitution, as they pretend to understand it: but when the people demand a redress of grievances, they give them this measure, depriving them of the liberty which is their birthright. The learned gentleman had laid down a doctrine of the most unconstitutional nature, and which had struck him with the greater abhorrence, on account of the legal authority from which it came. The principle on which the learned gentleman wishes to suspend the Habeas Corpus Act, and to clothe Ministers with so dangerous a power, is not because there are persons against whom any offence can be proved, but because they are suspected. Men are, according to him, to be cruelly punished, not because they are guilty, but because there are no means of proving them guilty. A measure of greater tyranny than this, he believed, never was entertained by any assembly in the world. The learned gentleman, like all who aimed at the introduction of arbitrary measures into this country, had referred to the French revolution. With that the question had no connexion. What they had to consider was the British Constitution, for the full enjoyment of which the people asked. The impety of the French revolution formed a prominent

topic in the learned gentleman's speech; but notwithstanding all that had been said on that subject, it did not appear to him, that there could be any greater piece of impiety than a prayer which had lately been read in all our churches. By that strange composition a prayer was offered, to guard the Regent against a pestilence. Now, he knew of no pestilence at present in this country, except the pestilence of the Government; which certainly never committed greater ravages than it did at this moment; which penetrates every man's dwelling, is found constantly at his fire-side, accompanies him wherever he moves, visits him at all his meals; in short, that pestilence which contaminates every thing—the great pestilence of taxation. Did the great sufferings of the nation demand nothing but a measure of the kind proposed by the noble lord? Was this the only remedy that could be found for the public distress? Was it possible that that House could resolve rather to coice complaints than seek to remove the evils from which they arose? That this would be the case was evident, if they believed the high law authority by which they had been told, that a reason for passing this measure was, that there could be found no offences capable of being punished: and this was asked, though the powers of Ministers were already enormous. Could the Attorney-General want to add any thing to the monstrous power he possessed over the press, in filing *ex-officio* informations for libel, and in having the selection of the jury which was to try the defendant? The example of that power had even been cited in foreign countries as a reason against establishing the liberty of the press. It was argued, that the freedom of printing in England could not exist, unless extraordinary powers like those possessed by the Attorney-General were given; and that the dreadful sentences, which were the consequence of a conviction for libel in England, proved, that the want of the liberty of the press was not to be regretted. The learned gentleman thinks the riots of 1780, when London was set on fire, and the streets ran with blood, nothing compared to the present danger. This danger was constantly in the mouths of the hon. and learned gentlemen on the other side; but they would never condescend to tell the House in what it consisted. There were societies and clubs in different parts of the country. He knew there were, and he hoped there always would be. It was from these societies the petitions before the House for Reform had come, and it was this petitioning that constituted the offence which the noble lord and the learned gentleman wished to punish: but having no law for that purpose, they now asked the House to allow them to punish it without law. This was the whole secret of the plot, and the Report before the House. The alarm was raised for the purpose of diverting the House from the due consideration of the claims of the people; and if Ministers succeeded in effecting this diversion,

they would gain their object. The noble lord had some time ago boasted, on his return from a foreign country, of his success in guiding the political helm; of his having secured the vessel of the State safe through the greatest storms, and brought her prosperously into port. Few dangers and difficulties had, however, arisen, which the noble lord could not meet, but he hopes, that the vessel will, by some chance or other, right herself. In the mean time he seeks shelter under the greater danger of this suspension bill. If the noble lord thought that his measures would silence the complaints of the people, he would find himself grievously pointed. He might erect his gibbets in Palace-yard, that would not prevent the voice from being heard; and still his measures would be discussed, for it was not in the power of all the gagging bills he could invent, to prevent the people of this country from speaking their minds. Could the noble lord shut up all the population in prisons? To do so, he would have many to build; for those now existing had been long since filled by the distresses of the times. It was said of Buonaparte, that he built eight new bastilles; how many bastilles would the system of the noble lord require him to build? Though the Report stated that there were few, if any persons of consequence, liable to the charge of treasonable practices; it seemed to regard the whole population of the country as fit to be placed under restraint. But the only persons arrested in the metropolis for the treasonable practices of which they had heard so much, were poor Dr. Watson, Preston, and Hooper. This, to be sure, was rather derogatory to the dignity of the treason with which the noble lord wished to impress the House. What apprehension could Ministers entertain of such persons? In fact they had no apprehension but that of losing their places. Among the statements in the Report, there was one of a very singular nature: it was said that the conspirators entertained the design of destroying the bridges. What object they could have in view by this destruction it was not easy to divine; but he wondered that the Report had not gone farther, and charged them with wishing to set the Thames on fire. The learned gentleman, to whose observations he had already alluded, had talked as if a sort of reproach had been made against the Crown-lawyers, because they had instituted no prosecutions. It would have been a singular charge indeed to have accused any Attorney-General, not excepting the present, of disinclination to prosecute: and it was a proof of no little modesty in the learned gentleman to take such a reproach to themselves. The remark that there had been no prosecutions, was not made with the view of wishing the learned gentleman to resort to the exercise of their professional duties; it was made to show, that as they had not prosecuted they had no proof of any offence. They allege, that the persons who write the publications so much complained of

are so cunning that they cannot be caught in a libel. What was this but saying, that there was no libel to prosecute? A worthy alderman had lately shewn so much alarm, that with great good humour he would give up all his constituents to the mercy of Ministers. This reminded him of another worthy alderman of former times, who was so alarmed at the Popish plot, that he said he should not be surprised when he rose some morning to find that all the people of England had got their throats cut. He deprecated that alarm which, like the worthy aldermen's, led to an implicit confidence in Ministers. There was, in fact, little difference as to the hands in which arbitrary power was placed. Its tendency was to corrupt the good. There were many instances of the best natured men becoming inexorable tyrants. He well recollected what had been done by former Ministers who had been invested with the undue power proposed to be bestowed on the noble lord and his colleagues. Under their authority innocent men had been confined for years in dismal and unhealthy dungeons. A young man, a watchmaker, aged only 17, had been arrested when the Habeas Corpus Act was suspended in 1793, and he was confined during seven years. When the time came for indemnification—if such a case, which cut off seven years of youthful life, and was a destruction of every prospect, was capable of indemnification—the noble viscount (Sidmouth), who would have the enforcement of this bill, procured a law to be passed to protect his predecessors against all actions that might be brought against them; thus shutting out the unhappy victims of their tyranny from all means of redress. The power which the noble lord sought, was not a power to apprehend guilty persons in order to try them, but a power to commit the innocent, without being obliged to bring them to trial at all. It was a melancholy consideration, that the frequent introduction of such laws, familiarized the minds of men so much to the exercise of tyranny, that their abhorrence of it diminished daily. He well recollected, that the first suspension of the Habeas Corpus Act was very strongly opposed in that House. The second time the resistance to the measure was much less: and at last the suspension of the law which protects the personal liberty of Englishmen, came to be considered as one of the common orders of the day. But why all this fear of the Spenceans? The Report was not brought out, and no alarm was given, until after the plot, as it was called, had exploded in Spafelds. The noble lord's measures reminded him of the story of the general, who, on joining the army the day after a battle, said he had been employed on a service of great danger. The spikes, it appeared, had been commissioned by a police office; and the alarming hand-bill he doubted not came from the same quarter. This hand-bill commences, "Britons to arms, the whole country waits the signal from Lon-

don—Break open the gunsmiths'—Arm yourselves with all sorts of instruments—No rise in the price of bread—No Regent—No Castle-reagh—Off with his head!"—*So much for Buckingham! (Hear.)* This was a most absurd foundation to build a plot on. No man in England, he was certain, would thus class the Prince Regent and Lord Castlereagh. It was very natural indeed, that a Minister should wish to make his master believe in such an association, and it was difficult to assign any other object to so ridiculous a fabrication. It was of the same sort of manufacture as another bill which had been exhibited in the city, under the title of "*Spafelds Row, Go it my Boys,*" and the origin of which was well known. In all this he saw no plot but a plot against the liberties of the people and the Constitution. There was no conspiracy but that of Ministers to keep their places and avoid Reform. Why the word "affiliated" had been introduced into the Report he was at a loss to understand, unless it was because it bore some resemblance to a term employed during the French revolution. He did not know whether he should be charged with the crime of affiliation, but he had no hesitation in declaring, that he was a member of a Hampden Club. This he was at all times ready to avow. A right hon. gentleman opposite to him (Mr. Canning) had last night lamented his being obliged to speak under the control of public opinion; he was sensible that he must now speak under the control of the suspension of the Habeas Corpus Act: but he hoped he would be permitted to state, that he paid just as little respect to the latter control as, he was convinced, the right hon. gentleman did to the former. If the bill passed the second reading and went into the committee, he should propose some clauses to moderate the tyranny of its operation. In particular it would be his object to guard against the infliction of torture. (*Hear, hear.*) Did gentlemen not consider severe imprisonment in damp and dismal dungeons torture? It should be his endeavour to take care that men against whom there was no charge sufficient to form the foundation of a trial should not fall victims to this cruel law. It would perhaps be said, that the confinement would be short; but let gentlemen try, themselves, a short imprisonment, before they spoke so lightly of its effects. It was proper, that persons apprehended under such a law, should suffer nothing more than that degree of confinement which might be necessary to their safe detention. Every other degree of suffering was cruel and unjust, if the term of their imprisonment should be but 24 hours. He, therefore, now gave notice, that if the bill, as he feared it would, went into a committee, he would move clauses for the purpose he had stated.

Lord Castlereagh, with great respect to the rank and talents of the hon. baronet, and to the

urbanity of his manners, (which he was surprised had not been affected by the company he had fallen into,) could not help thinking that the hon. baronet's speeches were not addressed for the purpose of convincing Parliament, but persons in another place. (*Loud cries of order.*)

Lord Stanley rose to order. No person, whatever his situation, was privileged to impute to members the intention of addressing themselves in the House to any but Parliament. There was nothing in the hon. baronet's arguments that could justify the noble lord in imputing to him a covert intention of influencing the passions of persons out of the House; and so long as he (Lord S.) had a seat in that House, he would not hear such imputations on any member, without calling to order.

Lord Castlereagh was not conscious of having imputed to the hon. baronet a design of addressing himself to others; he only said, and still contended that the hon. baronet did not intend to produce conviction in that House, but elsewhere. (*Louder cries of order, and chair.*)

The Speaker said, that all speeches delivered in that House must be considered as addressed to the House only.

Lord Castlereagh replied, that the chair should always regulate his conduct: but certain he was, that if the country had listened to the theories of the hon. baronet, he (Lord C.) instead of being there to receive correction from the chair, should long since have stood prostrate (*a laugh*) with the rest of the Constitution. When there was scarcely a person who raised an objection against the bill to protect the person of the Prince Regent, against that to prevent the seduction of the soldiery, and against that which was aimed at seditious meetings (*no, no,*) could it be said that these were ordinary times which rendered such measures necessary? He put it to the House, whether, if they should grant the other bills, and deny that which was now contended for, they were not admitting the danger, and denying the arm that Government required? He disclaimed any intention of calling for this bill as a measure of punishment; it was only asked as a measure of precaution. He wished to know whether there was a conspiracy in the country or not (*loud laughter*)? In truth, he argued with those who believed the danger; and the question was, whether the remedy proposed was the proper one. He proposed it, because he believed that a conspiracy existed, formidable in numbers, bound by oaths, even to the destruction of those who gave evidence against them, and still persevering in their designs. Ought Ministers to sit with their arms across on the eve of a fatal explosion, unless the Crown lawyers could find evidence sufficient to ensure success? which, in matters of treason, was to the last degree difficult. Should they suffer blood to flow, and the leaders to come into the field against his Majesty's peaceable subjects? If Ministers were not armed with the measure they required, they would never be able

to protect the country against this disastrous and bloody catastrophe.

Mr. Ponsonby, though he had been accused of weakness, was never in more perfect possession of his faculties than when he attended on the Committee in question. He believed the material part of the Report to be true, but he was perfectly persuaded that the remedy proposed was improper; and if any additional fact were wanting to convince him of this, it was, that the magistrates of Glasgow had apprehended the Central Union Society. When Ministers were thus possessed of the thread of the conspiracy, it was their own fault if they did not follow it up themselves. Though he did not agree with the hon. baronet on the subject of Reform, yet he thought the speech with which the noble lord had found so much fault contained nothing unconstitutional, that it was moderate in its tone, and of great ability; and the noble lord would have been wise if he had not quarrelled with it. As to the bill proposed, he hoped it would not supersede a fair trial at law, which he thought should take its course, and punishment follow crime. He should not go through the parallels that had been drawn between this period and others; but he asserted, that the present conspiracy was not the result of natural wickedness, but of distress and want of employment; and that a conspiracy arising in such a source was no cause for suspending the Habeas Corpus Act. If the principle urged that night were to prevail, the act must be suspended on every extensive robbery. All the members of the House were not, as the noble lord had assumed, in favour of the bill against seditious assemblies; even if they were, it did not follow that, because they had granted so much, they should grant more. His reverence for the law proposed to be thus trifled with amounted almost to superstition; it was the bulwark of English liberty, and rendered the poor man as secure in his cottage as the rich in his palace; a security that the proudest enjoyed no where else. He trusted that the reverence for this law would never be diminished; and it never should by his consent. There was now no foreign war, no disputed succession, no open rebellion in the country; in which emergencies alone the act had formerly been suspended. The present was the conspiracy of famine acted on by mischief; and the disorder being confined to the lower orders, was the very reason why the act should not be suspended. A poor man, as innocent as the Minister himself, might be imprisoned for years, and meet with no redress. This had happened on former occasions, and would again. He repeated, that the law should be allowed to take its course. As to the allusions that had been made respecting the danger of extenuating the disorders that had prevailed, he wished the people to understand, that every gentleman on his side of the House would as much discountenance, and be as active to repress any violence, as even the Ministers them-

selves: and he wished those misguided people to know, that if they loved liberty, they were adopting the most effectual means to destroy it. He therefore entreated them, if they valued their freedom and the hope of happiness, not to listen to those false and absurd doctrines of equality in rank and extinction of property, which were not only impossible in themselves, but which must lead, in the very attempt to establish them, to nothing but an increase of wretchedness. But he never would deliver that people to the mercy of Government, nor allow the meanest man in England to be incarcerated, during the pleasure of Ministers.

* Lord Lascelles agreed with the right hon. gentleman, that the present discontents arose out of the distress of the country; and when he mentioned reformers as taking advantage of that distress, he did not class them all under the same head: there were among them some high and respectable individuals: whether their measures were prudent, he would not now discuss, but he believed their intentions correct. There was, however, another class of reformers not so well disposed: these men did not find an opportunity for pressing the subject at all times; when things went well, one heard nothing of them: but when distress had already excited discontent, they were ever most clamorous. Some of the latter description had certainly taken advantage of the present calamities; they assembled parties under the pressure of want, and told them if they signed petitions for Reform, their wants would be relieved; having signed, they might be considered as enlisted under the banners of those reformers, and many of them, after a first enlistment, were led on by degrees to go farther. But he believed the people themselves, who suffered, were sound; and if they knew whither their leaders were going, would probably stop short. Most sincerely he wished the Legislature could relieve their distresses. It was true, great future advantages would be derived from the pursuit of economy; but as to any special and immediate relief, it was out of the compass of human power. We must, therefore, look on to further distress, and the continuance of it; the minds of the people would be worked up by those who had designs of their own, to involve all in deeper ruin. The object of the bill, therefore, which had his support, was not injuriously to affect the lower orders, but to preserve them from being led astray by those delusions that were set as a snare to entrap them into their own destruction.

Lord Stanley (*amid loud cries of question*) opposed the bill. Ministers had known of the mischief long enough before. They knew of the proceedings in October, November, and December. We would agree readily to the bill for protecting the Prince Regent, and for preventing the seduction of soldiers and sailors. The section bill opened too large a field for him then to enter upon. (*Question, question.*) To the suspension of the Habeas Corpus Act he would not give his assent.

Lord Cochrane rose (*amidst reiterated cries of question*) to state, that he had quite made up his mind as to the course Ministers were running, which would bring the country to ruin. (*Question.*) He would give his humble opinion, that it was the duty of that House and of the country to petition for the removal of the present Ministers. (*Hear, hear.*) The question lay between military despotism and the dangers and distresses of the country. With respect to his opinions, he would own, that he had experienced a malicious satisfaction (*loud cries of hear, hear*) at seeing, for ten years past, that the hopes of the opposition were disappointed by their being kept out of power. (*Hear, hear, and laughing.*) He was now of opinion, decidedly, that their re-establishment in place and power was the only means of giving us a chance of escaping degradation and ruin. (*Hear.*) As to that part of the evidence brought forth that night, and at first, he supposed, intended to be secret, it did not appear how the document was come by. (*Hear.*) Was it from the arrested persons? The individual who produced it might himself in doing so have been guilty of perjury (*laughing,*) and might therefore deserve no credit by betraying an oath. (*Hear.*) Such an individual was capable of any thing. The Report as it stood was worthless. There should be a change in men to effect a change of measures, if we wished to avoid despotism, degradation, and ruin.

The question was then very generally called for, and the House divided—

Ayes 273
Noes 98

—175

It was then agreed, that the bill should be read a second time this day.—Adjourned at a quarter before three.

LIST OF THE MINORITY.

Anson, Sir George	Curwen, J. C.
Atherly, Arthur	Duncannon, Viscount
Aubrey, Sir John	Dundas, Hon. L.
Bennet, Hon. H. G.	Dundas, C.
Baring, Sir Thomas	Ebrington, Viscount
Baring, Alexander	Fazakerley, J. N.
Barnard, Viscount	Ferguson, Sir R. C.
Birch, Joseph	Fitzgerald, Rt. Hon. M.
Brand, Hon. Thos.	Fitzroy, Lord John
Brougham, Henry	Folkstone, Viscount
Browne, Dom.	Guise, Sir W.
Burdett, Sir F.	Gaskell, Ben.
Burrell, Hon. P. D.	Grosvenor Thomas
Calley, Thomas	Hamilton, Lord A.
Calcraft, John	Hanbury, William
Calvert, N.	Heathcote, Sir G.
Calvert, Charles	Heron, Sir Robert
Caraw, R. S.	Hughes, W. L.
Carter, John	Hurst, Robert
Cavendish, Lord G.	Jervoise, G. P.
Chaloner, Robert	Lambton, J. G.
Cochrane, Lord	Langton, W. G.
Coke, Thomas	Lemon, Sir W.

Lyttleton, Hon. W.
Marryat, Joseph
Methuen, Paul
Mackintosh, Sir J.
Maddocks, W. A.
Martin, Henry
Martin, John
Milton, Viscount
Molyneux, H. H.
Mopck, Sir Charles
Moore, Peter
Mosely, Sir C.
Newman, R. W.
Neville, Hon. R.
North, Dudley
Nugent, Lord
Ord, William
Ossulston, Lord
Peirse, Henry
Phillips, George
Piggot, Sir A.
Ponsonby, Rt. Hon. G.
Power, Richard
Prittie, Hon. F. A.
Portman, Edward
Pym, Francis

Ramsden, J. C.
Rancliffe, Lord
Ridley, Sir M. W.
Ronilly, Sir Samuel
Rowley, Sir W.
Russell, Lord William
Russell, Lord G. W.
Russell, R. G.
Scudamore, Robert
Sharp, Richard
Sefton, Earl of
Smith, John
Smith, William
Smith, Robert
Smyth, J. H.
Stanley, Viscount
Spiers, Arch.
Shaw, Sir James
Tavistock, Marquis
Taylor, M. A.
Taylor, Charles
Teed, John
Tierney, Rt. Hon. G.
Walpole, Hon. G.
Waldegrave, Hon. W.
Webb, Edward

TELLERS—Althorp, Viscount—Macdonald, James

PAIRED OFF.

Foley, Thomas
Gordon, Robert
Lloyd, J. M.
Pelham, Hon. C. A.
Ponsonby, Hon. F. C.

Powlett, Hon. W. V.
Russell, Lord John
Townshend, Lord John
Wharton, John

HOUSE OF LORDS.

Thursday, February 27.

In the Committee of Privileges evidence was heard on the claim to the Mountnorris peerage. Further proceeding on Tuesday.

Evidence was heard on Bayley's Divorce Bill. Further proceedings postponed *sine die*.

A person from the Milbank Penitentiary Committee presented a report of that Committee, which was laid on the table.

HOUSE OF COMMONS.

Thursday, February 27.

[PARISH SETTLEMENTS.] Sir E. Brydges brought in a Bill to allow a Parish Settlement to be gained by a cow pasturage of 20l. a year in value.

[PARLIAMENTARY REFORM.] Sir F. Burdett presented a Petition from between 2 and 3,000 inhabitants of Perth, praying for Economy and Parliamentary Reform.—Ordered to lie on the table.

Mr. Lambton presented a Petition from the Mayor, Aldermen, Magistrates, Traders, and others of Stockton upon Tees, in the county of Durham, praying generally for Parliamentary Reform; but leaving the nature of that Reform to the wisdom of the House. The hon. gentleman took the opportunity of observing, that if time were given for the due consideration of the Bill to suspend the Habeas Corpus, there would

be as many petitions presented to the House upon that subject, as there had been on the subject of Reform.

The Petition was ordered to lie on the table.

Lord Cochrane presented a Petition from the parish of Beith, in the county of Ayr, praying for Retrenchment and Reform.—Ordered to lie on the table.

Lord A. Hamilton presented a Petition from Langholm, in the county of Dumfries, praying for Economy and Reform.—Ordered to lie on the table.

Mr. John Smith presented Petitions from various parishes in the vicinity of Nottingham, praying for Economy and Reform: which were ordered to lie on the table.

Lord Rancliffe presented a petition from Stapleton, praying for Retrenchment and Parliamentary Reform.

WOOTTON BASSET ELECTION.—REPRIMAND.]

The Order of the Day having been read for bringing Thomas Jeffries to the Bar, for the purpose of discharging him from confinement, Lord W. Russell moved that he be then brought to the Bar.

On his appearance, the Speaker addressed him to the following effect:—

Thomas Jeffries.—The Select Committee of this House appointed to try and determine the validity of the last Election for the Borough of Wootton-Basset, having reported that you, being called as a witness before them, had been guilty of gross perjury, for that offence this House committed you to the common jail for lodging all such offenders. In the Committees of this House established by law to prosecute these trials, the utmost favour and protection are always shewn to the witnesses summoned to appear before them. Of that indulgence, you on your examination experienced abundant proof. Repeatedly admonished of the sacred obligation of your oath, and of your duty to God and your country, you nevertheless persisted in your criminal endeavours to defeat the ends of justice in the cause which was under trial. Such practices always were, and always will be unavailing. The example of your punishment, which followed without delay the commission of your crime, will, I hope, prove a warning to those who may hereafter be required to give their testimony before these tribunals: and the notoriety of your case, whatever you may present yourself for the remainder of your life, will teach all men to know that imprisonment and ignominy must be the consequence of an imitation of your conduct. At length, however, you have been brought to a just sense of your error; and, in consideration of your penitence, this House has ordered that you be discharged; and you are discharged accordingly; first paying your fees.—Sent out and remove him from the Bar.

On the motion of the Chancellor of the Exchequer, the Speaker's Reprimand was ordered to be entered on the Journals.

HAMPDEN CLUBS.] Lord *Cochrane* presented a Petition for Reform from the town of Beith, in Ayrshire. Also a petition from George Edmonds, Chairman of the Birmingham Hampden Club. The petitioner denied the assertions contained in the Report of the Secret Committee, and offered to convince the House before the bar, that the assertions were made on *ex-parte* evidence, and not founded on fact. He (Lord C.) thought it would be desirable to the House, before passing the bill now in contemplation, to go into evidence on this matter; for if the evidence before the Committee was found to be false in this instance, it was reasonable to infer that it might not be true in others. He called on the Lord Advocate to say from whom he had received the oath he had mentioned, which could not be relied on unless acquired by a seizure of papers. No man was more anxious for public peace than himself, but he thought the measures pursued by His Majesty's Ministers not likely to secure it. The House was in total ignorance on the subject of the alleged conspiracy; and it was due to the character of the House, and to public justice, that the individuals from whom he presented petitions should either be refuted at the bar, or allowed to prove their allegations. He should therefore move, that the Chairman from the Birmingham Hampden Club should be brought up and examined. If he thought such clubs had been conducive in any degree to Reform, he should have attended them himself; but they were so utterly insignificant, that he was convinced they could be of no service. He had attended once, and once only, when no more than three members were present; and the reason was, that the extravagant propositions for Universal Suffrage had driven away the rest: besides no two members were agreed in one opinion, so that it was impossible they could conspire together. He declared this, that nothing proceeding from the Hampden Clubs might be thought to put the kingdom in danger.—The petition was read, and ordered to lie on the table.

SECRET COMMITTEE.] Lord *Stanley* presented a Petition from certain deputies of a society in Middleton. He had no objection to present it, though he thought the prayer of it not likely to be heard.

The petition was read. It complained of false imputations cast on the society in question by the Report of the Secret Committee, and prayed for a hearing at the bar of the House. Ordered to lie on the table.

Sir *F. Burdett* said, he held in his hand a Petition against the Suspension of the Habeas Corpus Act, and he had no doubt, if longer time was given to the country to express their sentiments on the subject, they would receive many more. This petition was pretty numerously signed. It came from the city of Bath. It had been sent up in great haste, in the apprehension lest it should come too late. The Gentleman who transmitted the petition to him,

had informed him that the petition lay only a few hours at his house, and that if they had had time, they could have had more than 10,000 signatures.

Mr. *Serjeant Onslow* said, the House would do him the justice to believe that he also had a superstitious veneration for the Habeas Corpus Act. He had in some degree shewn his attachment to that Charter of our liberties, by bringing in a Bill some time ago, to render the Bill more efficient in its operation. But he considered the laws in being as inadequate to the object of protecting the Government in the present circumstances of the country.

Mr. *Brougham* was not a little astonished at the course taken by the learned Serjeant to prove his superstitious reverence for the Habeas Corpus Act:—Having brought in a Bill to render its provisions more effectual, after making it more valuable, he shewed his superstitious veneration for it, by suspending it altogether for 4 months. He wished that instead of a superstitious veneration, he had substituted a reasonable veneration for it (*a laugh*), and then he was sure they would have had the assistance of his talents in its defence.

The petition was then read, and ordered to lie on the table.

Mr. *Bennet* held in his hand a Petition couched in respectful language, which he wished to present to the House. At the same time he thought it necessary to declare, that until within these few days he did not know that such a person existed in the world. It purported to be from Thomas Evans, of Newcastle-street, in the parish of St. Clement Danes, but now a prisoner in the House of Correction for the county of Middlesex. This person was librarian to a sect who called themselves Spenceans. He stated in his petition, that in 1798 he was arrested under a warrant of the Duke of Portland's, and confined for three years in different prisons, during the suspension of the Habeas Corpus Act. His friends were debarred from all access to him. He saw no one. He was denied all opportunities of reading and writing, which, as he was a literary man, was to him a severe grievance. He was shut up in a solitary cell. Under all these circumstances his health considerably suffered. The wonder indeed to him (Mr. Bennet) was, that he retained his reason. Those who conducted lunatic asylums were acquainted with many cases in which long solitary confinement had produced insanity. The Petitioner then proceeded to state, that he (with his son, who was under 20 years of age,) had lately been arrested. He was librarian to the Spencean Society, but he declared that that society had had no communication with any other society in any part of the country on the subject of Parliamentary Reform. The prayer of the Petitioner was, that the House would not pass the Bill for suspending the Habeas Corpus, without further inquiry: because the unfortunate man knew that he might

otherwise be placed precisely in the same situation as that in which he found himself in 1798.

The Petition was then brought up, read, and ordered to lie on the table.

SUSPENSION OF THE HABEAS CORPUS ACT.] The *Chancellor of the Exchequer* having moved the order of the day, for the House going into a Committee on the Bill for the suspension of the Habeas Corpus Act,

Mr. Grenfell rose and observed, that after having given this question his best consideration, his present situation was not unmingled with pain and difficulty, as he found himself compelled to differ from many of those friends with whom he had long cordially acted, and with whom he hoped still to be connected. (*Hear, hear, hear.*) His conviction might be erroneous; but he would say, it was honest, sincere, and conscientious. He felt it his duty, therefore, to support the bill, as tending to secure the liberties, and promote the interests of the country.

Mr. Curwen said, that notwithstanding the strong opinion declared by the House last night, it was impossible for him to forget what were the strong feelings of those who opposed a similar measure above 20 years ago. Most of the great characters of that day were now removed for ever from the stage. However strong his own opposition to the measure then was, in every stage of it, that degree of political animosity could not be supposed to remain now in the same extent. But the impressions of that time remained in him unimpaired; and he felt it his duty, though his opposition was hopeless, to mark his opinion now to the House and the country. There was a very great difference between the state of the country at this time and on that occasion, when parties ran so high, when peculiar difficulties prevailed, and when pernicious opinions were said to be spreading so widely. He had been closely engaged in all the oppositions to the measure at that time, and he saw no reason to regret it. The results of the policy then pursued justified in his mind, those who were in the opposition. Could it be forgotten by any body, that an attempt was made in those days, which, if successful, would have left us neither liberty nor security?—he meant the attempt at constructive treason. He remembered well the virtue of the judge, and the manliness and integrity of the juries: all the circumstances justified the objections he had entertained to intrusting such a power as this into the hands of Ministers. There were circumstances attending the present case of peculiar delicacy. A right hon. gentleman (Mr. Ponsonby), who had been on the committee, had delivered a speech last night which ought to endear him to the House and to the country, by its sense and mildness. But though he had said, that had he been in the Cabinet, he should have recommended a communication to Parliament, and some measure to be adopted; yet, in saying so, he by no means recommended this particular mea-

sure of the suspension of the Habeas Corpus Act. Never in any serious discussion in that House had he witnessed such a total deficiency of argument in the defence of any measure, as was evinced last night by the advocates of the suspension. He particularly alluded to the speech of the learned Lord-Advocate of Scotland, who, by his own statement, had clearly shewn, that by means of the laws as they stood, he had been enabled to arrest a number of conspirators or ringleaders of the disaffected. If this proceeding was so easily effected, what could Ministers want with this bill of suspension? This was conclusive, that it could not be wanted for any useful purpose, and that the existing laws rendered it needless. He thought that the law Officers of the Crown had shewn no grounds to entitle Government to the aid of additional laws, since in England they had not yet tried the efficiency of those which exist. He, for one, would not agree to the suspension. He pointedly referred to the year 1794, and the proceedings then adopted; the effects of which were to place every man who dared to oppose the plans of Ministers, in the dangerous situation of a person suspected of hostility to the Government and Constitution of the country. (*Hear.*) He particularly well remembered one instance of a hundred gentlemen of respectability, in the north of England, who met together on the 4th of November, to celebrate the revolution; a spy of Mr. Reeves's was sent down there, and every word that was uttered by the gentlemen present, from affection to the revolution which placed the present Royal Family upon the Throne, was noticed. What then happened? Why, that the spy reported to his employer that there was a great deal of disaffection and treason. (*Hear.*) Mr. Reeves wrote to an officer who had been present, and whose proper and manly reply to Mr. Reeves was, that if any thing disloyal or disaffected had occurred, he should not have required Mr. Reeves's inquiries or advice to know what he ought to do. Supposing a letter of this description put into the green-bag, totally contrary to truth; full of misrepresentations and calumnies, for expressions used in warm affection for that great event which alone gave to the reigning family their title to the throne of these realms!—a title of which he hoped and trusted they would always remember the true foundation; but of which, if they abandoned the principles, he could hope for them only the fate of those whom they succeeded! (*Hear.*) He remembered very well that for some time Mr. Pitt would not yield to the goadings of Mr. Burke: but was inclined to think the factions contemptible; but then came the great object of putting down all hopes of Reform in the representation; and this, more than any other object, governed the measures of the day. Now a similar measure was called for to answer a similar object, which, it was thought, would by this means be defeated; but he believed all honest men, from one end of the country to the other,

wished for Reform; and they could not expect public security, or public peace, without a change in the representation in that House. (*Hear.*) He would say, in the words of Mr. Pitt himself, that without it they could neither have indemnity for the past, nor security for the future. Could not any man read the preamble of that bill, which declared that the sale of seats in that House was notorious, and as Mr. Speaker had justly and strongly expressed himself, as notorious as the sun at noon-day? He knew that many of his friends were displeased at such strong expressions in the preamble; but, for his own part, he thought they shewed what was wanted, and laid a foundation for further proceedings in better times. The bill enacted nothing to defeat the great object. Was not the country right, then, with the authorities they had in favour of their opinions, to say that there did exist an influence within those walls, which could not unite the House and the people together as they ought to be? It was impossible to have that union in such circumstances. He remembered, on a former occasion, having mentioned that 20,000*l.* had been laid out to purchase seats in that House; then he was told he was mistaken in that instance in the sum, for the amount was only 12,500*l.* He admitted the correction, if that was any gratification to the parties, and was only sorry that so much money had been laid out for such a purpose, for it was far too much. It must appear a mockery to say, that we could have gone on so many years, in such an enormous and wasteful expenditure of the public money, had there been a Reform in the representation in Parliament. (*Hear.*) What was to be expected from a Parliament under undue influence? What put an end to the expensive American war? Was it merely the wisdom, patriotism, and virtue of the House? No, it was the sense of the people. What was it that prevented a troublesome and ridiculous war with Russia? Was it the Parliament merely? No; it was the strong expression of the people's feelings. What was it then that could alone explode corruption, and do away places and pensions given, not even for services, but for worse than no services at all? Every grant made for a public service be considered as sacred to private property. But, while he readily admitted that, he did not conceive that the House was prevented from striking off those which were made to reward services directly injurious to the true interests of the country. As to the men of bad men in the country, those men were not the allies of Reform—they were the promoters of the system of those who opposed all Reform. The first suspension of the Habeas Corpus Act was to get Mr. Pitt off of the difficulty in the question of Reform. ~~now the object was to make use of~~ ~~to avoid Reform, and sanction~~ ~~the establishment of an army too great for the~~ ~~country to hold or to pay; and to blind the na-~~ ~~tions as to its real state. These plots and alarms~~

were the only means by which to get our enormous expenses tolerated. If Ministers were really aware of the true situation of the country, and wished to relieve it, he thought they should have examined carefully into the state of our colonies, and, by making every possible retrenchment, have leopped off our expenses by millions. Whenever they came fairly to grapple with the Chancellor of the Exchequer, it would be seen, that we shall still have 20 millions of expenditure, in various ways, above our resources. Were not these things enough to draw the attention of the nation? This bill was said to be owing to the discontent of the people. No; the people had been exemplary, patient, and forbearing. The House might see how the legal officers in many places attempted to prevent them from holding legal meetings. He agreed in what fell from the hon. baronet, (Sir F. Burdett) that dangers arose in the country, from the country gentlemen sleeping on their posts, from not doing their duty sufficiently, and leaving matters of importance to inferior hands. (*Hear, hear.*) The influence of the Crown was to be met with wherever they turned, and in almost every instance; and under the burdens and difficulties of the country it had increased tenfold. (*Hear.*) It extinguished high spirit, and destroyed independence of character both within that House and out of it. (*Hear.*) That vast influence must be cut down, or we could scarcely hope to be relieved and revived. He had particularly listened to the Solicitor-General last night, of whose character, talents, and knowledge, no one had a higher opinion than himself. If any body could have made out a good argument for the suspension, he expected it from that learned gentleman; but he had failed in producing conviction on his mind. To say that there was difficulty in procuring convictions according to law, was no argument to prove the necessity of suspending the law. The only circumstance he (Mr. C.) ever regretted, respecting the opposition to the suspension in Mr. Pitt's time, was, that they gave way a little too much to their natural feelings in opposition to such a measure; this warmth gave opportunity to throw many imputations upon gentlemen, which all subsequent circumstances proved to be most unjust. He should vainly hope to stop this measure; but he would say, that if dangers did exist, it was well calculated to increase distrust and to banish confidence. (*Hear.*) It might, he admitted, be necessary, after all, to the Ministers, if they were to proceed upon their system, if they were to make their stand as it had been called, and to refuse to knock off another useless place, after dismissing so many brave men who had fought our battles all over the world. (*Hear.*) No doubt the dismissal of many of these brave men was painful to Ministers themselves; but what might these men say? They might say, why not keep 2 or 300 of them, rather than insist in keeping two useless Lords of the Admi-

rality, whose business could be transacted by automata? (*Hear.*) The people were not to be blamed for withdrawing their confidence from Parliament; he should have done the same himself. He felt it his duty to make these observations, though at first he did not intend to detain the House more than a few moments; but, being reminded of the active part he took on a former occasion, he immediately said he had not forgotten it. (*Hear.*) He recollected, that when Lord Sidmouth came into power, he entertained hopes that the Constitution would be restored, and the previous system abandoned. On that account he certainly regretted, that gentlemen for whom he had the highest respect, on his side of the House, had joined with Mr. Pitt to displace the noble lord's administration. He had delayed the House longer than he ought, but he would always, uninfluenced by party, speak out his mind. No man was ever more sincerely attached to the Constitution than he; from this attachment he opposed both the suspension of it, proposed by Ministers, and the changes that certain reformers who supported the doctrines of Universal Suffrage and Annual Elections, were desirous of making in it. He opposed the latter, not because he suspected their honesty, but because he doubted their wisdom. He reprobated the demand of power advanced by Ministers to preserve the public tranquillity against their designs, because he was convinced that such measures were not necessary. He was convinced that the results would be, not to effect public security, but to produce general alarm; not to deter Jacobins, if they existed, from endeavouring to accomplish their designs, but to multiply their numbers and increase their force. He would divide the House, therefore, on the measure at every stage.

Mr. B. Bathurst rose to make an explanation in reference to what had fallen from the hon. gentleman (Mr. Curwen) regarding a noble relative (Lord Sidmouth) of his. That noble lord found it no longer necessary to continue the suspension act when he came into power, but experience taught him the propriety of its renewal. The same persons who had been secured and detained by Government, while it continued in force, shewed, after its expiration, by their subsequent conduct, that their detention was just and politic. As soon as the bills expired they met, endeavoured to propagate their old doctrines, celebrated their liberation as a triumph, drank the health of Buonaparte, and returned to their former methods of creating disaffection and sedition. One of them had proceeded to such criminal excesses as to sacrifice his life to the laws. Indulgence produced only evil, and increased audacity. One of the doctrines, now so popular and so dangerous, held by the Spenceans, was then endeavoured to be propagated, and was connected with the reformers. The House formerly had both passed the suspension act on a report of their committee, and, when the act expired, had

justified all that was done under it, by granting a bill of indemnity.

Mr. Lockhart did not wish to follow the hon. gentleman (Mr. Curwen) into the details of his speech; but he declared that the atrocious projects disclosed in the Report of the secret committee induced him most cordially to give his support to the Suspension Bill now before the House, which was the only means of preventing the realization of these projects. The Report stated, that endeavours were made to undermine all the principles of morality and religion. Now, if the Suspension Bill would work a temporary change in the Constitution, surely this was trifling compared with the change that would be effected in the condition of society by erasing from the minds of the people all sentiments of honesty, and feelings of piety. If immorality and atheism should gain a footing here, they would not stop, but would extend to the other hemisphere, and overturn all our Indian and foreign establishments. Attempts were made by artful men to drive the people to desperation, by taking advantage of their sufferings; and to inspire them with an aversion to those who were disposed to alleviate their sufferings. The prayer, "lead us not into temptation," which should always be repeated, was forgotten or despised, and the lower classes were taught to look up to the plunder, and not the charity, of the rich, as the means of relief. The intention of the public agitators was to destroy all law, and to produce general spoliation. We had great examples before us: the corruption of the Court of France led to the expulsion and the misfortunes of its dynasty—the anarchy and ruin of the people were produced by the demoralizing doctrines which gained the ascendancy in their revolution. If the House were to neglect the warning of this example, the page of history might be read in vain. The hon. and learned gentleman supported the bill, and hoped he should gain that credit for sincerity and good intention which was claimed by those who opposed it.

Mr. Marryat was of opinion, that if the dangers set forth by the hon. and learned gentleman (Mr. Lockhart) really existed, the suspension of the Habeas Corpus Act was not the means of arresting their progress. If he (Mr. Marryat) could see the danger in the same light and magnitude as the hon. gentleman, and conceived that the Executive could only overcome or destroy it by an increase of power over the liberty of the subject, he would not hesitate one moment to grant Ministers what they claimed, and to support the present measure. The danger, however, he thought was much overrated, and the remedy more alarming than the danger itself. Comparing the dangers of the country to a storm, and the State to a vessel tossed in it, the hon. gentleman declared, as his opinion, that we might ride out the tempest, and without throwing out our sheet-anchor. The people were more alarmed by the interfer-

rence of Parliament than before. This measure would afford food for discontent, and thus aid the cause it was intended to extinguish. Government and Parliament had already sunk in the opinion of the people, and the passing of such an unnecessary and arbitrary act would increase their distrust, and alienate farther their affections. The time during which this act was intended to be in force, instead of rendering it less exceptionable, was, in his mind, a sufficient objection against its adoption. While Parliament was sitting, it might legislate on any cases of emergency. Had we been near the period of a prorogation, it might have been necessary to have armed Ministers with increased powers during the succeeding recess.

The *Speaker* then left the chair, and the House went into a committee. The bill was committed and reported, and ordered to be read a third time to-morrow.

The Seditious Meetings Prevention Bill was ordered to be read a second time on Monday.

The Army and Navy Seduction Bill went through a committee.—The Report to be received to-morrow.

The Treasonable Practices Prevention Bill went through a committee.—The Report to be received to-morrow.

The King's Bench Proceedings Bill was read a third time, and passed.

HOUSE OF LORDS.

Friday, February 28.

The King's Bench Proceedings Bill was brought up from the Commons, and read a first time.

SUSPENSION OF THE HABEAS CORPUS ACT.]

Earl *Grosvenor* presented a petition from the Lord Mayor, Aldermen, and Common Council of London, against the suspension of the Habeas Corpus Act. They regretted that the measure should have been hurried through the House, without affording an opportunity to the people of petitioning against it, if they thought proper. They also stated, that they considered themselves aggrieved by the Report of their lordships' Secret Committee, which seemed to confound those who were desirous only of a constitutional Reform in the representation, with those whose object it was to subvert the Constitution. With respect to this point he (Earl Grosvenor) was persuaded, that it never could have been the intention of their lordships' committee to confound these two very different descriptions of persons, such an attempt would produce a degree of repentment in the country against their lordships' proceedings, which could hardly fail of being attended with the most fatal consequences.

The petition was laid on the table.

The Earl of *Derby* presented a petition from one of the hundreds of the county of Lancaster, stating, that seditious meetings had been held in that neighbourhood, from which the most dangerous consequences were to be apprehended,

and leaving it to the wisdom, promptitude and decision of the House, to adopt the proper measures. The noble Earl observed, that, in his opinion, the danger had been much exaggerated; but he never refused to present a petition when couched in proper language. It appeared to be signed by very respectable persons.—Laid on the table.

Lord *Holland* presented a petition from the Lord Mayor, Aldermen, and Livery of London, against the suspension of the Habeas Corpus Act. This petition came too late for its object, though, he trusted, not too late to be received. He could not help again expressing his regret, that the Bill should have been carried through the House with so much precipitation that the people had no opportunity of petitioning against it.

The petition was read, and laid on the table.

PARLIAMENTARY REFORM.] Lord *Holland* presented two petitions, praying for retrenchment and a Reform of Parliament: the one from Ayrshire; the other from the burgh of Montrose, in Forfarshire.—His lordship called the attention of the House to the number of petitions for Reform for Scotland. The proportion of representation in that country was very low indeed, in comparison with the population; and in no part of the empire was Reform so much required. The House must now be convinced, that the people of Scotland were fully sensible of the defect, and anxious that the proper remedy should be applied.

Lord *Melville* rose merely to state, that the petitions had probably been sent from London, and signed by many without any consideration of the subject.

Lord *Holland*, without pretending to have the local knowledge which the noble earl might have, believed he might venture to say, that a Reform in the representation was anxiously desired by the great body of the people in Scotland.

The petitions were laid on the table.

MALT DUTY BILL.—OFFICE CONTRIBUTIONS.] The House having gone into a committee on this bill,

Lord *Redesdale* objected to that clause which proposed to allow persons holding situations in the service of the public, to give up a part of the salaries of their offices, under the name of a voluntary contribution. He thought this voluntary contribution would very much resemble one which formerly existed among the servants of their Lordships' House, who, on taking possession of their situation, was called on to give up a part of their profits, under the title of Beer Money; and if any one had the temerity to refuse his contribution, he was hooted out of his money. The present proposition was similar, and the persons who were to make this voluntary contribution were to be hooted into it: he, however, was determined not to be hooted out of his money. He had declared himself a friend to the continuance of the Property Tax; he

was ready again to support that tax—a general Property Tax; but he would not support a partial one. He had himself been 18 years in the public service, but he was certain his public services had produced to him great private loss; and this, he was convinced, would apply to almost all public men. Under these circumstances, and considering this proposition of voluntary contribution as unjust, he should oppose it, and propose to omit the words—"Persons holding offices or receiving pensions of the public;" and if the clause was to stand at all, leave it as a general voluntary contribution.

The Earl of *Liverpool* was ready to acknowledge that this measure was liable to some objections; but the principle had been acted upon on various occasions when the country had been under difficulties. The Prince Regent had made a very large sacrifice, no less than one-fifth of his personal emoluments; this had not been done without being felt to a considerable degree by his Royal Highness!—(*hear, hear*)—and he did consider that others receiving money from the public were bound to follow, to a certain extent, his Royal Highness's illustrious example.

Lord *Holland* did not consider, though the country was distressed, that it desired its public servants should be taxed in this mode. What the country looked for was, that economy should be adopted with regard to those who were receiving large sums for doing nothing.

The amendment was negatived without a division.—The Bill passed through the Committee.

HOUSE OF COMMONS.

Friday, Feb. 28.

PARLIAMENTARY REFORM.] Lord *Cochrane* presented petitions on this subject from Barnsley and Saddleworth, which were laid on the table.

Sir *F. Burdett* presented similar petitions from Loughborough, Stirling, Boddington, and Keworth, all of which were ordered to lie on the table.

ARMY AND NAVY SEDUCTION BILL.] The House went into a Committee on the Army and Navy Seduction Bill.

Sir *F. Burdett* complained that these measures were running through the House in such a manner, that it was almost impossible to say any thing upon the subject; but he must here proclaim that he did not accede to any one of them.

Mr. *Calcraft* said, he could only agree to the bill for the prevention of seduction among the soldiery, and that which respected the person of the Prince Regent: the others he should oppose to the utmost of his power.

The *Chancellor of the Exchequer* replied, that the two measures specified were the only ones now before the Committee.

Sir *F. Burdett* only objected to those measures inasmuch as they went to alter the law of

the country. He wished that the Treason Act of the 25th Edward III. could be revived.

Lord *Folkestone* agreed with the hon. baronet, and would not be held as giving his assent to the bills. It appeared that attempts had been made to seduce the soldiery, and had failed; it would therefore be a slur on them to pass such bills afterwards. He had no objection to the bill that went to protect the person of the Prince Regent. If the laws of treason applied to the Sovereign, they certainly ought to apply to the person who stood in his place. But he contended, that our ancestors thought very differently on this subject in 1695, and were extremely cautious in extending the penalties for treasonable offences.

Lord *Ossulston* assented to the bills respecting the soldiery and the Prince Regent, but objected strongly to the suspension of the Habeas Corpus Act: when

The *Chancellor of the Exchequer* observed, that that measure was not before the Committee.

Sir *Gilbert Heathcote* condemned all the measures but that which regarded the person of the Prince Regent. Standing armies indeed were so unconstitutional, that he should be extremely jealous of any attempt to tamper with the military. But he wished that more confidence were reposed in the civil power of the country. All who had any thing to lose would stand by the Government of the country; though there might always be a few needy and profligate adventurers, who, with the hope of gaining something, would endeavour to excite disorder; but it was not necessary to suspend the Habeas Corpus Act for such men as these.

The bills were then read a third time, and the report ordered for Monday.

LONDON COMMON HALL PETITION.] Sir *James Shaw* said he had a petition to present to the House, which had just been put into his hands, from the Lord Mayor, Aldermen, and Livery of the city of London, assembled in Common Hall. He was not at the meeting to-day, on account of indisposition; but he understood that the meeting was very numerous and respectable, and that the business had been conducted with the greatest propriety; and he hoped the language of the petition would be found sufficiently respectful. The petitioners prayed against the suspension of the Habeas Corpus Act. He was himself of opinion, after giving the subject the best attention his humble abilities enabled him to do, that no case had yet been made out to justify such a measure. (*Hear.*)

Mr. *Calvert* said, he congratulated his brother freemen of London, that they had found a representative who agreed with them in their principles and opinions on an important constitutional question. He was convinced that the intended suspension was uncalled for and quite unnecessary. The suspension of the rights and liberties of the whole country was not warranted by the Report on the table, nor by any thing that had fallen from his Majesty's Ministers.

Mr. Calcraft thought that the vote and speech of the member for the city of London, were peculiarly valuable, as the hon. member was a person active in dispersing the mob in the city and who saw the riotous proceedings. The Committee might have gone a little further in examination, and have taken the evidence of the hon. member. However, the House had not the benefit of his testimony; and he would take the occasion to congratulate the city of London on having a representative who came forward so manfully, who having seen all this great and portentous insurrection in its most violent features which was to seize upon the Tower and the Bank, testified its utter incompetence for its traitorous undertakings. This respectable witness of these proceedings also thought it was not fit, on the pretence of these disturbances, or other causes alleged, that a great bulwark and shield of the liberties and constitution of the country should be taken away or suspended. (*Hear.*)

Mr. Peter Moore congratulated the House also, on an acquisition to that description of evidence which went to invalidate the statements and reasoning of Ministers. The Report was libel upon the country. He wished every member to state what was the condition of his own part of the kingdom. Every petition brought up was a testimony arraigning the allegations of the Report. The petitioners, to be sure, complained of rights taken from them. Whether they were altogether right or wrong, the House, instead of examining their complaints, proceeded by taking more of their rights away. (*Hear.*) The two great objects of the constitution were property and liberty: but the public property was gone in war expenses, and in systems to prevent any reform. It was not the people, but it was the Ministers who had stopped the supplies; and our liberties were abridged or taken away to establish a species of despotism which our ancestors shed their blood to resist. (*Hear.*) The question was, whether we were to be freemen or not. Let any member lay his hand on his heart and say, whether this measure was called for, and whether he could reconcile himself to it on such evidence as had been produced.

Sir Samuel Romilly took the opportunity of the presenting of this petition from London, so near the Houses of Parliament, to ask the House to consider what a large number of their fellow-subjects could have no opportunity whatever of expressing their opinions, on account of their distance, in the haste with which the measure was passed. (*Hear.*) It was worthy of remark that those who could not petition the House, under such circumstances, were the people liable to be the most affected by the measure. The people of England might feel unhappy under its operations, but the people of Scotland would be in a much worse situation. At first he had no notion of the effects of this bill. In the bill of 1796, he believed there was no distinction be-

tween the two countries, even though at that time the greatest causes of alarm arose from Scotland, in consequence of a convention at Edinburgh, and which occasioned the trials of Messrs. Muir, Palmer, Margarot, &c. The situation of England under the act would be this—that the warrant of the Secretary of State, or of six privy councillors, would be sufficient. There the case of an arrested and confined individual could not be tried, except by the consent of those who signed the warrant; but here it was never thought of, that magistrates should commit without bail or mainprize on this law. Yet it would so operate in Scotland, where subordinate magistrates, or sheriffs depute, might so commit under the act, for disaffection or treason; with a prohibition against the persons being brought to trial, unless six privy councillors ordered it. So that the Lord Advocate could seize any person on suspicion, and give him no chance of trial. This part of the act alluded to the act of the Scotch Parliament of 1701 against “wrongous imprisonment,” which was the Habeas Corpus of Scotland. By the bill, that act was suspended as far as it applied to treasonable practices, or suspicion of them; and forbids all trial or bail of those persons imprisoned for suspicion of treason, or for actual treason, unless by consent of six privy councillors. So that inferior magistrates might commit an individual, who might remain in gaol, but could not gain a trial. He should think that the Scotch members did not know how they were disposing of the liberties of their countrymen. (*Hear.*) The noble lord (Castlereagh) had spoken favourably of the hands into which this power would be committed, and had praised the character, very justly perhaps, of the Secretary of State; but they were called to place the liberties of all Scotland in the hands of the magistracy and of the Lord Advocate. There the public eye was not so steadily and easily fixed on the conduct of those who had this power; some of them might be obscure magistrates. The situation of Scotland would therefore be greatly different from that of England, and much more miserable. All this should have been stated for the information of the Scotch members. (*Hear.*) If he was mistaken in his ideas, he should be glad to be corrected; and happy to find that the contrary of his opinion was the fact; but he was very much inclined to believe he was not in error.

On the question for bringing up the petition, Mr. M. A. Taylor wished to say a few words. There were many gentlemen on the opposite side for whom he entertained a great respect: but after the statement of his hon. and learned friend, he was rather surprised to hear no argument to the contrary. He did not wish to debate the general question then; but he must remark, that the Lord Advocate had not answered what had been said. Was not this of itself reason for delay in taking away the liberty of the subject? Let the House know the grounds

of the law on which the Scotch subject was to have or to lose protection. He wished the explanation from the learned lord or others; and he put it to them *ad verendum*.

Sir S. Romilly said, that he believed there was a difference in the acts of 1794 and 1798.

The Lord Advocate said, that observations on a general question might be made on the question of receiving a petition: but yet he was not aware that it was necessary to do so, or to answer questions until the proper time of discussion arrived; at that time he should be ready to give his opinions.

Mr. Brougham said, the House did not stand in need of the high authority of the Lord Advocate on such a point. The first law authority of Scotland, newly imported, had just come up with the important news that it was competent to any member of that House to avail himself of the bringing up of a petition to make general observations on the matter of its contents. (*Hear.*) This practice had lasted a little time in the House, and was tolerably well understood. (*Hear.*) They had had some experience on this subject very lately; and not long back such discussions had contributed greatly to wring measures from the hands of a reluctant Government: and he hoped, by the blessing of God, they would still contribute greater advantages in improving the condition, and preserving the constitution of the country. (*Hear.*) There seemed, indeed, to be a sufficient reason why no explanation was made in this stage of the business.

The Attorney-General could not help thinking that the hon. and learned member had not distinctly heard what the learned lord had said. The Lord Advocate had not given his opinion as a new doctrine: he had merely admitted the practice of the House; but had thought that a more convenient season would occur for discussing the merits of a particular clause, than the moment of presenting a petition. This very instance illustrated the propriety of that opinion. The Lord Advocate might not have been in his place, and, in truth, he was not so, for some time after this matter commenced. He would not himself be drawn into a consideration of this clause at present, for the reasons so discreetly given already: the rules and orders of the House afforded fitter opportunities; but he would venture to hope, that an entirely satisfactory answer would be given.

Mr. Brougham remarked, that the bill was now near the third reading, and—(*Cries of spoke, spoke.*)

Mr. Madocks hoped as a petition was now presented from the city of London against the Suspension of the Habeas Corpus Act, and one had yesterday been presented from Nottingham, that time would be given for his constituents to send a petition from Boston. He hoped time would be given for the whole country to petition. The House should interpose to compel Ministers to postpone the third reading for a

week or ten days (*hear, hear, hear*), to allow members, now absent, most of them probably in the country, to attend in their places in the House, and to report on the state of the several districts in which they reside, or which they represent, as to the sentiments of the people, the degree of distress or discontent that prevailed, and the dangers that were said to threaten the public tranquillity. (*Hear, hear.*) He would wish also the people themselves to state in their petitions their sentiments at this momentous period, and offer evidence in their own favour, to meet the heavy charges against them in the Report. Did Ministers intend, and would the House suffer, the measure to be precipitated in this manner, to prevent the people from opposing it? Would the House allow the people to petition on a turnpike-road that leads to the county town, and prohibit them from petitioning on a measure that leads to the county jail? Would they be allowed to be dragged there on suspicion, and without seeing the road by which they were to return? How were they to return? Not through the avenues of justice, for they were closed, and the trial by jury denied them. And when? Who could predict the duration of their imprisonment? Who could foresee the numberless pretences which the ingenuity of tottering power might invent for its continuance? The descent to the dungeons in the Tower was easy and certain—the return difficult and uncertain—

Facilis descensus Avern!

*Sed revocare eradam superisque evadere ad auras,
Hic labor, hoc opus est.*

The hon. member hoped his constituents, at Boston, would have time to petition to preserve this sacred bulwark of the people's right, for which most gentlemen expressed a superstitious veneration. The suspension of it would be the terror of the innocent, without being an adequate defence against the guilty. (*Hear, hear.*)

General Fergusson desired more time to receive the petitions, which would be numerous. This demand was more urgent as it related to Scotland, which would be placed under greater oppression than England.

The Chancellor of the Exchequer read a clause of the act as it related to the Scottish act of 1701, and seemed to think Sir S. Romilly a little mistaken with respect to the act of 1794, on which he appeared to use a little subtlety.

Sir S. Romilly said, he possessed no subtlety, and never pretended to any. Surely the gentlemen opposite could not have been present when he said that he would willingly correct any error if he had fallen into one. They seemed now to think there was some triumph. Perhaps he had looked too hastily at the act of 1794; but that was of comparatively little importance, for the question was, whether the liberties of the people of Scotland were, to use a noble lord's expression, to lie prostrate—(*cry from the Opposition side of No, no—stand prostrate*)—Sir S.

Romilly allowed himself mistaken; he should therefore say, "*stand prostrate*" at the feet of the Lord Advocate! (*Hear.*) Would not this be the case? And yet the Lord Advocate would give no explanation! (*Hear, and no.*)

Mr. Ponsonby thought that some explanation should be given as to what the clause really meant. What did it signify to the question, whether it referred to the act of 1794, or to the act of 1798. But if the Lord Advocate would not answer, he would ask those by whom he was surrounded, whether they understood the import of this clause, and whether they would undertake to explain it? Without understanding it properly, would they consent to give up the people of Scotland to the mercy of Ministers? Would the Ministers themselves, in such a measure as this, desire to be supported in such a manner? (*Hear.*)

Mr. B. Bathurst said, that whatever might be the merits or demerits of the clause, nobody who framed this bill had to answer for them. (*Hear, hear.*) It had stood in all former bills. (*Cry of no.*) Here the Speaker observed "during this reign;" on which Mr. Biagge Bathurst corrected himself, and said it stood in the bills in this reign, in 1794 and in 1798; and that was enough to say, *prima facie*, that it had passed through as able and close a scrutiny by persons of as great talents as any at this day. (*Hear.*) He thought it right to say, after the irregular introduction of this topic, and after gentlemen were said to be about to vote for what they did not understand, that gentlemen would only be voting for what had been voted by other Parliaments. (*Hear.*) It was not a proper time to discuss the merits of a clause, till the bill itself came regularly before the House. Then was the time to argue such objections.

The petition was read, and ordered to lie on the table.

Mr. Brougham observed, that he held in his hand another proof of the advantage to the country of further delay in this measure. He had a petition from Liverpool to present, where, though only half a day had been allowed for signatures, through the apprehensions of the indecent hurry with which it was proposed to pass the bill, the petition had been most respectably signed. It earnestly implored the House to reject the bill. When he looked at the names to the petition, he found a very great proportion of the wealthy and independent inhabitants of Liverpool; and he believed that would be the opinion of his friends who knew Liverpool, and even of the right hon. gentleman himself opposite (Mr. Canning,) who was a member for that great town. There was too much reason to apprehend, that busy and designing men would, as they did before, convey insinuations against their neighbours; who, without being confronted with their accusers, might become victims. He moved that the petition be brought up.

Mr. Cole entered into some statements con-

cerning that part of the country with which he was better acquainted. A very respectable person connected with a Union Society at Norwich, had written him a letter, complaining of the imputations cast on these societies by the Report of the Committee. There was not the least ground for these imputations of disaffection or sedition that the Report attached to those who supported Parliamentary Reform. The influence of the alarm that was propagated would, he was convinced, diminish every day. The ordinary operation of the laws would be found sufficient to repress efforts that required no extraordinary remedy. The learned lord (Advocate of Scotland) had mentioned, that 20 people were taken up in the part of the country to which he belonged, who would be brought to trial if they had been engaged in illegal practices. The law in this part of the empire was likewise fully sufficient for arresting the progress of sedition, if it existed. The hon. gentleman, as a proof of the fallacious nature of the evidence on which the Report proceeded, read a letter from the individual to whom he alluded (Mr. Taylor, of Norwich), which stated, that the part of the Report that referred to Union Societies was a gross misrepresentation: that it was with pain he saw the society of this kind at Norwich traduced; that there were no improper persons composing it; that he himself was a member of the society, and could, from the most intimate acquaintance with its proceedings, objects, and character, give the most decided denial to all the allegations against it; that the sole object, as well as the professed intention of the society, was to procure Parliamentary Reform; that it had no secret correspondence; that it shewed no desire to court concealment; that it administered no illegal oaths; spoke of no appeal to force, and collected or fabricated no arms. Farther it stated, that religion and morality were not disregarded, despised or abused; and that the society never countenanced blasphemous publications. The writer was not disposed to deny the allegations of the Report as applied to other places, or to say that there was no evidence to support it; but, so far as Norwich was concerned, he was convinced that the Committee had been deceived. The writer appealed to the hon. gentleman himself (Mr. C.) for the truth of what he stated, and was prepared to give either his testimony to him, or to any member of administration. The hon. member, after reading the letter, mentioned, that he knew the gentleman and his family—that there was not a more respectable family in the country, or a gentleman more incapable of treasonable practices. (*Hear, hear.*)

Mr. W. Smith rose to speak to the same point, and he could call upon his hon. colleague (Mr. Harvey) to confirm every thing he should state. He (Mr. S.) had received a letter of the same import with that from which extracts had been read. He confessed, that when he read the

Report he was surprised at its allegations. The Union Society of Norwich was well known; and he never heard of any imputation against its motives or character. The family of the Taylors were most respectable. The writer of the letter stated, that he had thoughts of sending a copy of the declaration of the society to him (Mr. S.) or to any of his Majesty's Ministers. There seemed to him (Mr. S.) to be no disaffection or dangerous principles among the reformers of Norwich. He had attended a meeting for Reform himself: he told the electors at that time, in the town-hall, that any plan of Parliamentary Reform would be useless, unless the electors reformed themselves. Now he would ask, if men would receive such language with approbation, were they not fit judges of measures that would tend to the security of the Constitution? and was there any danger from their endeavours to bring about Reform? The meeting was numerously attended; their object was what it professed to be, and what he, to a certain extent, would support. He told them that he was a friend of Reform, but an enemy to Annual Elections and Universal Suffrage. He could declare this at Norwich, without forfeiting the respect of his constituents, as well as in the House, where he concurred with the general opinion. He had no more fear in doing so in the one case than in the other. He did not mean to discuss the general question to which the petition referred, as an opportunity for that would afterwards occur. He merely rose to confirm the statement of his hon. friend, who had just spoken to the character of a person in whose behalf he was anxious to bear testimony.

Mr. B. Bathurst said, that there was no necessity for defending the societies of Norwich, as Norwich was not mentioned in the Report. Every society that bore the name of Union Societies, and every member of such societies, were not involved in the charge that attached to some.

Mr. W. Smith and Mr. B. Bathurst mutually explained.

Mr. Harvey said, that since he entered the House the letter had been put into his hands to which his hon. colleague had adverted. He (Mr. H.) knew nothing of the society of which so much had been said: but as to Mr. E. Taylor he could say, that he entertained the greatest respect for him; and did not believe that he could belong to any club or society that could have for its object the subversion of the Constitution. (*Hear, hear.*)

Mr. Tierney regretted that a copy of the Lords' Report had not been obtained. It should be applied for without delay. The Reports of the two Houses were of course founded on the same evidence, and in some cases the Committees had arrived at different conclusions. It now appeared, that there were material mistakes in the Report of the Lords, and these mistakes should be ascertained and investigated. If the two mistakes which had already been

pointed out, were really such, what certainty had we that there were not more? No evidence could be laid before the Lords that was not before the Commons' Committee. If Parliament proceeded to make laws upon the allegation of facts, and if these allegations turned out to be unfounded, what security had we for the liberties of the country?

Sir J. Mackintosh bore testimony to the high character of the family of the Taylors at Norwich.

Mr. J. Smith thought it extremely unjust that imputations should be thrown out against the characters of individuals or societies, and severe laws should be passed upon the supposition of their truth, without affording an opportunity to the parties of disproving the charge, or defending themselves against it. He yesterday presented petitions, numerously signed; and had time been allowed for collecting signatures, many more could have been procured. He would now take an opportunity of stating his opinion on the bill before the House to which these petitions referred. He held in his hand a copy of the Committee's Report, on which he would offer a few observations. He would bring no charges against the members of the Committee, some of whom he highly respected, and against none of whom he was disposed to say any thing severe. To their Report, however, he could pay no deference, and would pay none. When he was called upon to vote away the Constitution of his country on the ground of its truth, he was compelled to enter into an investigation of its contents, and to criticise it with as much freedom as if it had proceeded from any other set of gentlemen. The Report began with an account of the Spenceans, their dangerous doctrines, and their extensive ramifications. Now, he had inquired into the fact whether the Spenceans were numerous in the part of the town to which he belonged; and he was answered, that nothing was heard or known of such a society or its principles. (*Hear.*) He was connected with an association for the relief of the Spitalfields manufacturers. Every one knew that in that quarter the greatest distress prevailed: distress might naturally have been expected to lead to discontent, and discontent to dangerous doctrines or projects. Here, however, he heard nothing of the principles of plunder or rebellion attributed to the Spenceans. The sect was totally unknown. (*Hear.*) There were individuals whose benevolence prompted them to visit every house, every room over that district, for the relief of distress—who went from one abode to another—from one scene of wretchedness to another; who had, of course, the most minute and intimate knowledge of the state and principles of people: to them he would refer Ministers for information, and he was convinced they would give the same answer. The hon. gentleman read an extract of a letter, in answer to some inquiries on this subject which stated, that nobody ever heard of such:

thing as the Spencean principles or clubs in that district. He could not help reprobating the easy credence given to the existence and extent of these societies. When he considered the evidence on which the existence of these societies rested, and the absurdities they were said to profess, he was free to confess, that he regarded the Spencean system as what was commonly called a humbug: (*a laugh, and hear.*) He believed that the monstrous character of the doctrine limited its spread. He would have had no objection that it should have been mentioned in the Report of the Committee, as professed by a few enthusiasts or visionaries; but what he objected to, and what was credited by no one, was the insinuation or the assertion that it was generally diffused. He was sorry to detain the House (*hear.*) but he wished to make a few observations on another of the grounds of the present measure, as mentioned in the Report—the riot of the 2d of December. He was free to confess, that he was at first alarmed at this event; it amounted, in his opinion, to insurrection, and the conduct of the persons implicated to treason; but never for a moment did it threaten the existence of the Government or the safety of the Constitution. The time chosen was extraordinary. At night a conspiracy would be most dangerous; but here the insurgents chose, not twelve o'clock at night, but twelve o'clock at noon. Even allowing, however, the existence of all the danger that could be apprehended, the suspension of the Habeas Corpus Act was not the proper remedy. If Ministers, under the suspension of the laws, should think it necessary to proceed to arbitrary imprisonments, they would find 50 or 60,000 persons in some parts of the city ready to surrender their liberties, in the present state of distress, for food and clothing. (*Hear.*) Could a suspension of the Habeas Corpus Act give us any security against the violence or mischief of such men, if it was found necessary to coerce them? For a temporary disorder, of no great extent, in the metropolis, the Report libelled the whole people of England. He particularly reprobated the generality of that part of it which adverted to the religious state of the people; he had inquired into this subject, and had come to the conclusion, that there was no foundation for the sweeping charge of irreligion, infidelity, and blasphemy, brought against the people. Some individuals, he allowed, had been tainted with demoralizing and irreligious principles, but the remark could not apply to any great body of the country. (*Hear, hear.*) The Committee had dwelt on the extensive conspiracies in the manufacturing districts; but he was surprised to see that they omitted one great, extensive, and dangerous conspiracy, that of the Luddites; 12 or 14 of whom, he believed, were now waiting their trial. This was a point which naturally came under the consideration of the Committee, and he was surprised their attention was not turned to it. This neglect threw a cer-

tain distrust over the whole Report. He would not trouble the House with any further remarks; but believing that Ministers were laying a precedent dangerous to future times, as being uncalled for by any necessity that had been attempted to be established, and injurious to our character among foreign nations, he could not refrain from protesting against the measure. Being lately abroad for a few months, and happening to enter into a conversation with a Frenchman concerning the degree of liberty and security enjoyed in England, as compared with the arbitrary governments of the Continent, he found his praises of the British constitution were received with some distrust by his companion; who observed, that the rights of the subject could not be very well secured by the Habeas Corpus Act, when Ministers could at any time come down to the House, and obtain the passing of a bill for its suspension. No, he (*Mr. S.*) replied, that could not take place except in cases of extraordinary danger to the state. Ministers would not dare to propose such a measure, unless in such circumstances as would enable them to convince the great majority of Parliament, and of the country, that it was indispensably requisite for the safety general. It was now a deep mortification to him (*Mr. S.*) to see his declaration disproved, and the constitution about to be suspended without the least pretence of danger, and contrary to the remonstrances and prayers of the nation. (*Hear, hear.*)

Mr. L. Wellesley allowed that there were few that belonged to the sect of Spenceans. This was the whole case. Had the doctrine many supporters, its absurdity and impracticability would be seen. The comparison between the government of France and that of this country was not just. Our Habeas Corpus was never suspended, except in cases which the hon. gentleman (*Mr. Smith*) had mentioned. The great majority both of the house and of the nation was now in favour of the suspension. The state of the vote had shewn how cordially it was received by Parliament, and he was convinced the voice of the people would concur with it. Public opinion was in its favour.

Lord Cochrane said, that he held in his hand a letter from the chairman of one of the societies for Parliamentary Reform alluded to in the Report. The person's name was John Chapman, of Loughborough. He denied the allegations of the Report; he denied the charge of irreligion brought against those societies. A great proportion of the members composing the one to which he belonged were of a religious character; and repelled the calumny with the greatest indignation. He disclaimed all approaches to violence, all plans of depredation, all intention of resorting to physical force. Having heard from a learned lord that persons were apprehended in Glasgow on suspicion of being engaged in treasonable practices, he (*Lord C.*) had since seen in the newspapers, that they were found in indigent circumstances, that they were

discovered in an ale-house, with a schoolmaster and a lawyer's clerk, discussing the subject of the poor laws. In the absence of better information, he was led to suspect that this was the only treason of which they were guilty; and he was the more confirmed in this suspicion from a letter that he had received from that quarter, dated so far back as Feb. 8. That letter stated, that the poor were in the greatest distress: that some had applied for parish relief; and that a dignitary of the law gave it as his opinion, that they had no legal claim. Application was made to the sheriff, who granted relief. The cause had since been carried by appeal to the Court of Session, that the poor might be taught patience by delay. This fact gave great probability to the story, that these 20 individuals apprehended were really consulting, as they were said to be, on the means of procuring parish relief, instead of plotting against the state.

Mr. *Brougham*, in allusion to what had fallen from the last speaker but one, expressed his happiness to find that the hon. gent. was so satisfied of the popularity of the measure for suspending the Habeas Corpus Act.

Mr. *Long Wellesley* explained.

The petition was then ordered to lie on the table.

Sir *Francis Burdett* said, that he held in his hand a petition from the chairman of the Leicestershire Hampden Club, complaining, in the name of that society, of having been aggrieved by the Report of a Committee of that House. He himself held, that these clubs were established for the most constitutional purposes; and with respect to the opinion intimated by one hon. gentleman, that the public sentiment was in favour of the proposed measure, he sincerely hoped that an opportunity would be afforded for the expression of that sentiment. If the declaration of public opinion were in support of it, it must tend very much to aid the uninterrupted progress of the Bill. In his view, however, it would have no other effect than that of provoking additional irritation. The petition described the principles and objects of the club in question, which were, representation co-extensive with taxation, annual parliaments, and unbiassed freedom of election. If these were objects subversive of the constitution, it was an offence to associate for the purpose of attaining them, and was a species of guilt in which he willingly acknowledged himself to participate. His motion now was, that the petition be read.

The petition was accordingly read, and ordered to lie on the table.

HABEAS CORPUS SUSPENSION BILL.] The Chancellor of the Exchequer moved the third reading of this Bill.

Mr. *M. A. Taylor* declared, that he rose with a strong desire to record his sentiments on the present question, which he trusted would die with him. Little alarm, he thought, would be inspired by what were called the Spencean principles; principles which, after sleeping for

twenty years, he did not believe were calculated to make many converts. Even had they all the advantage of novelty, he could not think that the success or prevalence of such doctrines could be very great. Their absurdity was too great to admit their reception in any minds but those of a starving population. What progress, therefore, they had hitherto made, might, in his opinion, be effectually checked by a due execution of the laws already in force. The Lord Advocate of Scotland had already stated, that by the exercise of his powers, he had suppressed improper and criminal combinations, in that part of the island. How could they be justified then, after this proof of the efficacy of the existing laws in Scotland, to pass a measure extending to it, before the inhabitants of that country should hear that such a measure was in agitation? To come to the real merits of this question, he might describe it as an act to enable certain persons to detain others in custody, not upon a complete knowledge of facts, but because there was some reason to entertain suspicion. He had always felt too much attachment to the principles of liberty, to consent to a law, the effect of which might be to send a man to prison without a conviction. He would trust no set of Ministers with such authority; he would trust no man with it; he should be sorry even to trust himself. The evidence in such cases was not only unknown, but must generally be of the worst description, often nothing better than the malignant whispers of the basest of human beings. In illustration of this, he must be allowed to allude to a circumstance which happened to himself some years ago: Mr. Arthur O'Connor, who was a member of the Society of United Irishmen, came to this country with recommendations from the first families in Ireland, and did what was natural to a man of his cleverness in such circumstances—introduced himself to general society here. He visited his family among many others; and, on one occasion, was traced from his house to a meeting of the United Irishmen. Had not he (Mr. Taylor) been pretty well known, and his loyalty undisputed, he might have been upon this evidence considered as a disaffected person, and consigned to imprisonment without any inquiry before a jury of his country. But, as he understood the constitution, the poor man was as much entitled to its protection as the rich, and ought not, any more than the latter, to be exposed to become the victim of secret charges or dark insinuations. He had a right, a birth-right, to demand the advantage of a law which formed the corner-stone of the constitution, and which could not be abrogated without almost dissolving the compact between the Government and the people. He was aware that difficulties sometimes occurred in bringing men accused of crimes against the state to trial: but it was always in the power of the Crown to appoint a special commission, and the law officers might always procure the trial to be postponed.

upon shewing sufficient cause. He doubted not that the Committee whose Report was the foundation of this measure, had acted to the best of their judgment: but he was himself at a loss to discover any case made out by the Attorney or Solicitor-General, that could shew that the existing laws against improper meetings, or seditious writings, were not sufficiently severe in their application. His opinion was, that the individuals entertaining evil designs were few, and that those whom they had deluded were influenced more by distress than by the doctrines to which they listened. The meeting held in Spafields on the 2d December, adjourned to the second day after the meeting of Parliament, yet by a due interposition of the civil power, tranquillity was preserved, and none of the tumult which was apprehended took place. It was impossible to make out the necessity for such a measure, without making it appear that a conspiracy existed in which men of rank and fortune were engaged. The Report however stated, that "few or none" of this description appeared to have been concerned in the criminal practices to which it referred; and with all his respect for the members of that Committee, he could not help feeling much surprise that they should fling out these loose and indefinite insinuations. The petitions for Parliamentary Reform were a cause of alarm to many; some of whom were interested in opposing it, whilst others were apprehensive that it must lead necessarily to plunder and confusion. He was a member of that House when Mr. Pitt brought in the Suspension Bill of 1794; and though he was left in a small minority when he opposed it, he believed it would have been a much larger minority if the events which have subsequently happened could have been foreseen. But the minds of gentlemen were then filled with the horrors of the French revolution, and they rushed into measures from which they would have abstained if one fiftieth part of the consequences could have been laid before them. He congratulated himself at this moment, that he had been one of that minority; and although many honourable members had deserted it, he had the consolation to think, that many of their names were to be found in the list of pensioners. (*Hear, hear.*) He was happy to reflect, also, that he had not joined in the secession which was agreed on by some gentlemen at that time, from a despair of resisting the talents of Mr. Pitt, and the alarm which was then prevalent. One of the chief dangers attendant on this sort of legislation was, that it habituated the mind of the nation to the sacrifice of its liberties, and prepared them to adopt, at last, that as permanent which was at first but temporary. Although he was no friend to any wide system of Parliamentary Reform, he was disposed to pay attention to any specific proposition on that subject, and would support the principle of a plan for the improvement of the representation in Scotland, as well as that of some measure for

throwing open those boroughs which enabled their proprietors to dictate to Ministers; and without whose support no government could now maintain itself. He would put it to the House, whether these proprietors might not extort from Ministers any appointment abroad for any relative or friend, however unfit or incapable he might be. Every one admitted that some reform was necessary, if it were only with regard to the expenses of elections. Some reform, he was persuaded, must take place, and it was vain to join together the names of reform and revolution. Giving all possible credit to the framers of the Report, he did not in his conscience believe that a sufficient case had been laid before them to justify the proceeding now before them; and, indeed, his belief was, that no circumstances could justify it, except those of a domestic war or a foreign invasion. He recollected the debates which took place in 1794, and the opposition which was then made to a similar measure, at the commencement of a war which he had always opposed, and from which he sincerely believed all our present miseries had arisen; and yet, such was the alarm in the country, that scarcely one of the minority of that day could gain a hearing in the House. Every man was supposed to be contaminated who doubted of the measures of Government; but he had, notwithstanding, refused then, as he trusted he ever should refuse, to lend his sanction to the repeal of an Act which was the best bulwark of the Constitution; by overthrowing which, any family might be deprived of its principal, upon whom they depended for support, without any knowledge of his offence, and without any possibility of redress.

Mr. Wyndham Quin did not think the active participation of men of note in a general conspiracy was essential to the existence of great danger. The lower classes were the instruments necessarily employed in all insurrectionary movements; and if they were divided into clubs and societies, the work of insurrection might easily be commenced. It was not conclusive to say, that because the Lord Advocate of Scotland had arrested some individuals, he had therefore sufficient legal powers to put down the mischief, and take into custody all who might be proper objects of suspicion. He had understood the learned lord to state, that there were persons against whom it was desirable to proceed, if the law would enable him to do so. It was useless to talk of precautionary measures after the danger had actually arrived; the object of the present Bill was to guard against contingencies, and the recurrence of the evils which had already taken place. In committing these additional powers to Ministers, it was not to be forgotten, that they were at all times responsible to Parliament for their exercise of them.

Mr. Protheroe lamented the necessity he was under of giving his support to the Bill in question; a necessity from which he should have

been exempted, had every part of the country been as tranquil as that with which he was connected. In many of the manufacturing districts, however, he knew that the most formidable combinations existed for the purpose of subverting property, and destroying the whole frame of the Constitution.

Mr. Lyttleton said, that if the question now at issue were not of the greatest importance, and that the voice of the humblest individual ought to be raised against it, he should not have ventured to present himself to the notice of the House. He was the more anxious, however, to clear himself from the imputation that had been cast upon those who sat on his side, that if they did not encourage the violent proceedings which had taken place, they at least supported them by the arguments they had held, and the vote which they had given on this occasion. (*Cries of no, no, from the Ministerial benches.*) He was glad to hear that such imputation was to be removed. This was a measure which could be justified only by the most imperious necessity. The Secretary of State, in one of those insidious panegyrics on the Constitution, which always preceded or accompanied some attack on it, had endeavoured to convince the House that the country was in the utmost danger; but the evidence which had been this day produced must have considerably shaken the Report of the Committee. It had been said, that great disturbances existed in the manufacturing districts; and certainly we wanted no Report to satisfy ourselves of that fact: but the peace of the metropolis had not been disturbed to the extent that was stated. It was necessary, perhaps, to go through the form of a Secret Committee; but the Government must have had means enough before of controlling any violent proceedings. He must now inquire what the officers of the Crown had done to punish or prevent such persons as had been suspected. They ought immediately to have had recourse to constitutional measures. Ministers, however, should have assembled Parliament at an earlier period; whereas they had put it off till a period unusually long, and had suffered the laws to lie dormant. Thus had they brought Parliament into contempt, and the laws into disrepute; they wished the nation to look to Government rather than to Parliament; and to despotic law rather than the common law. How had Ministers met the wishes of the nation by adopting a system of economy and retrenchment? They had done nothing that had not been extorted from them; they had done nothing to alleviate the distresses of the people; and what they were now about to do was as despotic as it was cowardly. (*Hear.*) Not a single word had been advanced in that House to overcome the force of precedent: unless they could make good the precedent of 1794 as applicable to the present times, their argument must fall to the ground. At that time there was this essential difference, that we were at war

with France, who might threaten us with invasion, which, if successful, might have induced many persons here to join her. The only precedent, therefore, which they had adduced was a mere phantom. He asserted, that the greatest abuses had been committed respecting the Alien Act; and that the noble Secretary of State had been induced, by false evidence, to injure several miserable foreigners in this country. If, then, we had now a person at the head of the home department who had abused that power to his own disgrace, to the disgrace of the office which he held, and of the nation, was not this an additional argument against the passing of this Act, under which men's passions were more likely to operate than their judgment. In examining precedents, he would merely look to the conduct of our ancestors; and would then ask, whether there was any difference between the law relative to suspected persons in France passed last year, and that which we were about to adopt. Circumstances might justify it in that miserable country, which would not justify it here. He should have been ashamed of himself, if he had not expressed his sentiments on this most important occasion: he should not have discharged his duty to the House, or to the country, without saying a few words against an Act which he considered to be as unconstitutional and unnecessary as was ever proposed by any set of Ministers.

The Hon. Mr. Lamb, as a member of the Committee, agreed, that Ministers would have done better to have followed the precedent of him whom they so much admired, and pretended to follow—that of Mr. Pitt, in 1800—who called Parliament together, and put these words into his Majesty's mouth: "My tender concern for the welfare of my subjects, and a sense of the difficulties with which the poorer classes particularly have to struggle, from the present high price of provisions, have induced me to call you together at an earlier period than I had otherwise intended. No object can be nearer my heart than that, by your care and wisdom, all such measures may be adopted as may, upon full consideration, appear best calculated to alleviate this severe pressure, and to prevent the danger of its recurrence." Now, with as strong an impression that we were tampering and meddling with the most sacred part of the Constitution, he would venture to address the House on this subject. His Majesty's late Attorney-General (Sir S. Romilly,) who on a former night had addressed them with that gravity, weight, dignity, and authority, which must always belong to him, adverted to many circumstances of the greatest possible difficulty, to the situation of Parliament, the necessity of retrenchment, and the great standing army in this country, and the effect they must have on the opinions of the people. He had lived long enough, however, to see war follow war, revolution on revolution, invasion on in-

vasion, and all the dangers and difficulties which could attend a State. An hon. baronet (Sir F. Burdett) had alluded to the plan of Sir W. Jones, for protecting the peace of the metropolis: but he must observe, that the Government of the country must be in a very unhappy state to call such a plan into execution. What hopes could we give, what benefits could we confer, what privileges could we grant, to induce the people to think that we attended as much to their interest as a reformed Parliament, or what could Parliamentary Reform now do for public relief? Could a Reform of Parliament carry into execution all those measures of which the country stood in need? Shew him such measure, and he would consent to it. An hon. friend of his had said, that retrenchment and economy were necessary; but he had always held it to be a gross and idle delusion, that any retrenchment would relieve the present distresses of the country. It was from the resources and energies of the country alone that we could expect to derive any relief: and we must be careful to preserve the birth-right and property of every man, which was now assailed by the dangerous practices referred to in the Report of the Committee. It had been alleged, that the meetings which had taken place were intended for nothing else but Parliamentary Reform. He dared say it might be so: but he did believe, that in a great number of the clubs, in the Spencean clubs especially, there was a disposition to carry their plans into execution by force and violence. Very serious riots, insurrections, and tumults, must be suppressed. It was impossible to look at the seditious meetings and publications, the delegates and the subscriptions, and not to say that these had operated very considerably on the mind of the country. It was of the highest possible consequence to prevent these persons from coming forward and putting those plans into execution which they had intended. The ordinary laws might be sufficient, if they had their course, but he believed it to be one part of the plan, by threats and menaces to prevent the complete execution of justice. (*Hear, hear, from the Opposition.*) He did not conceive that the laws now in force were adequate to the dangers of the country; and where were they to look for security but to the measure which was now proposed? He sincerely believed that, if the House should adopt it, they would hear very little more of any treasonable practices; and anxious as he was for the peace and prosperity of the country, he should be happy to bear his share of the odium in consenting to the Bill now before them.

Lord Falkland could not but express his astonishment at the observation of the hon. member who had just sat down, that the existing laws were not at this moment in full operation. He had been in the habit of conversing with gentlemen in every part of the country; he had seen many of them even that day; and he had never yet heard of that dreadful and portentous state of the country which the hon. member had described. If the hon. member meant to rely on this as a reason for supporting the suspension of the Habeas Corpus Act, why had he not told them that in the Report of the Committee? But how was the suspension of that great bulwark of English liberties to remove this dreadful difficulty? He protested against what the hon. member had stated to be so necessary: the intimidation of the people. If Ministers intended nothing more than this, they dealt most unfairly with the country. Why were the whole people of England to be deprived of the benefits of the Constitution? He believed, however, that this was the secret reason for bringing in the suspension of the Habeas Corpus Act. From all that he had been able to learn on this subject, the prisoners themselves could not force on their trial for two months to come, and therefore it was only for the purpose of intimidation that Ministers had ventured to propose this measure. He hoped that the House would interfere and prevent the passing of this bill for this very reason. He begged them to pause and not to hurry it in this indecent way, in order that the Lord Advocate might come forward with some explanation, which he had not yet done. It was no reason because we had consented to the suspension in 1794, that we were to do so in 1817. As to the renewals of the bill, it was pretty well explained by his hon. friend near him (Mr. M. A. Taylor) that people got so callous, and the House became so indifferent, that the subject was discussed in empty benches. (*Hear.*) He did hope that the House would stop the progress of the bill on that ground; and on the ground of the hon. gentleman who spoke last, that the bill could not be useful for two months to come. He had not heard of any meeting for discussing the subject of Parliamentary Reform in which any disturbance had taken place. The riot at Spa-fields was not occasioned by the meeting itself, though it arose out of it. The people had not set themselves in defiance of that House. The hon. member had told them, that he had put every thing in the Report on that subject: how then could it be said that any popular tumult had arisen respecting Parliamentary Reform? He had seen the people going up with petitions to the Prince Regent to call the Parliament together; but Ministers had put off the Parliament; and why? All they wanted was money. They gave the people no relief for their distresses; they scouted them; and then they brought forward their bill for the suspension of the Habeas Corpus Act. What was the Report of the Committee? It was a history of what passed under the eyes of his Majesty's Ministers two or three months ago. Where was their vigilance to prevent the blowing up of the bridges, the taking of the Bank and of the Tower? Why did they not call Par-

liament together at that time, when they knew of that danger? If he mistook not, the right hon. gentleman opposite (Mr. Canning) was taking his pleasure in France; and the noble lord also (Castlereagh) was making his speeches in Ireland. Another noble lord (Sidmouth), it was true, was very vigilant; but how had the right hon. gentleman been induced to rely on him? He remembered the time when he did not treat his worthy colleagues, now his friends, with so much confidence; and thought that the whole conduct of the Cabinet was not adequate to the management of the public business. (*Loud cries of hear, hear.*) The right hon. gentleman, however, had since taken his place amongst them, and was now perfectly satisfied with those whom he formerly despised. (*Hear.*) The Solicitor-General had misstated the periods of the suspension of the Habeas Corpus, and the continuation of that act. The hon. and learned gentleman had made a great mistake; for he said, there was no law now in force which was not in force before. If he (Lord Folkestone) had not read the statute-book incorrectly, five years ago a strong act was passed for the punishment of unlawful societies, and unlawful oaths. That statute made an oath for murder, treason, &c. punishable by death; and compulsion was no excuse unless declared within fourteen days. Why, then, had not this law been put in execution before they called upon the House to deprive the people of one of their most valuable liberties? It appeared to him that this measure was most unwarrantable and most uncalled for, more especially as a matter of intimidation. As such, it was impossible that it could have a good effect: on the contrary, for the last 25 years, we knew by experience that we had tried by compulsion to get rid of those feelings which were now said to agitate the minds of the people. He besought the House to tread in that path no longer, but to retrace their steps; to endeavour to conciliate the minds of the people; to listen to their petitions; to alleviate their distresses, to adopt every possible economy and retrenchment; and not to put the whole population of the country out of the pale of the law. This, and this only, could secure the affections of the people, and induce them to bear their burdens with fortitude and patience. (*Hear, hear.*)

Mr. Lamb and Lord Folkestone mutually explained.

The Lord Advocate said, that in all the preceding acts for the suspension of the Habeas Corpus, from the time of the union of England with Scotland, a clause was introduced in the very same terms as in the present bill. In 1715, 1722, and 1745, the law officers who then sat in that House meant to put the people of Scotland out of the pale of the law as much as the people of England. A petition had been presented to the House by a person of the name of Mr. Arthur, stating, that one of the officers of justice in Scotland had been guilty of some op-

pressive acts, and had afterwards received a pension from the Crown; but he wished the House to remember, that an hon. member, who was now no more, (Mr. Horner,) had expressed a very favourable opinion of that judge; and, surely, all who considered the conduct of that hon. member—all who reflected on his strict integrity and many virtues, both in public and private life—all who dwelt on the great benefits which Scotland had derived from his abilities and attachment to the public interests—all who flattered themselves, and most justly so, with the expectation that England would derive the most essential benefits from his patriotism and talents, (*Here Sir Samuel Romilly appeared to be deeply affected,*) would concur in the opinion, that nothing criminal or injurious to the reputation of that judge could have been committed, or the hon. member to whom he had alluded would not have suffered it to escape his censure.

Sir Samuel Romilly rose merely to make one or two observations on what had fallen from the learned lord, from whom he had the misfortune to differ with respect to the acts which included Scotland. He had said, on a former night, that the clause in question was not to be found in the act of 1794: he had never said that it was not to be found in any of the preceding acts. It was certainly not to be found in the act of 1744. This, however, was a matter of very slight importance: the question was not what was done in former times, but what was to be done now. He entreated the House to pause, and not to suffer any judge or magistrate to take any man into custody without the order of his Majesty's privy council, signed by six privy councillors. This clause only referred to such as had been committed under a warrant from the Secretary of State.

Mr. Ponsonby observed, that the learned lord could have no objection to clearing up the difficulty, which did not prevail with regard to the Scotch acts of 1701 and 1744, against wrongous imprisonment. As the clause was at present worded, it would bear many constructions directly opposed to each other, which could not be decided upon after the passing of the bill but by a court of justice.

Sir A. Pigott also reprobated the obscurity and ambiguity with which the clause was framed. If this law were to be inflicted upon the people, they had at least a right to expect that it should be clear and precise. In order that the difficulty might be removed, he recommended that the bill should be recommitted.

The Speaker remarked, that in the present stage the bill could not be recommitted. Any amendment might be introduced after the third reading.

Sir A. Pigott then proceeded to state his opinions generally upon the measure before the House. He would not go so far as to say, that he approved of every phrase in the Report of the Secret Committee; but after mature consideration, as a whole it met with his entire and

heartily concurrence. He had listened to the arguments of some, and to the taunts and sneers of others; but his opinion was the more confirmed the more he reflected upon the nature of the evidence upon which that Report was grounded. He did not shrink from this declaration, because he held it to be a public duty; and, in his judgment, Ministers would have been liable to the severest censures, had they not made the communication to the House that led to the appointment of the Committee. (*Hear.*) So far from the Report being an exaggerated statement, he was rather inclined to think that it scarcely went as far as the evidence would warrant. As to the disclosure of that testimony, the Committee had wisely determined not to publish it: and although much of it was liable to contradiction, yet it was not to be expected that a Committee, not administering an oath, should obtain information with all the guards of judicial proceedings. The objection that the evidence was not annexed to the Report, was rather an objection to the nomination of a Committee at all; since the witnesses, if it had been deemed prudent, might have been examined at the bar of the House. The evils were certainly neither light nor trivial, and on account of their importance he readily gave his support to the bills upon the table for the suppression of secret associations, for the prevention of the seduction of the army and navy, and for the protection of the person of the Prince Regent: but these securities were all he considered necessary, and therefore he most strongly protested against the proposed suspension of the Habeas Corpus Act: that measure, the House would recollect, was not directed against any particular individuals, or against any particular place: but it deprived equally all classes of the King's subjects of their just rights, and confounded the innocent with the guilty. Was it pretended, that a single individual of property or consequence had been concerned with these miserable wretches? Or could it be argued, that dread of communications between insurgents and foreign hostile powers justified the suspension, which was not only disproportioned to, but not at all calculated to meet the evil? One hon. gentleman (Mr. Lamb) had indeed supported it for a reason never before urged; that reason was not only extraordinary in itself, but still more extraordinary from its want of the slightest foundation in truth. He had said that the suspension—this law above the law—was required, because the progress of the ordinary law was arrested by the present disturbed condition of the country. This was a pure imagination. Where in the Report would any statement be found to justify such an assertion? And upon what peculiar evidence, in his exclusive possession, did the hon. gentleman found his bold assertion? (*Hear, hear.*) We were now upon the very eve of the Spring Assizes; the judges were about to open their commissions; and yet they were to be told that all was in vain, for the progress of the

law was arrested, and there was an end of all justice and its administration. The Report confined the disturbances to certain districts, and the evidence warranted that conclusion, but the remedy was to apply to the whole nation; and because a few active demagogues had misled some manufacturers and artisans, the agricultural labourers, and all other peaceful classes, were to be put out of the pale of the law. It was enough for him that this extraordinary power was capable of abuse: he did not ask who were the Ministers, but he would fearlessly state, that under circumstances like the present he would not intrust such unlimited and uncontrollable authority to any Ministers. True it was, that unlawful associations existed; but was it to be now said, and to be established as a precedent, that whenever it could be proved that a secret club, however contemptible, had been formed, the tottering weakness of an administration was to be bolstered up by a suspension of the Habeas Corpus Act. (*Hear, hear.*) Convinced as he was, that ninety-nine hundredths of the population were well-disposed to quell the one hundredth who might be ill-disposed, he would not, by voting for this bill, subject himself to the reproach of having aided in this new and unwarrantable attack upon the Constitution.

The *Attorney-General* addressed the House from a strong sense of duty; not because he felt peculiarly competent to the task, having, for not less than sixteen hours, been engaged in procuring the first conviction in this country for an offence against the law for the abolition of the slave trade. Although some hon. gentlemen on the other side of the House were so strenuous in refusing this necessary power to any Minister; yet, if his memory did not fail him, our ancestors had not less than nine times consented to a suspension of the Habeas Corpus Act. The question was, whether the state of affairs at present justified a repetition: and in his judgment there never had been a period of our history when such an awful combination of circumstances demanded that the Executive Government should be armed with additional authority. The hon. and learned gentleman who spoke last, and other members of the Committee who usually sat on the other side of the House, had vindicated Ministers from the absurd charge that they were the contrivers of these plots, and the promoters of these clubs, for their own private purposes: at least, those gentlemen, with their high talents and excellent discernment, had been made the dupes of this humbug, if it had even been attempted; for, after the fullest inquiry, they were convinced of the real dangers to which the country was exposed. Surely the infamous and blasphemous oath which a learned lord (the Lord Advocate) had produced on a former night, and which the Committee had excluded from their Report on account of the danger to which the witnesses would be exposed, was a sufficient proof of the extent to which disaffection had been carried.

In ordinary times the old law against high treason might be sufficient; but these were not ordinary times; and the bills in progress for the suppression of associations, and to prevent the seduction of the defenders of their country, of themselves established the fact. If they were insufficient, he appealed to the other measure for the protection of the person of the Regent, not from secret plots, not from constructive treasons, but from direct assassination. (*Hear, hear, and no, no.*) The bill was upon the table, and its title would best explain its object. It was complained by some, that this suspension placed all the subjects of the Crown at the mercy of the Minister; but the provisions disproved the statement; and although the trial of an offender might by its means be delayed, it was nothing more than was frequently done on the absence of a material witness. One right hon. gent. had avowed, that under no circumstances would he place such an instrument in the hands of any Ministers. (*No, no.*) He was glad to hear that he was mistaken, for it was time such an argument should be abandoned and exploded. Those who were at all acquainted with the practice of the criminal law must be aware, that the ordinary law against treason was much in favour of the criminal; that certain forms must be observed by the prosecutor; and that two witnesses were required to the overt act: this rendered convictions always difficult; and in the case of the traitors recently arrested at Glasgow, certain delays allowed by this bill might be extremely beneficial to the cause of justice in more ways than one: although many were apprehended, did it follow that all were secured! or might there not still be some arch-traitor concealed, who would be able to take advantage of the information, if a speedy trial were to be had? With regard to those who were in confinement in London, he was happy to say, that probably no procrastination would be necessary in their cases: at least to this he would pledge himself, that not one half hour should be wasted between their arrest and their deliverance. (*Hear, hear, hear.*) It had been said, that the law officers of the Crown had been afraid to do their duty. The Solicitor-General had repelled the imputation with the scorn it merited; and, for himself, he (the Attorney-General) would say, that the only fear he had ever entertained was, lest he should be guilty of a dereliction of his duty, and not execute it as became the important trust reposed in him. It was impossible for him to file an information without having satisfactory evidence of treason: but though such evidence could not be produced, it did not follow that, when so much acknowledged danger existed, a new law should not be passed to meet a new emergency. He could assure the House, that he had not slumbered in his duty; and that, as far as his power extended, he had exercised it. He had not been inattentive to those libellous publications which for some weeks past had deluged all parts of the country. He had now in his pocket a most shocking and blasphemous libel,

which he had received that very day from Norwich. It was a most horribly profane parody of the creed. (*Cries of read, read.*) No: he owed it to the dignity of that House not to insult it with the reading of so abominable a libel: he should feel it his duty to conceal it till the matter came regularly before a Court of Justice; and he would then take care that it should be read only once, and that for the technical purpose of comparing it with the record. (*Hear, hear.*) If, however, any gentleman had a curiosity to read it, he would seal its contents in a paper, and leave it on the table of the House. (*Hear, hear, hear.*) He could assure the House, that he had not been inattentive to his duty: there was no one case, which came in that shape that he could have brought any person to judgment on it, before the present time; and it would be too much to say, that he could have prevented the Spafields meeting, or the riot that ensued from it. Some gentlemen had thought proper to throw ridicule on the Spafields plot: they had laughed at the ammunition-stocking; and asked how a bridge, a Waterloo-bridge, could be blown up without sappers or miners. He did not believe that much mischief could have been done; but he did believe there were persons who endeavoured to persuade others that they could do all the mischief which they undertook to do. Nor were those leaders themselves despicably armed; and they had taken care to provide arms for others, by their intimation that the gunsmiths' and pawnbrokers' shops were to be broken open. He certainly was not one of those who imagined that they could have effected their evil purpose. He should be an unfit adviser of the Crown if he could have been frightened into so unreasonable a supposition; but he would ask, was it nothing to have alarmed the whole metropolis? Was it nothing that might have been done, if they had sallied forth at night, when the citizens were peaceably in their beds? And was it not confessed by one of the rioters themselves, that a premature rashness had defeated their purpose? It was said, that the present measure would excite alarm. He really believed that no honest man throughout the kingdom would sleep in less consciousness of security, though many a villain would be induced to desist from his evil designs. (*Hear.*)

Lord George Cavendish began by saying, that though he felt the utmost abhorrence at the attack made upon the Prince Regent, yet he did not believe that the outrage, audacious as it was, had murder for its object. The learned gentleman had adverted to what had fallen from some gentleman of the Committee: he himself had not been on that Committee; but he knew that much misrepresentation had been transmitted to it. (*Hear, hear.*) The intentions of the persons who sent it were, doubtless, good; but their intelligence was not correct. From what he knew of one district, he thought he might say generally, that the Committee had not had before it a true picture and character of the country. For his own part, he must complain of that Committee,

He knew of no reason why the county of Derby had been singled out for reprobation; he knew that what was said of that county was not the fact. (*Hear, hear, hear.*) There had, indeed, been a Hampden Club in Derby; but he believed it was not now in existence. It was true, also, that a great many persons in Derby and its vicinity had petitioned for Reform in Parliament: but they were most of them men of respectability: he must say, therefore, that he thought Derby wrongly accused; and he thought the same was probably the case with Staffordshire and Cheshire. Indeed, he was somewhat surprised to find the county of York omitted in the list of accused counties. He thought the magistrates of Derby, from the specimens he had seen of their decision and vigour, were quite competent to maintain the peace of the county. He had himself seen an instance, where a gang of Luddites, who had committed all sorts of depredations, had been speedily brought to justice; and the county had been tranquil ever since. What these magistrates had done before, they would do again; and certain he was, as far as related to that county, there was no reason for suspending the Habeas Corpus Act. (*Hear.*)

Mr. Banks and Mr. Tierney rose at the same moment: there was a loud cry for Mr. Tierney to speak; but Mr. Banks having first caught the Speaker's eye, had, of course, the precedence. Mr. Banks then proceeded; but shouts of question, and loud and incessant coughing followed. He said, that if the situation of the country was such, that the country could not be tranquillized without this measure, it ought to be passed. (A loud and long yawn from the back benches here interrupted the speaker, and was the signal for more coughing, so that only one more sentence was heard, which was as follows:—) Prevention being better than punishment, it would be wise and humane to check the disaffected in their career, before they reached those excesses which would endanger others' lives and their own.

When the hon. member sat down, there was a pause of some minutes, but nobody rising, the cry of question became very vehement, and the House divided on the 3d reading; when the numbers were—

Ayes 265

Noes 103

Majority —162

After this, upon the motion of Sir S. Romilly, a very important amendment was made in the Bill. The effect of it was, to limit the operation of the Bill in Scotland as well as in England to persons committed to prison for treason, or suspicion of treason, upon a warrant signed by six Privy Councillors, or one of the principal Secretaries of State. As the bill stood originally, it extended to persons committed by any subordinate Magistrate. The bill, as altered, is in these words:—"That the Act made in Scotland, intituled, 'An Act for preventing wrongous imprisonment, and against undue delays in trials, in so far as the same may be con-

strued to relate to the cases of treason, and suspicion of treason, *with respect to persons so committed as aforesaid,*' be suspended until the first day of July, 1817, and that until the 1st day of July, 1817, no Judge, Justice of the Peace, or other Officer of the Law in Scotland, shall liberate, try, or admit to bail, any person or persons that is or shall be in prison within Scotland, '*under a warrant or warrants so signed as aforesaid,*' for such cause as aforesaid, without orders from his Majesty's Privy Council, signed by six of the said Privy Council."—The words printed in Italics were added by Amendment.

Three clauses were then moved, and negatived in succession: one, by Sir F. Burdett, that prisoners should be allowed to see their wives or children, on application to the home department, and that care should be taken not to confine them in damp or unwholesome dungeons; the second, by Mr. W. Smith, was to enable persons who had been wrongfully imprisoned to bring their action within a month after their discharge; the third, by Mr. Ponsonby, which was negatived after a division, was, that the act should expire on the 20th of May, instead of the 1st of July. The numbers on this division were—

Against the motion 239

For it 97

Majority —142

The House then went into debate on the clause of the bill which authorized the removal of prisoners from one gaol to another.

The *Solicitor-General* defended the clause. He contended, that it was necessary that the power of removal should be given, as cases might occur in which, from the number of the prisoners, or from their combining together, it would be very inconvenient to retain them together in one gaol. In such cases it might be proper to remove prisoners from Gloucester to Hereford, or *vice versa*; but care was taken that they should suffer no disadvantage by these removals; for, if brought to trial, it was provided that the proceedings should take place in the county in which they were originally committed.

Mr. Ponsonby could not understand why a man taken up for treasonable practices in the county of Hereford should be imprisoned in Gloucester. Were not the gaols in the county sufficient, or were they destitute of keepers? If there were no gaols in a particular county, or no persons to guard them, he could comprehend why a prisoner should be sent to another county; but unless some such reason as that he had stated existed, the removal was a measure of unnecessary cruelty.

Mr. Bennet stated, that cases of great hardship had occurred under the former suspensions of the Habeas Corpus Act, in consequence of imprisoning persons in distant gaols.

Mr. B. Bathurst supported the clause, which was ordered to stand part of the bill.

On the question that the bill do pass,

Mr. Brougham rose, and stated, that from what a right hon. gent. opposite had said, he

supposed it was to be understood, that unless the notice of a motion for the renewal of the bill were given in the month of May, it would be allowed to expire on the 1st of July. If one week more had been given, the petitions against the bill would have been most numerous.

Mr. *Canning* observed, that the period of the bill was limited, but that circumstances might occur which would render its renewal necessary.

Mr. *B. Bathurst* had not said any thing in the course of the debate about the month of May. He had given no such pledge. All that he had said was, that as the bill was to expire in July, the question of its renewal would require some consideration; and, of course, that notice of the intention of Ministers in that respect would probably be given some time before the date to which the duration of the bill was limited.

Lord *Stanley* said, he had paid particular attention to what fell from the hon. gentleman, and he was confident he had used the words "many weeks."

Mr. *B. Bathurst* was not conscious that he had said many weeks; he could not answer for what his right hon. friends might, under future circumstances, determine; but such a question would, doubtless, require a notice of a few weeks.

Mr. *Brougham* wished the hon. gent. to recollect, that the House had gone to a division on his declaration.

Mr. *Calvert* stated, that the hurry in passing the bill afforded no time for presenting petitions against it. If it had stood over until Monday, there would have been a meeting of his constituents, and he doubted not that 20,000 persons would have signed a petition praying that the bill might not pass.

Sir *C. Monck* said, that the petitions would be more numerous against this than any other measure, were time afforded to the country to transmit them.

On the question that the bill do pass, being finally put, the cry of "*No*," from the Opposition side, was very loudly pronounced; it literally shook the House: but there was no division. The bill was then passed, and ordered to the Lords.—Adjourned at half-past 2.

A LIST OF THE MINORITY

THAT VOTED AGAINST THE THIRD READING OF THE BILL.

Abercromby, Hon. J.	Calcraft, John
Anson, Sir George	Calley, Thomas
Atherley, Arthur	Calvert, Charles
Aubrey, Sir John	Calvert, Nic.
Baillie, James E.	Carew, R. S.
Baring, Alexander	Carter, John
Brand, Hon. Thos.	Cavendish, Lord G.
Brougham, Henry	Chaloner, Robert
Burdett, Sir Francis	Cochrane, Lord
Burrell, Hon. P. D.	Coke, Thos. W.
Browne, Dom.	Duncannon, Viscount

Dundas, Hon. L.	Nugent, Lord
Dundas, Charles	Ord, William
Edinburgh, Viscount	Ossulston, Lord
Fazakerley, J. N.	Osborne, Lord F.
Fergusson, Sir R. C.	Peirse, Henry
Fitzgerald, Lord W.	Pelham, Hon. C. A.
Fitzgerald, Rt. Hon. M.	Pelham, Hon. G. A.
Fitzroy, Lord John	Phillips, George
Folkstone, Viscount	Piggot, Sir A.
Fellowes, Hon. N.	Ponsonby, Rt. Hon. G.
Gaskell, Ben.	Power, Richard
Grosvenor, Gen. T.	Prittie, Hon. F. A.
Gordon, Robert	Portman, E. B.
Haise, Sir W.	Preston, R.
Hamilton, Lord A.	Pym, Francis
Heathcote, Sir G.	Ramsden, J. C.
Heron, Sir Robert	Rancliffe, Lord
Hughes, W. L.	Ridley, Sir M. W.
Hornby, Ed.	Romilly, Sir Samuel
Hurst, Robert	Rowley, Sir W.
Jervois, G. P.	Russell, Lord William
Lambton, J. G.	Russell, Lord G. W.
Langton, W. G.	Russell, Lord John
Latouche, Rob. jun.	Russell, R. G.
Lemon, Sir W.	Scudamore, Robert
Lloyd, J. M.	Sefton, Earl of
Lyttleton, Hon. W.	Smith, John
Marryat, Jos.	Smith, Robert
Methuen, Paul	Smyth, J. H.
Macdonald, James	Stanley, Lord
Mackintosh, Sir J.	Spiers, Arch.
Madocks, W. A.	Shaw, Sir James
Maitland, Hon. A.	Tavistock, Marquis
Martin, John	Taylor, C. W.
Molyneux, H. H.	Taylor, C. V.
Monck, Sir Charles	Tierney, Right Hon. G.
Moore, Peter	Vaughan, Hon. J.
Mosely, Sir O.	Walpole, Hon. G.
Newman, R. W.	Waldegrave, Hon. W.
Neville, Hon. R.	Wilkins, Walter
North, Dudley	

TELLERS—Bennet, Hon. H. G.—Smith, Wm.

PAIRED OFF.

Althorp, Viscount	Newport, Sir J.
Birch, Jos.	Ponsonby, Hon. F. C.
Cavendish, Hon. H.	Powlett, Hon. W. V.
Cavendish, Hon. C.	Sharp, Richard
Curzon, J. C.	Townshend, Lord J.
Foley, Thomas	Western, C. C.
Markham, Admiral	Webb, E.
Martin, Henry	Wharton, John

On Mr. Ponsonby's Amendment for limiting the Bill to the 20th day of May, in addition to the foregoing List.

Babington, Tho. W.	Warre, J. A.
B Barclay, C.	Wellesley, W. L.
Bastard, E. P.	

HOUSE OF LORDS.

Saturday, March 1.

The Lord Chancellor took the Woolsack at one o'clock.—Soon afterwards the Bill for the Suspension of the Habeas Corpus was returned from the Commons, with Amendments, to which their lordships' concurrence was required. The Amendments were ordered to be taken into consideration on Monday, and the House adjourned.

HOUSE OF LORDS.

Monday, March 8.

HABEAS CORPUS SUSPENSION BILL.] Lord *Holland* rose to put a question to the noble lord on the woollack, relative to the effect of the suspension of the Habeas Corpus Act, and he trusted that any irregularity or delay arising from the proceeding would be excused, when it was considered that the House of Commons had not found it necessary to press forward the bill for the suspension, with the same precipitation as had been used in the House of Lords. The question he wished to ask was—whether, if any person detained under this act should be desirous to petition Parliament—or, if there should be any objection to the petitioning of Parliament, from the publicity which this would give to his case—whether, if he should be desirous to petition the Sovereign, a person in such circumstances had a right so to do—and whether he was to be debarred the means of so petitioning? This was a question of the utmost importance, with reference to the proceeding in which the House was at this time engaged; and as it must be the wish, even of those who were most favourably disposed towards this measure of suspension, that its consequences should be understood, he had no doubt but that the question would receive a distinct and explicit answer.

The *Lord Chancellor* replied, that if the noble lord put the question generally, he had no objection to say, that, unless under very particular circumstances, he did not know any situation in which a subject could be, in which he had not the right to petition the Sovereign or the Parliament. To a general question he could only give a general answer.

Lord *Holland* trusted that the noble lord would not take advantage of any want of formality in his mode of putting the question: but it had happened to him in the course of his official duties, to have occasion to discover, that there were prisons in which it was a rule to debar the prisoners from the use of pen, ink, and paper. What he wished therefore to know was, whether, if a person detained in prison, should be desirous to petition the Sovereign, the gaoler would be justified, or would not be guilty of a serious offence, if he were to prevent the prisoners having the use of pen, ink, and paper, for that purpose?

The *Lord Chancellor* did not wish to throw any difficulty in the way of attaining the clearest possible understanding of a subject so important as this. His opinion was, that, generally speaking, every person in confinement ought to have the benefit of the presumption of innocence till found guilty, so as to continue to him every right and privilege of any other person, so far as was consistent with his safe custody. (*Hear, hear.*) He should be ashamed of himself if he were to refuse to answer a question so intimately connected with the liberty of the subject as pre-

cisely as he could; but it was impossible for him to give any other than a general answer to a general question of that description.

Earl *Grey*.—If he understood the noble lord's answer, it was this—that a person confined under the suspension, would be entitled to state his grievances by petition to the Sovereign or Parliament; and, generally, that he would have a right to all such privileges as belonged to any other subject, so far as was consistent with his safe custody. To that extent the answer was distinct and satisfactory; but then the existence of the right would be of very little avail, if the prisoner were to be deprived of the means of acting upon that right: and therefore he hoped that it was to be understood as a consequence of the answer, and the existence of the right, that the prisoner ought to have the means of acting upon it; and that it would be a breach of duty in a gaoler or any other person, to deny the prisoner the means of making applications by petition, to the Parliament or the Sovereign. With this understanding of its meaning and consequences, he professed himself satisfied with the answer.

The *Lord Chancellor* admitted the consequences to be as the noble earl had stated them, provided the means of petitioning were desired *bonâ fide* for that purpose, and pretence of petitioning were not made use of as a colour for some other object.

Earl *Grey*.—Certainly; it must be *bonâ fide* for the purpose of petitioning.

The order of the day being then read for taking into consideration the amendment made by the Commons in this bill,

Earl *Darnley* rose and observed, that the precipitation with which their lordships had hurried through this measure, was a disgrace to their proceedings. The Commons had proceeded in a much more deliberate manner, and had by that means been enabled to rectify an error which had escaped their lordships' attention. He, in common with others of their lordships, had voted on a question for the suspension of the Habeas Corpus Act on a former occasion; under circumstances, however, totally different from those of the present times. The country was then at war, and there was a committee in his country actually corresponding with the enemy. This was a time unquestionably of great distress, arising from the badness of the last harvest, as well as other causes. In such circumstances, it was impossible but that there should be a spirit of discontent in the country, of which ill-disposed persons would be ready to take advantage; but the fortitude and patience with which the people in general had borne their distresses, had been the subject of commendation in the speech from the throne; and the only exception, as far as the public knew, was that of the riotous conduct of certain of those who attended the meetings at Spafields; but if, in consequence of these meetings, or from any other causes, serious danger was apprehend-

ed, and a measure of this sort deemed advisable, why had not Ministers sooner assembled Parliament, instead of suffering these dangers to grow to maturity? Ministers themselves might be considered as the cause of the outrage against the Prince Regent, by their neglect to assemble Parliament at an earlier period. Having mentioned the outrage against his Royal Highness, he must take the liberty to state, that he did not believe there had been any conspiracy for the purpose of assassination. But, for such evils as these, other remedies would be more proper than this suspension, which, without any necessity for it, had been passed with so much precipitation. He should move that the amendment be read a 2d time this day three months, not with a view to object to the amendment, but to give him an opportunity of recording his protest against the bill.

The Earl of *Liverpool* did not mean to go into the general subject: the only question now being, whether the amendment was proper.—The noble earl had said, that the bill was passed through that House with precipitation; but he, as well as the noble earl, had on former occasions voted for the suspension of the Habeas Corpus Act, and on those occasions the bill had been read three times in one day. This, therefore, was not unprecedented; and in fact more time had been allowed for consideration on this than on former occasions. With respect to the necessity for resorting to the measure, he would only say, that those who had proposed it would not have done so if they had not been conscientiously convinced of its necessity; and on no occasion had he ever voted for the suspension with a stronger conviction of its necessity than he did at the present moment.

Earl *Grosvenor*.—His noble friend had objected to the precipitation with which the measure had been hurried through that House, not because it was unprecedented, but because it was on this occasion unnecessary. He agreed with his noble friend; and believed that if the measure had not passed with so much haste multitudes of petitions would have come up against it. In the ancient and loyal town of Chester, as soon as the people heard that such a measure was in contemplation, a requisition was signed by 100 most respectable inhabitants: in consequence of which a meeting took place at the townhall, and at that meeting a petition against this measure was agreed to, which petition was very soon after signed by upwards of 2,000 most respectable inhabitants. If time had been allowed, petitions would have come up from all quarters of the country. He had no particular objection to the amendment; his objection went to the whole of the bill.

The Bishop of *Chester* said, that the noble earl, without any intention to misrepresent, had gone too far when he had stated that the 100 persons who had signed the requisition were the most respectable inhabitants of Chester. That they were respectable persons he did not deny;

but not the most respectable. He rather believed that the great majority of the most considerable people in the place had not promised the petition.

Earl *Grosvenor*, in explanation, stated, that he had not taken upon him to say, that those who signed the requisition and the petition were the most respectable inhabitants; but only, that they were most respectable, and as respectable, he believed, as any in the place.

The Earl of *Rosslyn*.—He must be permitted to say, that the bill had passed their lordships' House, without the deliberation which was due to a measure of this nature. The bill, as it before stood, had placed the northern part of the island in a very different situation from that in which it placed the people of England. The Commons, however, had bestowed more attention on the measure, and it was owing to their more deliberate proceeding that the bill had not passed in such a state as to leave Scotland in a worse situation than this part of the united kingdom. In the latter country the persons to be detained could be kept in custody only by warrant of the Secretary of State, or by warrant signed by six Privy Councillors. But under the suspension of the act of wrongous imprisonment in Scotland, any person might be committed and detained by any magistrate or inferior officer, without the power on the part of the magistrate to bring such persons to trial or liberate them, however favourable the case might turn out to be, without the warrant of the Secretary of State or a Privy Councillor. So that the people of Scotland would have been exposed to a double hardship. The magistrate had no means of giving relief; and however favourable the case, the release of the prisoner must have been a matter of personal favour.

The Lord Chancellor desired it to be understood, that though he had not expressed his sentiments as to the suspension of the Habeas Corpus Act, he considered himself as being fully responsible for the measure. He was one who had a very great deal to do, and would not probably even now have said any thing on the subject, were it not for the observations of the noble earl who had spoke last. He admitted that no man was more liable to mistake than he was; but he had given this measure his most anxious attention. The individual who now addressed them had, in the course of his life, much occasion to look narrowly into the projects which had been in agitation among certain persons in this country. He had been a good deal concerned in the measures of 1795. He had at that time prosecuted for high treason, because he disdained to bring the persons then under prosecution before a jury for any other crime than that of which he was conscientiously satisfied they were guilty. The judges of the country, the Parliament of the country, had stated the crime to be high treason. The bill which was then introduced was brought in by his advice, and of that bill this was nearly a transcript. In

addition to the experience which he himself had acquired by his practice in Scotch causes, they had at that time on the woolsack, a noble lord, (Loughborough) well acquainted with the English law, and particularly well acquainted with Scotch law. Lord Loughborough then thought the bill right, and *he* thought it right, and he still thought that this bill was right as it originally stood, with reference both to the English law and the law of Scotland. With respect to the necessity for the measure, he never had been more fully convinced of that necessity on any occasion, than he was on the present, when the design was abroad to destroy all principles of religion and morality, by which alone society could subsist. And as for the amendment, he begged it might be remembered, that he considered the bill as altered for the worse, with respect to the individual and the magistrate, both in Scotland and in England; and he voted for it only because he thought it necessary that the bill should, though in a worse state than before, be passed without delay.

Lord *Holland* observed, that, granting to the friends of the bill that there were causes for alarm, he must still say, that if there was a disposition among any description of men to carp at authority, he knew of nothing so necessary under these circumstances, as a due attention to the character and credit of the two Houses of Parliament. The noble lord on the woolsack had adverted to the anxious attention which he himself had applied in the drawing up of the bill; but as a peer of Parliament, he could not help complaining, that the House had been deprived, in a great measure, of the benefit of that deliberation. The noble lord thought that the amendment made the bill worse; but the Commons, let it be recollected, had thought that it made the bill better; and yet the noble lord had never explained to their lordships the grounds upon which he had proceeded, and on which his opinion rested. Good God, could it be expected, that they should be regarded with respect and reverence by the people, unless they did their duty to that people? When a petitioner applied to their lordships, and stated, that he was ready by *visû voce* evidence at their bar, to contradict one of the most material parts of the Report of their lordships' committee, the noble lord had then insisted on the standing orders of the House, and declared that he would not sit in it unless its standing orders were supported; and yet the noble lord was ready to surrender up the liberties of the people to the discretion of the Ministers of the Crown, without any explanation of the grounds of his opinion, or any proof of that anxious attention which, he said, he had applied to this measure. It had been asserted, that measures of this kind had always been passed with precipitation; and the reason was, that the danger was imminent. But what was their present situation? After the measure had run through their lordships' House with so much rapidity, here they had

it again, after the lapse of a week, with a material amendment. The Commons, a much more slow, cool, and deliberative body than their lordships, (*hear, hear,*) had spent a week in the consideration of the measure, and found out that the bill was defective. The noble lord had said, however, that the alteration was for the worse, and upon that principle he ought to vote against the amendment. But no, said the noble lord, that would be the cause of farther delay. The argument would come with a better grace if they had not heard it before; but the noble lord had not explained why he thought the bill better in its former state. As the bill originally stood he was quite clear that the words in the original bill would apply to commitments by any magistrate. As the words now stood, it appeared that England and Scotland were placed in the same situation. But as he could not be certain whether he understood the effect of the amendment, or what would have been the consequences by the common law of Scotland, he thought it somewhat hard that these matters had not been fully explained to the House. They who had talked loudest against any innovation in the Constitution, were now the most eager to swallow down this bitter cup of the Suspension of the Habeas Corpus Act, because it was necessary that Ministers should be armed with certain powers; and now they voted for an amendment which deprived them of part of the powers which they had declared to be necessary. If the powers before given to this bill had been diminished as to England, as well as with respect to Scotland, the amendment would have had his approbation: but he certainly did not envy any additional security given to Scotland, and he thought the exemption of Ireland from this measure would do much to conciliate that country. He felt that sufficient opportunity had not been given to express one half of the objections which existed to this measure.

The Earl of *Lauderdale* said, that the state of the country, as far as he could acquire a knowledge of it from the most diligent inquiries he could make, was most incorrectly described in the Report upon which the bill now before their lordships had been founded. It was true that 26 persons had been apprehended in Scotland; but they were poor unfortunate men, in wretched circumstances, and totally destitute of property or influence of any kind. Nothing could be more absurd than to suppose the meetings of such men capable of producing such degree of insecurity in the Government as to call for a measure of so extraordinary a nature. In fact, there was no proof of any necessity for the suspension. Would any noble lord lay his hand on his heart and say, he believed so general a conspiracy as that represented in the Report could exist, and yet that it must be dangerous to submit to Parliament any evidence respecting it? Surely, in so extensive a conspiracy, some details might be laid before the

House, without the danger of disclosing any thing that might defeat the due course of justice, or cause the improper exposure of individuals. Parliament was, however, called upon to vote away the liberties of the people upon the loose statements of a Report which had been contradicted in material facts. If expressions which might be the effect of distress were to be taken as evidence of conspiracy, Ministers might find abundance of such proofs daily in the streets of London: but as it had been said by a great political economist, that demand is of no value without the means of supply; so it might be said, that a plot is no plot without the means of executing it. With respect to the clause referring to Scotland, the noble and learned lord had stated that it stood in the same words in former bills: but he had not assigned any other reason why it should be inserted in the present. Its being wrong was no reason for its repetition; and if it was right, why was nothing said in its defence? but the introduction of such inconsistent clauses was nothing new. He recollected when measures of the same kind were before Parliament on a former occasion, that he felt it his duty to point out an inconsistency in the enactments of a bill as applicable to England and Scotland, though it was not to be expected that the small minority with which he then acted could prevail on the House to alter their view of the general question. A bill to prevent seditious meetings was then brought into Parliament by a clause of which the people of Scotland were liable to be sent to Botany Bay for the same charge which, if proved in England, would only have been punished with imprisonment. He then experienced great difficulty in shewing that such would be the effect of the bill. No reason had been stated why these distinctions had been made; but though he had no objection to the amendment in the present bill, he should take the opportunity which the question on it afforded of giving another vote against the measure.

Earl Bathurst was surprised that the noble lords on the other side should now attempt to recur to the Report which had already been very fully discussed. That there was a certain danger had been admitted by the noble earl opposite: the question, therefore, was only a question of degree. Several noble lords had laid much stress on the Report having been contradicted; but the contradiction applied only to immaterial points, and could not affect the general deductions made by the Committee. There was no doubt of the Union Club at Sheffield having passed a resolution referring to the Union Club in London. There was as little doubt that such a society had been instituted in London: the only error, therefore, in the Report was produced by the Sheffield resolutions, and was really of no importance. With regard to the question now before their lordships, the noble and learned lord on the woolsack had

shewn that the same provision as to Scotland existed in the bills which passed in 1795 and 1798; and on these occasions no objection had been made to it. The noble earl who spoke last had then a seat in that House; and yet, with all the consideration he paid to such measures, he had not thought it necessary to call their lordships' attention to this clause. In short, in all the bills which had passed for suspending the Habeas Corpus Act, and the act against wrongous imprisonment in Scotland, this clause had formed a part, and yet no complaint had ever been made on the subject. It might, therefore, be fairly inferred, that no inconvenience had hitherto been experienced from it.

The Earl of Lauderdale, in explanation, observed, that though it was true that he was present in that House in the year 1795, when the bill for suspending the Habeas Corpus Act passed, it was by no means surprising that the clause had escaped his and other noble lords' notice, as the bill went through all its stages in one day, and no opportunity had been afforded for examining its provisions.

Earl Grey.—The noble lord who spoke last having made some reference to what had fallen from him on a former occasion, he felt it incumbent on him to trouble their lordships with a few observations. The noble lord appeared to think, that the only question was as to the degree of danger, and that all admitted some danger. He certainly had not stated that there was no danger; but the whole tenour of his argument had been, that there was not a danger of such a nature as to call for a measure, the effect of which would be to suspend the liberties of the people. That was the position he had laid down, and to which he still adhered, notwithstanding the opinion which the noble and learned lord on the woolsack had that night given. That noble and learned lord had stated, not only that there was more danger now than in the year 1794, but more than in the years 1715, 1722, 1745, or any former period in which the Habeas Corpus Act had been suspended. In fine, that the danger of the present period infinitely surpassed any that could exist in those times in which the succession to the throne was at issue; because what was now to be contended for was not whether this or that family should inherit the throne, but whether the morality and religion which formed the basis of every government should not be destroyed. He would wish to ask the noble lord, whether he really considers this a fair comparison of the danger of the two periods? Whether the attempt to substitute another family for that which reigns over us in virtue of the revolution settlement—a substitution which the noble and learned lord seemed to think would be but of slight importance—would have been a matter of indifference to the country? Whether he conceives that the success of any of the descendants of James II. would not have been followed

by the subversion of the laws and liberties of the country? But the noble and learned lord says, there is quite a new danger from the circulation of publications which tend to subvert all the principles of religion. He had not asserted that there was no sort of danger; but what he contended was, that there was none of sufficient magnitude to require the extraordinary measures about to be adopted. The publications alluded to were surely liable to be prosecuted by the existing laws: if the present laws could not reach them, that fact should be proved before new laws were required: but, at any rate, whatever danger might be apprehended from irreligious publications, he was confident that it could in no way be met by the suspension of the Habeas Corpus Act. He thought it, however, very extraordinary that this charge of infidelity should be so much insisted on. It was not long since the House had heard complaints of a very contrary nature. They had heard of danger to true religion and the established church, from the increase of Puritanism and Methodism. The reverend bench opposite had always appeared to feel most alarm for the establishment from that quarter. Indeed, when the number of bible and missionary societies, and associations of every kind for propagating the Gospel which existed, were taken into consideration, nothing could seem more unfounded and unjust than this charge of irreligion. Instead of danger from the want of religion, or from an increase of infidelity, the only danger that struck him was, what might be apprehended from superstition; for he believed at no former period, since the reformation, had superstition so extensively prevailed in this country as at the present moment. He had admitted, that the right of meeting had in some instances been abused, and observed that he had no objection to a measure to regulate that right, if it were shewn the present laws were insufficient for that purpose. This was all the length he had gone: but the noble lord had said, that the Report was in no respect materially contradicted by what had come out since it was laid on the lordships' table. In the first place he should observe, that they had before them a Report detailing statements of the most serious nature, without one atom of proof to support them: but what was more important was, that these statements were directly impeached. The very gist of the Report was, that a society existed in London with affiliated branches in the country. This the secretary and members of the club described as the parent society offer to disprove. The Lord Mayor and Mr. Alderman Goodbehere were ready to be examined at the bar, in contradiction of the statement in the Report on this subject. But the noble lord says this is not a matter of any moment, and therefore will not hear the evidence. In his opinion, however, it was one of the principal facts, or what somewhere else might be called

a principal feature, from which the existence of danger had been inferred. Though he did not disapprove of the amendment which was under consideration, yet, if an opportunity offered of opposing a measure generally objectionable, he could not be blamed for availing himself of it. If, therefore, his noble friend should think proper to take the sense of their lordships on the question, he should have his vote. He should wish, however, to know, whether any noble lord could explain in what situation the people of Scotland would now stand under this bill. The noble and learned lord had said, that the amendment made the bill worse. He must confess that, attending, as he had done altogether, to the principle of the bill, which he considered most objectionable, he did not apply his mind to the details. When the noble viscount, in introducing the measure, said that it was not extended to Ireland, but to Great Britain only, he had taken it for granted that the people of England and Scotland were placed precisely in the same situation. As there was a difference, he thought that the noble viscount ought to have stated to the House what that difference was. The question was not, whether the clause was inserted in the bill of 1795, but whether it ought now to be retained? Is the situation of the people of Scotland rendered better or worse by the amendment? He had heard it whispered, that the effect would be to render the law nugatory in Scotland: this he should not regret: but how was the amendment to be reconciled with the assertions of some noble lords, that the danger was greater in Scotland than in England? Some explanation ought to be given on this point. All he had heard stated was, that the bill was the worse for the amendment, but how it was worse no noble lord had shewn. Earl Darnley said, he was not sorry he had taken this opportunity of opposing the bill, but he should not divide the House on his motion.

The motion was then negatived, and the amendments were agreed to.

HOUSE OF COMMONS.

Monday, March 5.

GAME LAWS.] Sir Edward Knatchbull moved for and obtained leave to bring in a bill to prevent persons from going out at night, armed, to destroy game; and to repeal that part of the last act respecting rogues and vagabonds.

The bill was brought up, and read a first time.

LANCASHIRE PETITION.] Mr. Wilbraham Bosile presented a petition from certain magistrates, gentry, and clergy, in the hundred of Blackburne, in Lancashire, which complained of the acts of persons pretending to be reformers, and the practices of emissaries of disaffection. It was his wish that the sentiments of that large county should be understood; and he believed they were better expressed by this peti-

tion, which was drawn up before the Report of the committee of secrecy, than they were by the proceedings at Preston.

Lord Stanley did not object to the petition, but could not let it pass without a few observations. He readily admitted that the signatures were very respectable; and he believed that the signers expressed their own opinions; but he was yet to learn, how the opinions of gentlemen of one hundred were to be taken as the sense of a great county, in opposition to the sentiments of a public meeting, regularly called by public advertisement, and where all might attend who pleased. It was asserted, that the public meeting was not a meeting of freeholders; but the requisition called for a general county meeting. That county had not for years been in the practice of petitioning or addressing: it was much divided in politics, which occasioned considerable warmth, and it had been an object to avoid public meetings; but the circumstance of an address to the Prince Regent was not thought likely to excite that warmth.

Mr. Cawthorne could vouch for the respectability of the signatures in Blackburne, and believed the majority of the freeholders of the county coincided with the sentiments of the petition. The county meeting at Preston was attended by numbers of cotton-spinners and weavers, with a Mr. Casey, an Irish renegade, whom he believed to be a mischievous character. (*Hear.*) That was his opinion of him, and of some others, who succeeded by noise and numbers. (*Hear.*) He believed he knew Preston as well as the noble lord opposite did. Crowds of cotton-spinners, and of children, could be collected there when any body pleased. He did not believe that 20 freeholders voted at Preston.

Mr. Brougham observed, that to be praised by one who had all men's commendation was esteemed a high compliment. But this was not the case with the respectable individual, Mr. Casey, who was not praised by a gentleman who had all men's commendations. He had however been an ornament to the commercial world as much as any who attended the Exchange, or other places of commercial resort. His misfortunes in business, so far from operating as a diminution of his character, would, he should have thought, have screened him from personal attacks, which had never in the hours of prosperity been made against him. (*Hear.*) As to his being mischievous, that was a point to be settled only according the opinions and principles of individuals. He had been a powerful advocate of his own opinions; and if he had not been a successful one, his name would not have been mentioned in the House in the way they heard it. To call this gentleman a renegade, because he had transferred his residence from Ireland to England, was invidious, and might lead to monstrous inconvenience; but more especially, he should think, to those who, on leaving their native

country, left their principles behind them. (*Hear.*) This was an extraordinary mode of observing upon an individual. He (*Mr. B.*) had known Mr. Casey for some years, and he was sure he was not the only member present who would repel an imputation on his character; and who would say, that he had exhibited an open, direct, and manly conduct in public matters, with a just proportion of propriety in private life. (*Hear.*) Preston was said not to speak the sense of the county, because it did not speak the sentiments of some individuals. The requisition was for a county meeting, and it was impossible to prevent great numbers of persons from attending. It was, therefore, a very numerous meeting; and though it was said that not twenty freeholders signed, yet the High Sheriff affixed his signature, though he differed from the majority. He had received information on this subject quite as respectable as that on the hon. member. (*Hear.*) He meant no disrespect, but he gave to his information fully as much credit; and it was of a contrary tenour to the hon. member's assertions. The sense of the meeting was decidedly against the address as proposed.

Mr. Baring thought, that the whole history of petitions shewed the necessity of some regulating enactment respecting county meetings. Frequently they spoke only the sense of the rabble of the county-town. The signature of the High Sheriff was the only satisfaction the House received. The difficulty occasioned was, that a few turbulent jacobins might collect a large assemblage of people to petition, and when the matter was inquired into, it might be found that respectable persons had little or nothing to do with it. He knew this to have been the case in several public meetings. He considered it desirable, not only now, but at all times, to regulate the mode of holding these meetings, by which means the right of petitioning would be more secure, and the weight of petition greater.

Mr. Cawthorne rose again. (*Cry of spoke, spoke.*)

Mr. Birch said, it was too much to say that this petition spoke the sense of the county. The Preston requisition was from the nobility, gentry, clergy, freeholders, and others. He did not doubt that many had signed the present petition through the influence of their employers. (*"Not one," from the opposite side.*) He could not credit that. As to Mr. Casey, he had never heard any thing against his character, either as a merchant or a man. (*Hear.*) His misfortunes surely furnished no argument against him. (*Hear.*)

Mr. Wilbraham Bootle observed, that he had abstained from all personal remarks or attacks. He wished to set himself right with the noble lord (Stanley.) What he meant was, that he believed this petition spoke the sense of the majority of the county more than the meeting at Preston did. He found fault with the conduct of nobody. When the hall was opened at

Preston, there was a great rush of people of all sorts, actuated by curiosity or other motives. The petition was ordered to lie on the table.

THE LATE MR. HORNER.] Lord *Morpeth* rose to move a new writ for the borough of St. Mawes. Though speeches on such an occasion were rather unusual in the House; yet he trusted that, under all the circumstances, the House would allow him to say a few words on the character of his lamented and departed friend, whose decease had occasioned the necessity of this motion. The gentleman whose death was now universally regretted, had for some time past been prevented, by serious indisposition, from attending to his professional pursuits, or to his duties in that House. He had, therefore, been induced to try the effects of a warmer and milder climate: but he had fallen a victim to a long, lingering, and severe disease. Under the pressure and affliction of his disorder, he yet preserved, undiminished, the qualities of his excellent and enlightened understanding. If he were to attempt to describe the merits and virtues of Mr. Horner's character, he might say, that in the relations of a son and of a brother he was most amiable. These, however, were topics which did not naturally come into the consideration of that House; but they were blended and incorporated with his character as a man in public life, so that, altogether, his merits became a species of public property, and formed an addition to the general stock of public virtue. He could appeal to gentlemen of the same learned profession with the deceased member, and to the gentlemen of that House, for their assent to the admiration and regard in which he was held. He had himself raised the edifice of his fame on good, true, and solid foundations. He was inflexible in his attentions to all great matters of justice. He possessed a clear, simple, but nervous style of oratory, peculiarly adapted to the discussion and elucidation of the public business, with which also he combined a great force of legal argument. As to his political opinions, he did not feel it necessary to mention them: they were sufficiently well known to all, of whatever character they were. The gentlemen opposite, he was convinced, would allow that he never aimed at any undue display of them: and at the same time he never shewed bitterness of feeling, or personal animosity. (*Hear.*) From such things his amiable qualities exempted him. Short as his contracted span of life had unfortunately proved, the merits he displayed must be regarded as the harbinger of future and more matured excellences. His death was a great loss to his family and to his friends, to that House, and to the country at large. At a time when the Constitution of the country was so rigorously examined into by many, to expose its defects and blemishes, it was a source of consolation to see that under it a man, without possessing the advantages of hereditary rank, or of a large fortune, was yet enabled, by his industry

and the cultivation of his talents, to vindicate to himself a high station in society, which, he believed, was acknowledged by all. He should apologize to the House, not for introducing this subject, but for his inability to do it justice. (*Hear.*) He then moved the new writ.

Mr. *Canning* observed, that in all cases similar to the present, he knew of no instance more calculated to conciliate the unanimous feeling of the House. He had not had the happiness of private acquaintanceship and intercourse with the lamented member deceased. He had the pleasure of knowing him only within those walls. During the two last years he had not enjoyed the opportunity of witnessing his more matured and splendid efforts; but he had always previously anticipated his rising excellence. He had recognized his varied knowledge and attainments, his strength of principle, the genuineness of his warmth of feeling, and the modesty which accompanied his other merits, and threw a lustre on them all: securing to him at all times a favourable and even partial attention, and gaining for him a secure reputation. (*Hear.*) It was not his (Mr. C.'s) desire to mix other matters with a topic of this nature; but with his own avowed and notorious opinions respecting the Constitution of this country, he might be allowed to say, now when this borough was a second time vacated by the loss of great talents, that there was at least some consolation for theoretical defects, in the circumstance that the existing Constitution of Parliament sent them such men, occupying such high stations in society, and fitted, after being the ornaments of the House, to become the sustainers of the power, honour, and glory of the country. (*Hear.*) He was happy in giving his cordial approbation to all that had fallen from the noble lord.

Mr. *Manners Sutton* rose to bear his testimony to the virtues and merits of the lamented individual whose character had been so justly drawn by the noble lord. He had had the honour of knowing him, and the satisfaction of witnessing his private and public conduct; and though he often dissented from him on political questions, he could say that no change of circumstances, no difference of opinion, ever diminished the warm attachment and high regard he had for him. The noble lord had justly estimated the loss which the country and his friends had sustained by his death; for such a combination of commanding talent, of profound knowledge, and of strict integrity, had seldom been seen or regretted. His right hon. friend (Mr. *Canning*) had borne testimony to his character, though he professed that he was not personally acquainted with him, and had shewn a laudable eagerness to do honour to his memory from a view of his public conduct; but it was impossible for those who merely knew him in public life to have a full idea of his merits, or to entertain towards him that affection which his private virtues could not fail to inspire. Those who knew him best admired him most;

and found their respect for his public virtues mixed with affection for that gentleness and integrity in private life, which made him not only esteemed but beloved. His loss would long be severely felt by his friends and the House. He (Mr. M. S.) could not expect that he could add any thing to the tribute that had already been so justly paid. It was from no idea that the memory of his lamented friend required his praise, that he now pressed forward to offer the expression of his feelings to the House; but he could not sit silent when an opportunity occurred of joining his testimony to that of the noble lord. He felt that a few words from him on such an occasion were as much a debt of gratitude as an act of justice. (*Hear, hear.*)

Mr. C. Wynn said, that his noble friend (Lord Morpeth), and his right hon. friend who had last spoken (Mr. M. Sutton), had expressed themselves concerning their departed friend with that feeling of affection and esteem which did them so much honour, and which was heightened by their habits of intimacy, and their opportunities of observing his character; but the virtues by which he was distinguished were not confined within the circle of his acquaintance, or concealed from the view of the world. Every one who saw Mr. Horner had the means of judging of his temper, his mildness, and his personal virtues; for they were seen by all. He carried with him to public life, and into the duties and the business of his public station, all that gentleness of disposition, all that amenity of feeling, which adorned his private life, and endeared him to his private friends. Amidst the heats and contests of the House, amidst the vehemence of political discussion, amidst the greatest conflicts of opinion and opposition of judgment, he maintained the same mildness and serenity of disposition and temper. No eagerness of debate, no warmth of feeling, no enthusiasm for his own opinions, or conviction of the errors of others, ever betrayed him into any uncandid construction of motives, or any asperity towards the conduct of his opponents. His loss was great, and would long be regretted. (*Hear.*)

Sir S. Romilly hoped that his acquaintance with Mr. Horner would plead his excuse for the anxiety he felt to say a few words on the present occasion. Agreeing with every thing that could be said of his private virtues, he would not enter on that subject. It was as a public man that he would speak of him. Of all the great and good qualities for which he was distinguished, his attention was turned most to his independence of mind and character. From this feeling he stored his mind with the treasures of useful information; from this he was led to apply himself assiduously to the study of our internal economy, of the sources of public wealth, of our foreign relations, and of all the great questions on which, as a legislator, it was his duty to form or express an opinion. From the same independence of mind he was led to

devote himself to the labours of his profession, and to all those branches of knowledge connected with it; and notwithstanding his failure in obtaining that success in it which he so well merited—notwithstanding that he did not attain that practice or that reputation which his acknowledged talents and his great accumulation of legal science deserved—notwithstanding the frequent calls made upon his time by other business, and the attention he devoted to public affairs, the same spirit of independence led him still to prosecute that line of business in which his success would have secured him fortune in the most honourable though painful and laborious way, and allowed him the free and unshackled exercise of his talents. In the last 12 years, the nation had experienced a loss of many of its greatest ornaments—of many of its great men. The present, however, was a loss connected with circumstances and reflections which made a deep impression on the mind, and inspired a peculiar degree and kind of regret. All these great men had had opportunities of displaying their abilities; they had attained the summit of their fame, and left a lasting impression on their country; but his lamented friend was snatched away from the stage of public life before he had shewn the full maturity of his talents, and before he had reaped that reputation which would have been their reward. The House and his friends saw him improving from year to year; they saw him displaying more eloquence, more knowledge, more force, every additional discussion; but they saw likewise, that he had powers which had not been displayed, and they anticipated greater effects from his maturer efforts. This hope had been disappointed, and the greatness of the promise made the disappointment doubly severe. If any thing could heighten our regret for the loss of his great talents, eloquence, and exertion, it was the manner in which they were employed. Separated from their end, eloquence and talents appeared to him (Sir S.) of small value, or even little desirable. Eloquence alone was a transient quality, and calculated to procure transient reputation. It only was noble and praiseworthy when it was employed in laudable objects; when it had for its end the diffusion of knowledge, the promotion of human virtue and happiness, the dispelling of the clouds of ignorance and superstition, the enfranchisement of slaves, the support of liberty, the improvement of our laws and institutions, the protection of the distressed, and extension of improvement. It was by such an employment of talents that they became valuable, and it was to such objects that Mr. Horner directed their efforts. In this way he had exerted those abilities that Heaven had bestowed, and by such an exertion of them heightened their value, and aggravated our regret for their loss. (*Hear, hear.*)

Mr. W. Eliot was anxious to join his tribute to that which was already paid to the manly integrity, the dignified eloquence, the public and

Private virtues, which distinguished the hom. gent. whose death was now deplored.

Mr. *C. Grant* had known his lamented friend before he had distinguished himself so much as he had subsequently done, and could not be silent when such an opportunity occurred of paying a tribute to his memory. Whatever difference of opinion they might have on public questions, he could suspend that difference to admire his talents, his worth, and his virtues. It was not his talents alone that were developed in his eloquence. His eloquence displayed his heart: through it was seen his high-minded probity, his philanthropy, his benevolence, and all those qualities which not only exacted applause, but excited love. It was the mind that appeared in his speeches that gave them character. He would not enter into the account of his private life, although his private virtues were at least on a level with his public merits. Amid all the cares and interests of public life; he never lost his relish for domestic society, or his attachments to family. The last time that he (Mr. G.) conversed with him, he was anticipating with pleasure the arrival of a season of leisure, when he could spend a short time in the bosom of his family, and amid the endearments of his friends. When he looked at his public or private conduct, his virtues, or his talents, he would be allowed to have earned applause to which few other men ever entitled themselves. (*Hear, hear.*)

Lord *Lascelles* hoped he should be excused for now stating publicly on this melancholy occasion what he had always stated privately when an opportunity occurred. He knew no man more valuable, nor any one who would have been a greater loss. If any thing could give consolation to his friends, it was, however, the reflection, that his talents and integrity were appreciated; and that if a vote of the House were requisite for establishing his reputation, he was sure that vote would be unanimous. (*Hear, hear.*)

The writ was then ordered.

SEDITIONS MEETINGS BILL.] The order of the day for the second reading of this bill being moved,

The *Solicitor-General* rose to state some circumstances which shewed the necessity of the measure. If conspiracy existed, this was the best means of limiting its extent. Every subject of this bill had formerly been before Parliament, which had passed laws to guard against the dangers that existed. Nothing could be more dangerous than great bodies of men collected together, and addressed by inflammatory harangues, which attributed the distress of the country to misgovernment, and endeavoured to convince the people that their grievances could only be redressed, and Parliament reformed, by physical force. They were engines that were always to be dreaded, and might be wrought with terrible effect against the tranquillity and good order of society. It was not, however, the intention of the proposers of this measure

that it should extend to the prevention of legitimate and constitutional meetings. The bill would not apply to county meetings, nor to assemblies convoked by the authority of sheriffs, justices of the peace, mayors, aldermen, or any corporate body. These means of petitioning, therefore, would still remain; and, he apprehended, would furnish ample opportunity for the representation of every political grievance, whether real or imaginary. One particular object of the bill also was to allow meetings to be holden at the requisition of 7 householders, after sufficient notice, in order that the individuals so calling the meeting might be known. This part of the measure, however, would require considerable regulation, and it might be proper that a power should be vested in the magistrate of preventing or suppressing such meeting, if the purpose of it should be the effecting any alteration in matters of state, without the consent of the King and Parliament; every such design being obviously unlawful. Another point was that of authorizing the magistrate to take into custody every person who should propound matter of a seditious nature for discussion in a public assembly. This provision was adopted in the act of 1796. The clause in question would go to the extent of prohibiting, under certain penalties, all meetings exceeding the number of fifty persons, and not called together by any constituted authority, or at the instance of 7 householders. It was his intention also to submit an additional clause in the committee, referring to a point in some degree distinct from the subject-matter of the act; and this was to forbid the last-mentioned meetings, namely, those called at the requisition of seven householders, from adjourning such meetings to another time or place, with a view of evading the notice required at their original assembling. The present bill declared such adjourned meetings to be unlawful assemblies, and would subject the offenders to punishment. The House would see, that the measure before them would not at all touch those regular and legitimate meetings which were convened by the magistracy, or the proper local authorities. The act of 1796, which was amended in 1799, did apply to lecture rooms and debating societies; but this provision was construed to be omitted in the latter enactment, and to have ceased with the expiration of the former. It was proposed, therefore, that this provision should be restored. Some difference would be found with regard to its duration, and that of the other regulations which it established; the duration of this particular enactment being temporary, and limited for the period of three years. The act of 1794, which was still in force, furnished a precedent for putting down one society by name; and it also declared such societies as should administer oaths, or other tests, or have branch societies, or send delegates, to be unlawful assemblies. This, however, did not reach the evil as it existed at present; for these societies now were independent of each other,

Although many of them had the same object—that of exciting insurrection, and overturning the Government of the country. All their proceedings were as consistent as though the parties of whom these various combinations were formed acted in direct league and concert. By this measure all those societies which communicated with each other by means of delegates or missionaries, would be placed on the same footing as those which professed to be branches or affiliations of the same society, and which were already illegal. It was the same evil which had before been attempted to control; and it was equally necessary to defeat the new means devised of propagating it. The bill would likewise go to dissolve one society by name, and this was the society known by the name of the Spenceans. He believed every member of the House must agree with him, that this society professed principles which were subversive of every thing that was valuable or essential to a well constituted State—principles incompatible with all order and all government. It might be said, that they did not appeal to have established any test, and that their meetings were open. He could not think, however, that discussions of such a nature were the less dangerous on account of the publicity and boldness with which they were entertained. He had only to add, that the measure would apply only to such societies as should be constituted for purposes of political mischief.

Mr. Ponsonby expressed his willingness to postpone the full discussion of this measure to the future stages which would be presented in the Committee, and on the third reading. It was not easy to understand the precise nature of such a measure at present, compounded as it was of the acts, with several new additions. He certainly was not aware of any objection to the provision with regard to the seven householders; and did not think it could operate so as to interfere injuriously with the constitutional right of the subject to petition the Legislature for a redress of grievances. He should deem it his duty, however, to offer some suggestions on other parts of the bill in the Committee; after which the principle would be better understood, and might be debated on the third reading. In the mean time he would call the attention of the honourable and learned gentleman to two clauses in the act of 1799, one of which was, in his opinion, calculated to do good, by inducing those who had been mistaken to retire from those societies against which the law was now to be directed. He thought also, that another clause, limiting the period within which actions against magistrates for their conduct under this act could be brought, might be very properly adopted. The bill, he must likewise observe, as it stood at present, appeared to him to be very loosely worded.

Mr. Calvert stated, that a most respectable and numerous meeting of the inhabitants of Southwark had just taken place, for the purpose of petitioning Parliament against the suspension

of the Habeas Corpus Act; but finding that it was too late to adopt this proceeding, the Bill having been already read a third time, they had determined, without one dissenting voice, to petition the House against any further encroachments on the Constitution. (*Hear.*) Under these circumstances, and agreeing entirely with the unanimous vote of his constituents, he must feel himself constrained to take the sense of the House upon this early stage in the progress of the measure.

Sir F. Burdett.—Although he felt no desire to anticipate the discussion, which might be taken with more advantage perhaps on a subsequent occasion, thought it right to declare; that he should oppose the principle, as contrary to the conditions stipulated for the subject in the Bill of Rights. With regard to the propriety of putting down political clubs, he felt satisfied that the measure was resorted to merely in consequence of the numerous petitions which had been received on the subject of Parliamentary Reform. Nothing was more common, when a public grievance was pointed out, than to say, the public make no complaint of it. The public do, however, at last complain pretty loudly; but he did not think that their voice ought on that account to be stifled. It appeared to him, that if the Government was conscious of acting with integrity towards the people, they could not feel so much alarm at any expression of the popular voice. There were not less than 600 petitions on the floor, and he believed there never was an instance of a people displaying so much patience, good order, and obedience to the laws, under the pressure of so much distress. Their conduct took away every pretence for infringing the Constitution; and he was surprised that the absurdity of the Spencean doctrines did not render gentlemen ashamed of expressing any apprehensions from such a cause.

Lord W. Russell conceived it to be his duty, as a representative, bound to defend the purses and liberties of his constituents, to enter his protest against the present measure. He would cheerfully give to the Government all the security that was consistent with the principles of the Constitution; but he considered that the House had already, by suspending the law of Habeas Corpus and trial by jury, given them as much power as the Romans gave to a dictator, when they directed him to provide *ne quid res publica detrimenti capiat*.

The Hon. Mr. Law contended, that the Bill, instead of taking away the right of petition, gave the right of free discussion. He could not but observe, however, that it contained no provision to hinder meetings from being held in places very near each other on the same day. Such a clause, he thought, would be very desirable, in order to prevent combinations which might distract the attention of the magistrates, and of the civil and military force of the country. (*Hear, hear, from the Opposition.*)

Sir John Newport said, that in passing a law

of this nature, the House should have under their consideration every provision intended to be introduced, and not leave it to a period when they could not go into the discussion. The Bill was now in a very imperfect state, and, therefore, he should not pronounce his opinions on it till he saw it amended in the Committee. On this ground he gave his assent to the second reading.

Mr. *Galvert* then said, that not wishing to set up his own judgment against the opinions of both sides of the House, he would not insist on a division.

Sir *M. W. Ridley* rose and said, that he wished to have some explanation from the Attorney-General, respecting the meaning and operation of that clause in the Bill, which, as it appeared to him, would prevent persons from resorting to any rooms for the purpose of reading books, pamphlets, and the daily journals. The words of that clause, as applicable to this subject, were as follow:—"And whereas divers places have of late been used, under the pretences of being places of meeting, for the purpose of reading *Books, Tracts, Pamphlets, Newspapers, or other Publications*; Be it enacted, that every house, room or place, which shall be opened or used as a place of meeting for the purpose of reading books, pamphlets, newspapers, or other publications, and to which any person shall be admitted by payment of money, or by any ticket or token of any kind, delivered in consideration of money, or other valuable thing, or in consequence of paying, or giving, or having paid or given, or having agreed to pay or give, any money or other valuable thing, or where any money or other valuable thing shall be received from any person admitted, either under pretence, or for any other cause, or by means of any device or contrivance whatever, shall be deemed a *disorderly house or place*, unless the same shall have been previously licensed, in manner hereinafter mentioned:"—(that is to say, by a justice of the peace, for which license a fee of shall be paid); "and the person by whom such house, room, or place shall be opened or used for any of the purposes aforesaid, shall forfeit the sum of for every day or time that such house, room, or place, shall be opened or used as aforesaid, to such persons as will sue for the same, and be otherwise punished as the law directs in cases of *disorderly houses*; and every person furnishing or delivering any book, pamphlet, newspaper, or other publication as aforesaid; and also every person who shall pay, give, collect, or receive, or agree to pay, give, collect or receive any money, or any thing for or in respect of the admission of any person into any such house, room, or place, shall for every such offence, forfeit the sum of ." Now, as the hon. baronet read this clause, he conceived that it went to prevent persons from resorting to reading rooms and circulating libraries, for the

purpose of reading newspapers and books, which would be a most unwarrantable oppression of the subject. In the town in which he lived, there was a reading room which was frequently attended by the most respectable persons; and yet, under this clause, the person who kept it, and the parties who resorted to it, (unless, indeed, it were regularly licensed, which appeared to him to be a very arbitrary mode of collecting money,) (*Hear,*) would be liable to be prosecuted. (*Hear.*) But this was not his only objection to this Bill, he objected to the preamble, which stated, "Whereas assemblies of divers persons, collected for the purpose, or under the pretence, of deliberating on public grievances, and of agreeing on petitions, complaints, remonstrances, or other addresses to the Prince Regent, or to both Houses of Parliament, have of late been made use of to serve the ends of factious and seditious persons, to the great danger and disturbance of the public peace, have produced acts of riot, tumult and disorder, and may become the means of producing confusion and calamities in the nation." Now, what was this but a libel on the whole people of England? It asserted that which was not true; for he maintained, from all that he had seen or heard on the subject, that in none of the meetings holden for the purpose of petitioning had any acts of riot, tumult, or disorder taken place. The riot in the metropolis, on which the Secret Committee had founded a great part of their Report, did not commence in Spafields, but was committed by some disorderly persons, whose object was totally unconnected with the purposes for which meetings had been called in almost every part of the kingdom. (*Hear.*)

Lord *Cochrane* presented himself to the notice of the House, in order to read an extract from a letter which he had received from a person at Glasgow, relative to the object for which the meeting in that city had been holden, and to shew the manner in which some of the persons had been treated. The postscript stated, "that it was merely the intention of the persons assembled to devise some method for procuring parochial relief, which was not granted in that country in the same manner as in England." "The Committee of Glasgow did, in the most solemn manner, declare, that no Spencean societies had ever existed in that city; nor had they ever heard of the name of the Spenceans till they read them in the newspapers." (*Hear, hear, and a laugh.*) "One gentleman, however, a man of respectable character, and a useful member of society, had been seized in his own house, at one o'clock in the morning, whence he was dragged from his wife and family, and then thrown into a dungeon, where he lay on a damp floor for two nights. He was then examined, and nothing having been proved against him, he was liberated." (*Hear, hear.*) "Another gentleman had been treated in the same manner, and was afterwards restored to liberty." The writer then observed, that the

reign of terror had commenced, and that the people were exceedingly indignant at the attempts to ensnare the unwary, which they conceived were made by the creatures of Government. (*Hear.*) The noble lord concluded with saying, that he understood the Lord Mayor had stated, two days ago, that he had furnished Ministers with two-thirds of the green bag. It might be very convenient for Ministers to divert the public mind from the real interests of the country, and he (lord C.) firmly believed, that the suspension of the Habeas Corpus Act, and other bills, were brought in more for that purpose than any other. It was necessary, however, that the Bill then before the House should undergo the strictest discussion before it was passed, and that reasons of a weighty nature should be given for introducing it. Motives ought not, in general, to be imputed to any person in that House; but they came with a very bad grace from those who were the protectors of corruption. (*Hear.*)

Mr. *Baring* would not object to this measure if a clear and decided case could be made out for its necessity. He conceived, however, that every gentleman in the House was as able to judge of the state of the country as every member of the Committee; and, certainly, as far as his knowledge extended, there was no occasion whatever for invading the liberties of the people. (*Hear.*) He had not the least doubt that some blasphemous publications had been brought before the Committee; but he could not for a moment believe that such publications prevailed throughout the country. There never was a time within his recollection or reading, when there existed a stronger religious feeling and veneration for those sacred subjects, the detestation of which seemed by the Report to be one of the grounds of these proceedings. This was a period in which enthusiasm seemed to have taken hold of the minds of men, and a disposition had sprung up in the lower classes to dive into unknowable mysteries, and to puzzle themselves with what they had better leave alone. (*Hear, hear, and a laugh.*) As to the riot which followed the meeting at Spasfields, a very inconsiderable part of the population of the metropolis had been concerned in it; half a dozen people got down from a waggon, and very few joined them on their way to the city. With respect to the Spencean plan, he had never once heard of it till he saw the Report; and, even then, he knew so little of the founder of that sect, that he thought he had been a Mr. Spence who wrote a pamphlet a few years ago on foreign commerce. Connecting these circumstances together, he was decidedly of opinion that there had been very great exaggeration in the apprehensions of the Committee and of his Majesty's Ministers. He could not but think, that all the plot or plans, or whatever they were to be called, might have been put down, if left alone, with perfect security to the coun-

try. (*Hear, hear, hear.*) It did not appear that there was any intention of opposing the Bill going into a Committee: and, therefore, he should not deliver his opinions upon it at present; but he could not suffer it to pass even thus far, without stating, that it contained some provisions, which, if ultimately carried, would give Ministers a discretionary power over the most harmless intercourse of society. (*Hear, hear.*)

Mr. *C. W. Wynn* observed, the Report did not state that the Spencean societies prevailed over every part of the country. It certainly appeared, however, that the Bill extended farther than it could possibly be intended to go. He did not think it could be wished that respectable rooms and circulating libraries for reading newspapers and books should be subject to prosecution, unless they were licensed.

Lord *Rancliffe* said a few words in opposition to the measure, when the Bill was read a second time, and referred to a Committee of the whole House for the next day.

SEDUCTION AND TREASON BILLS.] The Army and Navy Seduction Bills, and the Bill respecting treasonable practices, were read a third time and passed.

PARLIAMENTARY REFORM.] Sir *F. Burdett* moved, that the Petitions which lay on the floor, signed by nearly a million of subscribers, should be received. (There appeared to be nearly a waggon-load of petitions; they lay in a heap, and almost covered the floor of the House: there were 600 of them.)

The *Speaker*.—Bring them up. (*A laugh.*)

Sir *F. Burdett* then stated, that they were all to the same effect; but after the clerk had read the names of Blackburne, Derby, Huddersfield, Kingston-upon-Hull, Manchester and Salford, Bolton-le-moor, Loughborough, Melbourne, it appeared that a great proportion of the petitions were printed, upon which the *Speaker* informed the hon. baronet, that he must take all such back; one also was discovered to be addressed to the Prince Regent, which was likewise ordered to be returned.

Mr. *Manning* rose to order, and observed that when the hon. baronet knew that he had 600 petitions to present, he should have consulted the convenience of the House in ascertaining whether they were printed or no, and he trusted that the hon. baronet would be cautious for the future.

After a few words from Sir *Francis Burdett*,

The *Speaker* suggested the propriety of proceeding with the petitions some other day, to which Sir *Francis* acceded; and intimated, that he should then insist on the propriety of receiving printed petitions.

Sergeant *Best* having objected to the length and mode of signature in some of the petitions,

The *Speaker* observed, that every one acquainted with the proceedings of the House, knew how much business was done on the faith-

and confidence reposed in members; it was therefore to be expected, that no petition which had once been rejected would be presented a second time.

After some few words from Mr. *Law* and Sir *F. Burdett*,

The *Speaker* again suggested the propriety of adjourning to another occasion the question, that the petition do lie on the table.

A member having discovered that one whole column of signatures was in the same handwriting, and that many signatures were detached from any petition, moved the adjournment of the question, in which he was seconded by Mr. *Law*.

Mr. *Calcraft* thought it difficult to decide at a single glance that any number of signatures was in one handwriting; he extenuated the language of the petitions, and thought the signatures might have been detached by accident. He considered the proposed adjournment as inconvenient.

After a few words from the *Speaker*,

Sergeant Best insisted, that the sending a number of signatures in the same handwriting was a gross contempt of the House; and contended, that if the House wished to preserve to the subject the valuable right of petitioning, they ought to watch over the due and decent exercise of it.

Sir *Francis Burdett* explained that the signatures had been accidentally detached.

After a conversation between the *Speaker* and Sir *C. Monck*, on the subject of signing by proxy, which the *Speaker* declared to be inadmissible, except in the case of a party who was abroad, and had given a written authority for that purpose.

Lord *Cochrane* rose to defend the petitions: he knew persons in office had frequently procured signatures to petitions without a top; and as to the expressions made use of in those now before the House, he thought no rigid line should be drawn when it was considered that of the whole House, 90 members were returned by a few peers, and

Lord *Palmerston* called to order.

Lord *Cochrane* said, he spoke in answer to some observations from the other side: he knew that in the borough of Ilchester one hundred houses had been pulled down, and the inhabitants sent to the poor-house.

The *Speaker* called the noble lord to order, and reminded him that the question was, whether the petitions should lie on the table.

Lord *Binning* observed, that if the hon. baronet had considered what was due to the House and himself, he would have delayed a day or two, merely to ascertain which of the petitions were printed, and which not.

The debate on the question, whether the petition should be brought up, was then adjourned till to-morrow.

HOUSE OF LORDS.

Tuesday, March 4.

The Royal Assent was given by commission to the Habeas Corpus Suspension Bill, the Malt Duty and Offices' Contribution Bill, the Malta Trade Bill, and several private bills. Commissioners the Lord Chancellor, Marquis of Winchester, and Lord Melville.

Some farther evidence was heard on Bayley's Divorce Bill.

The Army Seduction Bill, and Treasonable Practices Bill, were brought up from the Commons, and read a first time, and ordered to be printed.

PARLIAMENTARY REFORM.] Earl *Grey* presented a petition from the Burgh of Kilmarnock, praying for Retrenchment, and Parliamentary Reform, by Annual Parliaments and Universal Suffrage. The petition was couched in respectful language, and he therefore presented it; but friendly as he was to the principle of Reform, he trusted he need not say he was decidedly adverse to that species of Reform which the petition prayed for.—Laid on the table.

The Earl of *Darnley* presented a petition from the ward of Bishopsgate, praying for Retrenchment and Parliamentary Reform. He took this opportunity to state that he was decidedly adverse to the plan of Reform, or what was so called, by Annual Parliaments, and Universal Suffrage; and for this plain reason, that he was convinced such a Reform would soon inevitably lead to confusion and revolution, the entire subversion of the Constitution, and then to a military despotism. But he also believed, that it would be dangerous to resist the prayers of that mass of petitions which came from the temperate and respectable part of the community, and to refuse any Reform whatever: and he therefore expressed his wish, that this petition should not only be received, but that, according to its prayer, it should be taken into immediate and serious consideration.—Laid on the table.

Lord *Holland* presented a petition from a person of the name of Waters, praying the House to abolish capital punishments. (See page 178.)—The petition was laid on the table.

The King's Bench Proceedings Bill, was read a second time.

HOUSE OF COMMONS.

Tuesday, March 4.

A petition in favour of strengthening the hands of Government was presented by General *Grosvenor*, from Chester. Ordered to lie on the table.

Mr. *Calvert* presented a petition from the borough of Southwark, which was not numerously signed, owing to want of time only. He

was aware that a petition could only be considered as the petition of the subscribers, but this was brought up as the petition of Southwark. It expressed great regret at the impression made by the Report of the Committee, as well as the hope that the patience of the people would have occasioned better opinions of them: and it prayed the House to pause before they passed any other law infringing on the public liberties.

Mr. *Dickenson* observed, that many persons might sign petitions without understanding their contents; and that it was not always clear, when signed by a few, that they would be signed by many others, if time were given. This, he understood, was the case with respect to a petition from Bath.

Mr. *Calcraft* did not think the petition objectionable on such light grounds, when a meeting of 4 or 500 resolved that the deputy bailiff should sign in behalf of the borough.—Ordered to lie on the table.

Sir *Francis Burdett* presented a petition from inhabitants of the Old Artillery Ground, praying for Retrenchment and Parliamentary Reform.—Ordered to lie on the table.

The hon. baronet then presented several other petitions to the same effect: which were ordered to lie on the table.

Mr. *Brougham* presented a petition from St. Leonard's, Shoreditch, signed by 6,736 persons, among whom were the most respectable inhabitants. The petition recommended Retrenchment and Reform according to the wisdom of Parliament. A considerable obstruction had been put in the way of this petition by some of the magistrates, and particularly by some of the police magistrates, who were appointed by, and were removable by, the Government. The gentleman who endeavoured to prevent this petition was Mr. Gifford, who was probably very well known to many members of that House. He applied to the rector to obtain the refusal of the vestry to the petitioners, and used his endeavours to that end. Other agents were also employed. Unable to prevent the inhabitants from exercising the right of petitioning, recourse was had to a stratagem, by sending non-resident individuals to sign, in order afterwards to make that a ground of objection. Most of the pretended signatures of these non-residents were written by one hand, and one sheet of signatures was entirely withdrawn on that account. He felt it his duty to state these circumstances, which he was informed of through respectable channels; more particularly after the animadversion which had been made upon various petitions.—Ordered to lie on the table.

TORTURE OF A BRITISH SUBJECT.—HAYTI.]

Mr. *Sharpe* presented a petition from James Davison, a British subject, lately established as a merchant at Cape Henry, in the island of St. Domingo. The petitioner complained of having been imprisoned, and tortured with the thumb-

screw, by Christophe's governor of Cape Henry, on a groundless charge of endeavouring to effect a revolution in favour of Pétion, the rival chief of St. Domingo. The petitioner prayed the House to take such measures as, in its wisdom, should appear necessary to redress the injury he had sustained, and to watch the rising power which had committed this outrage, the respect that is due to a British subject.

Mr. *Sharpe* then presented another petition from Mr. Samuel Marsom, a British merchant, residing at Cape Henry at the time of the outrage described in the former petition. He confirmed the statement of Mr. Davison, and alleged that he had been deputed by the British merchants resident in Hayti to apply to the British Government, and having received no attention from the Colonial Department, he thought it his duty to apply to Parliament.

Both petitions were ordered to lie on the table.

Lord *Cochrane* presented a petition for Reform from Rutherglen; and made some observations respecting a schoolmaster at Glasgow, who had been put in confinement for two days.

The Lord Advocate felt that it would be extremely improper in him to say what it was, precisely, that the magistrates had discovered concerning the persons apprehended at Glasgow. It would be injurious even to those people themselves to do so. As to what had been said about the oath taken by certain deluded or disaffected people, and as to whether it was found on any of these apprehended persons, he did not feel that it was agreeable to the spirit of British justice to make any particular statement of that description, which might possibly subject individuals to the operation of gross prejudices. He should not, however, exceed the limit of safety in stating, that parochial relief had nothing to do with these meetings.

Sir *F. Burdett* read an extract of a letter from Glasgow, in which it was stated, that a Government spy, who had said in a public company that the King was of no use, was not held in custody by the magistrates, because he declared before them, that he was "a loyal man." The same was the defence made by Lambick, the police-officer, when charged with cruelty to a boy who was found pulling down a hand-bill circulated by the police, abusing Mr. Hunt. This sort of declaration of loyalty appeared calculated to cover as many sins as charity. (Hear.)

The petition was ordered to lie on the table.

Lord *Cochrane* presented petitions for Reform from Greenock, and places in the west of Scotland, which were read, and ordered to lie on the table.

Lord *Cochrane* then said, he had others of a similar nature, and with a similar prayer, of a considerable number, which he moved might be brought up and received without being all read.

The *Speaker* observed, that if the number

was small, not exceeding eight or nine, the House usually granted this indulgence. He had last night objected to the 600 as being too many. If the petitions varied in their terms, the rule of the House was to order them to be read separately.

Lord *Cochrane* then presented petitions from Kimbolton and Brady, in the Isle of Wight, praying for Reform, which were read, and ordered to lie on the table.

The noble lord presented another from Grooby, in Lincolnshire, praying for Reform. It stated, that the House of Commons did not, in a true or constitutional sense, represent the people; and complained that it tired the patience of the nation with debates that had no view to public interests.

Lord *Castlereagh* objected to its being received on the ground of the objectionable language in which it was couched.

Sir *F. Burdett* said the noble lord had given no reasons for its rejection. It was allowable to tell the House that it did not represent the nation, because that was the very ground on which petitions for its Reform could consistently be offered it. The words might be offensive to those who did not concur with the petitioners; but if the petitioners were not allowed to make such a statement or complaint, on what pretence could they pray for Reform?

Lord *Binning* was for rejecting this petition, on the ground of its containing the very phrases which caused the rejection of a former one.

Mr. *Brougham* denied that the expressions were the same as those used in a former petition which was rejected. When it was said that the House did not legally represent the nation, the phrase might be construed to imply, that it had not the power to make laws to bind the people; but when it was stated that the representation was not constitutional, it was merely a mode of declaring that there had been departures from the Constitution which ought to be corrected by bringing it back to its former purity. In short, it was nothing else but a way of stating the argument for Reform. He wished rather to throw open the door to the prayers of the people, than to shut it. It was much better to receive a petition couched in loose, popular, and incorrect language, where no disrespect was intended by it, than to incur the imputation of cavilling with the expressions and disregarding the complaints of the people.

Lord *Binning* said, that upon looking at the words of the petition, they would be found to be the same as those formerly objected to.

Mr. *B. Bathurst* observed, that if the House did not constitutionally represent the people, its sitting was unconstitutional, and its acts were not binding, nor could it legally impose taxes. He, therefore, would oppose the reception of the petition, as impeaching the power of the House, and denying its title to exercise its functions, particularly the important function of taxation.

Lord *Cochrane* contended that the House did not represent the people in a constitutional sense.

The Hon. Mr. *Ward* thought the objectionable words implied that the House of Commons existed against the law and the Constitution of the country. The petition had not been drawn up by simple men who were not aware of the import of their expressions, but had been penned by the same person probably that was the author of many others.

Mr. *Calcraft* was for receiving the petition, on the ground that the petitioners acknowledged the virtual authority of Parliament, by the very act of presenting their petition to it, although they denied its constitutional purity.

Mr. *C. Wynn*, in addition to the words that were now objected to, stated that the observation about the debates of the House would be sufficient to render it obnoxious.

Mr. *Lambton* did not see how the House could reject this petition with any regard to consistency, while it had received another couched in the same expressions. He read the words alluded to in a petition from Wick, in Yorkshire; it even went further than the present, because it alleged that the House was only a tool in the hands of a rapacious and all-grasping oligarchy of boroughmongers.

Mr. *V. Fitzgerald* said, that the House should make no precedent of receiving insulting petitions; and if in its indulgence, or its carelessness, it had allowed any disrespect to be offered it formerly, the circumstance of its being now pleaded as a reason for a repetition of the insult should only induce it to be more cautious in examining whatever was presented to it, and more attentive in guarding its dignity.

The petition was rejected.

Lord *Cochrane* presented another petition from Yorkshire, which, upon being read, was objected to by Mr. *Wynn*, and withdrawn. The noble lord said he had others, but as they contained similar expressions, he would not now present them.

Lord *Lascelles* presented a petition for Reform from the West Riding of Yorkshire.—Ordered to lie on the table.

GAME LAWS. Colonel *Wood* rose to move for leave to bring in a Bill to repeal the 28th of Geo. II. in order that the sale of game should be made legal. He hoped by this measure to put an end to poaching, which he allowed to be an evil of great magnitude; destructive to the morals, the happiness, and industry of the British peasant. Parliament during almost every reign had been legislating on the subject of game, and had made many unjust and oppressive acts. He was fully persuaded, that as long as there was the temptation of money in this large town to procure luxuries, luxuries would be obtained. He then moved, "that leave be given to bring in a bill to repeal the said act, and to make other provisions relating to the sale of game."

Sir *Charles Burrell* said, if the game laws

were to be altered at all, it should be by a committee of a few persons, with the assistance of some legal members. The present game laws were beneficial, inasmuch as they induced men of fortune to reside on their estates; whereas, in other countries, whole tracts of land remained uncultivated. He should certainly oppose the introduction of the bill.

Mr. *George Banks* contended, that the present system of the game laws contributed to the public happiness and the public good. If any alterations were to be made, he should suggest an increase of the penalty to which qualified persons were liable for buying game.

Mr. *Curwen* considered that the game laws, from beginning to end, were most unjust, oppressive, and tyrannical, and utterly subversive of the liberties of Englishmen. (*Hear.*) He would wish to see the whole done away, and every man restored to his right. If they were to be done away, it would tend to promote the quantity of game, and the sports of gentlemen who were interested in it; but if the total abolition could not be agreed upon, it would be better to make it extremely penal in the persons who would buy game.

Mr. *Long Wellesley* thought, that the game laws should remain untouched. There were rights of forest and rights of chase, which were very valuable, but which would be affected by any alteration. The hon. gentleman was proceeding with his observations, when cries of question became very general, and he sat down.

Sir *Francis Burdett* said, if any punishment were to be inflicted, it ought to be rather on those who induced others to get the game; but it would be better to make it legal to buy it.

Mr. *C. W. Wynn* recommended that some regular and connected system should be adopted, and that the House should not resort to temporary measures.

Colonel *Wood*, in reply, observed, that he did not wish to go back to those good old times of Henry VIII. (as some seemed to think them) when it was necessary to have a licence to shoot crows. It was certain, that at present pheasants were to be bought and sold in almost every poulterer's shop.—The cries of question were here renewed, when the House divided, and the numbers were,

For the motion	46
Against it	34
Majority	—12

RENEWAL OF COMMISSIONS UPON DEMISE OF THE CROWN.] Mr. *Ponsonby* rose, in pursuance of his notice, to call the attention of the House to the situation of persons holding offices under the Crown, but who were liable to be removed, on the demise of the Crown, unless the successor to the Crown should be pleased to continue them. The right hon. gentleman stated, that, by the 7th of William III., it was enacted, that

if, on the demise of the Crown, any Parliament should be in existence, it should continue sitting for six months afterwards, unless the successor should choose to dissolve it. So, in the act of Anne, it was declared that several high offices, therein enumerated, should continue, and that the persons holding them should not be deprived of the enjoyment of them by the demise of the Crown. Now, the object of the bill which he intended to submit to the House was, to carry the principle of these two bills into effect, as to persons holding offices, civil and military, during the pleasure of the Crown. It was a circumstance in favour of this measure, that it could not be considered to be one of party feeling. (*Hear.*) It was impossible to say who would be the successor to his Majesty, or who were the persons that that successor might wish to employ. By the operation of the law as it now stood, many of the highest officers in the state, such as lords-lieutenant, governors and deputy governors, justices of the peace, and all persons holding commissions in the army and navy, must lose their offices on the demise of the Crown, and go through a very expensive process in having them renewed. The sole object was, therefore, that all persons holding offices during the pleasure of the Crown, should continue to hold such offices, unless the successor to the Crown should think proper to remove them; and that it should not be necessary to take out any new patents for the renewal. He would not then enter more fully into the merits of this question; but should conclude with moving, that leave be given to bring in a bill, that all persons holding offices, civil and military, during the pleasure of the Crown, in the United Kingdom of Great Britain and Ireland, in Wales, in the town of Berwick-upon-Tweed, in Guernsey, Jersey, Alderney, and Sark, and in all foreign colonies and possessions, should continue to hold them on the demise of the Crown, unless discharged therefrom by the successor to the Crown.—Leave given.

LUNATIC POOR IN IRELAND.] Mr. *Peel* moved for the appointment of a committee to inquire into the state of the lunatic poor in Ireland. He stated, that there were some excellent institutions in Dublin for the reception of lunatics, and among others, the Richmond Lunatic Asylum; but they had all been so overstocked, that local accommodations were become absolutely necessary.

After a few words from Mr. *Grover*, the question was put, and the committee appointed.

SEDITIONS MEETINGS BILL.] The *Solicitor-General* proposed that the blanks should be filled up on Thursday, as he had several clauses to propose.

Sir *J. Mackintosh* presumed that Thursday would also be a proper time for moving amendments.

After a few words from Sir *C. Monck*, Lord *Castlereagh*, and Mr. *W. Smith*, the Report was

brought up and the bill committed for further consideration on Thursday.

HOUSE OF LORDS.

Wednesday, March 5.

The Earl of *Shaftesbury* reported from the Committee of Privileges that the claim to the Mountnorris peerage was made out.

Earl *Grosvenor* presented a petition from Southwark, adopted, as he stated, at a very respectable meeting, and numerously signed, praying that no more laws might be passed in restraint of the liberty of the subject.—Laid on the table.

His lordship then presented five or six other petitions in favour of Retrenchment and Reform.

The Earl of *Liverpool* asked, whether the noble earl had read them.

Earl *Grosvenor* replied, that he had, and that they appeared to him such as he might properly present. The words in some of them were rather strong, but he did not think they ought to be nicely criticised, especially at a period like the present.

The petitions were laid on the table.

SEDUCTION AND TREASONABLE PRACTICES BILLS.] The Earl of *Liverpool* observed, with reference to the Army and Navy Seduction Bill, and Treasonable Practices Bill, that he trusted there would be no objection to forward them one stage this day. He had understood from what had been said on a former occasion, that as to these bills there was no difference of opinion, though there might be some difference respecting the details of the Seditious Meetings Bill. If any one, however, wished to make observations on the subject of these bills, that might be done in another stage.

Earl *Grosvenor* understood the object of these bills to be, to strengthen the laws as they stood, and would not object to them; but had objections to the Seditious Meetings Bill.

The Earl of *Lauderdale* said, that to the bill for extending to the Prince Regent the same security as that which had been given to the Sovereign there could be no objection. He believed also that there would be no objection made to the other; but if any of their lordships wished to make any observations respecting it, certainly that might be done in another stage of the bill.

Both bills were then read a second time, and committed for to-morrow.

HOUSE OF COMMONS.

Wednesday, March 5.

COMMITTEE OF SUPPLY.] The Chancellor of the *Exchequer* moved a grant of 300,000*l.* on account, for expenses of a civil nature in Great Britain, which formed no part of the ordinary charges of the list.—Agreed to.

Lord *Palmerton* moved for 500,000*l.* as a

further sum for the expenses of the land service, with the exception of the troops in France, and in the territories of the East India Company.

—Agreed to.

Mr. *Curwen* hoped for great reduction of expense.

The Chancellor of the *Exchequer* observed, that he had no objection to the postponement of the discussion on any part of the subject of the military expenditure. He then moved a grant of 100,000*l.* towards the expenditure of the ordinance.—Agreed to.

SCARCITY IN IRELAND.] Mr. *M. Fitzgerald* moved an address to the Prince Regent, praying that his Royal Highness would be graciously pleased to direct an inquiry into the state of food and provisions in Ireland, for the purpose of ascertaining the propriety of suspending for a time the distilleries from grain in that country.

Mr. *Peel* did not consider that stopping the distilleries would throw any great supply into the market, whilst it would produce considerable political evil, and very much increase the distress of the agriculturists. Steps had been adopted for importing a quantity of American flour into Ireland, for the purpose of increasing the supply for the people, and to be mixed with flour of inferior quality, which, without such a mixture, would be useless.

Sir *J. Newport* was fully convinced, that the stoppage of the licensed distilleries at the present moment would produce no positive benefit.

General *Ferguson* wished to call the attention of Government to the state of the Highlands of Scotland, which were in a condition of extreme distress.

The Chancellor of the *Exchequer* was ready to acknowledge the distress which had arisen out of the late unfavourable harvest, but he considered the best remedy for the evil would be, for Parliament and the Government to use their utmost endeavours to preserve the free intercourse between the different parts of the Empire. In his opinion, on former occasions, Parliament had been too ready to interfere on this subject; and the large sums which had been paid for imports of corn, had operated to encourage foreign growers at the expense of our own.

Mr. *Baring* agreed that all interference on the part of Government to prevent scarcities was to be deprecated, as they generally did only that which individuals would do better without them. As to the suspension of the distilleries, what he had heard of the right hon. gentleman's (Mr. *Peel*) speech was perfectly satisfactory in proving that distillation should not now be suspended, but he did not see why at an earlier period Ministers had not adopted that measure, considering the extraordinary distress in England and Scotland.

General *Mitchell* said, there was so much very inferior grain in the North of Ireland, that if distillation were prohibited, the farmers would

be forced to illicit distillation in order to consume it.

Mr. C. Calvert did not understand how the grain in the hands of the distillers was rendered unfit for the purposes of human food, as had been asserted, nor why spirits could not be manufactured from sugar, if there was any necessity for stopping distillation from grain.

Mr. Peel explained, that as by malting grain was made unfit for ordinary purposes, it would be the interest of the distillers to subject their corn to that process previously to any prohibition on distillation being put in force. As for distillation from sugar, those who were acquainted with the prejudices of the Irish people were aware how much they preferred corn whiskey to sugar whiskey. It would be very difficult to get them to consume the latter. Unfortunately, even now the prejudice was strong in favour of illegal whiskey.

Mr. Calvert said, that in England less than one-fifth of the corn used in distilleries was malted.

Mr. F. Fitzgerald said, this was true also with regard to Ireland; but all grain used for that purpose which was not malted was crushed in mills, which made it unfit for any other purpose. He could state, that in Ireland, the quantity of grain unfit for any thing but distillation was very great, and that especially in the part of the country with which he was connected, the farmers had actually sold a great part of their inferior grain to distillers, though it had been argued in some publications that the grain was not used by those persons.

Mr. Baring wished to know why the distilleries had not been stopped in October last?

Mr. Peel said, that no distilleries had begun to work till December. It was to be remembered also, that the Irish Government had no power to stop the distilleries by proclamation. It might be said they should have assumed that power; but that would not have been enough, for they would have done nothing, unless they had suspended the article of the Union giving a free intercourse between England and Ireland, which they did not think themselves warranted in doing.

Mr. M. Fitzgerald then withdrew his motion.

NEW COINAGE.] Mr. Brougham, seeing the right hon. the Master of the Mint in his place, wished to move for a certain paper relating to a correspondence which he understood to have taken place between the Treasury and the Magistracy in the country, on the subject of the New Coinage. He had heard that it was of a private nature, but that it referred to the rate at which the old shillings were to be exchanged. This rate, as he was informed, was, that all shillings would be received, however worn or defaced, which were of the standard fineness; but that a new criterion had been since established. He did not think it could now be felt inconvenient to answer this question. He admired much

the celerity and management with which the new coin had been distributed, although he could not help entertaining doubts with regard to the ultimate success of the measure generally. His doubts were raised principally by the difference between the value of the new coinage and the Bank tokens now circulating with them, and which was no less than the difference between 5s. 6d. and 6s. 8d., in their respective values per ounce of silver. Were it not for the failure of so many predictions as to the effects of a depreciated currency, he should be disposed to predict, that that which was of the lowest real value must soon drive the other out of circulation. The token might continue to circulate like the note, upon credit, but the illicit coin had nothing but its value to depend on. He spoke with some diffidence, but it was not easy to see at once how the two things could be co-existent. He doubted the wisdom of undertaking so large an operation, whilst there appeared no security against a future rise in the price of silver, which might endanger the whole of the new coinage. Sir Isaac Newton, who, although not so high in office as the right hon. gentleman, was however entitled to some respect as a man of science, had held, that 2d. profit on the guinea would gradually cause it to disappear. The argument was much stronger as applied to the new silver currency, when it was considered what had been of late years the fluctuations in the price of that metal. Such dangers must always be apprehended whilst the Bank had it in their power, by a dash of the pen as it were, to raise the market above the Mint price of bullion. The sooner, therefore, they were allowed (as the phrase was) to pay their notes on demand, the greater the security to the new coinage. To come to a subject of much less importance, the execution of the signs of the coinage, it was an observation that occurred to every body, that his Majesty's head was extremely ill executed, and unlike, particularly on the larger pieces. It was observable, too, that on the reverse of the medal were to be found, in very small characters, but easily discernible with a magnifying glass, the letters W.W.P. (A laugh.) He wished to know whether there was any precedent for this, as he had not found that in the last coinage, any such letters as I.N. had been impressed. Cardinal Wolsey put a private mark on the King's coin, and it formed one of the articles of his impeachment.

Mr. W. W. Pole declared, that if there had been any such correspondence as that alluded to by the hon. and learned gentleman, he had never heard of it. There had passed within his knowledge but one letter relating to the difficulty of conducting the issue and exchange, so as to produce no hardship to the subject. With this view, it was determined to draw up secret instructions; and the observance of them had, he was happy to observe, been the means of giving

universal satisfaction to the country. (*Hear, hear.*) He knew not whether any person had betrayed his trust in communicating them to the learned gentleman; but he certainly would not consent to furnish him with a copy. He was not aware of what he had done to expose himself to the random sarcasms of the learned gentleman; and he thought the whole of his observations, except so far as they were directed personally against him, would have been more properly made in the House last session, when the measure, which had now become an act of the Legislature, was under consideration. When the question was before the House, the dangers contemplated by the learned gentleman were foreseen, and provided against, partly by imposing a seignorage of 4s. on the pound of silver, by coining it into 66s. instead of 62s.; and also by enacting, that silver should no longer be legal tender above 40s. But a good metallic circulation must, in his opinion, have of itself a tendency to check the rise in the price of bullion. He had likewise the pleasure of informing the learned gentleman, that the Mint was now receiving gold from the Bank to be coined for the purpose of enabling them to return to cash payments. The Bank was also taking measures to recall their silver tokens; it was not, and never had been, intended to keep them running together in circulation. He could not pass by this opportunity without doing justice to the banking interest, both in London and Westminster, and in every part of the country. Without their active assistance, he sincerely believed the measure could never have been completed. The whole exchange for Scotland had been transacted at 62 stations, appointed by the Royal Bank. With regard to the learned gentleman's witticisms upon the execution of the coins, he could only say, that the best artists had been employed; that he was himself disappointed in the half-crown: but that he believed the smaller pieces were perfectly satisfactory, and equal to any former coinage. But with regard to the half-crown, he begged to say, that another head was in progress. (*A laugh.*) He could assure the hon. gentleman opposite, that the department to which he belonged, would continue their efforts till they succeeded in their grand work, uninfluenced by any taunts or sneers which might be cast at them from the other side. With regard to the letters W.W.P., the learned gentleman ought to know, that he was authorized by indentures to put what private marks he pleased on every piece of the new currency. The learned gentleman might make his objections, but he would not tell him what were those private signs; but with respect to the fact about Cardinal Wolsey, he would find in Snellie and Martin Folkes, that it was not the initials T.W. which were impressed on one side of the great pieces issued by the Cardinal, but the Cardinal's cap on the other, which formed the ground of the article in his impeachment.—

There were no less than twelve precedents of the same thing since the reign of Charles I.: and he could assure the learned gentleman, that whilst he had the sanction of his Sovereign, he would put such private marks on every succeeding piece of coin as he should think proper. It had been said, that the coinage had already cost half a million; but he was happy to express his belief, that this sum would cover the whole expense of distributing and exchanging it over every part of the kingdom.

Mr. Brougham said, his argument had been addressed to the Bank, rather than the Mint: and all he desired was the assurance that the former were preparing to pay their notes in metallic currency, and to withdraw their tokens from circulation.

The *Chancellor of the Exchequer* only rose to state, that he had no knowledge of the correspondence between the treasury and the magistracy in the country, the production of which was the object of the hon. and learned gentleman's inquiry.

Mr. Curwen bore testimony to the general satisfaction which was felt at the manner in which the new coinage had been effected and brought into circulation.

After a few observations from Mr. Alderman Smith and Lord Cochrane, the question was put and negatived.

At the suggestion of Mr. Brougham, in consequence of the thinness of the House, Sir F. Burdett postponed his motion on the subject of the petitions for Reform till to-morrow.

HOUSE OF LORDS.

Thursday, March 6.

BAYLEY'S DIVORCE.] Some further evidence was heard on the subject of Bayley's Divorce Bill. The evidence of adultery in this case, was a child born in six months and a half from a period in which there could have been access of the husband.

The *Lord Chancellor* said, that this was a case of great importance, as not only the divorce, but the legitimacy or illegitimacy of the child must be determined upon. He moved, that the second reading of the bill be postponed till Monday, and that the lords be summoned for that day, which was ordered accordingly.

The Army and Navy Seduction Bill, and Treasonable Practices Bill, were, on the motion of Lord Melville, committed and reported; Earl Grosvenor stating, that he had a remark to make on one of the bills, which he should defer till to-morrow.

HOUSE OF COMMONS.

Thursday, March 6.

There not being a sufficient number of members present at 4 o'clock, the House adjourned.

HOUSE OF LORDS.

Friday, March 7.

The King's-Bench proceedings bill was committed.

TREASON AND SEDUCTION BILLS.] The Earl of *Liverpool* moved the third reading of the treason bill.

Lord *Holland* stated, that he had considerable objection to this, and the other bill for the more severe punishment of the offence of seducing soldiers and sailors, though he had no objection to the treason bill, in as far as it extended the provisions for the security of his Majesty to the Prince. But in cases where their lordships were enacting a law, establishing a capital punishment, they ought to apply the greatest care and attention to the object of making the words as clear and plain as possible. The bill went to make the act of 39 Geo. III., to which the present referred, perpetual; and it enacted, that it should be in all its provisions perpetual, one of these provisions being, that it should only be temporary. He was aware that the absurdity of the construction, giving perpetuity to that which was in its nature temporary, might prevent any such construction from being applied; but in cases of this importance, the law ought to be as clear and distinct as possible. There were acts of William III., and of Anne, which it appeared to be intended to be revived, and yet that was not clearly expressed. Another circumstance was, that the act of the 39 Geo. III., reserved the punishment of treason as it stood before. This bill rendered it perpetual in all its provisions; and yet it ought to be remembered, that the punishment in cases of treason had been since altered, which might create another ambiguity. But, independent of these objections to the manner of wording some parts of the bill, he had objections to the bills themselves. With respect to the seducing of the soldiers and sailors, there was surely law enough to punish such an offence, without this addition. The best alteration that could be made was, if possible, to facilitate the means of detection. The difficulty of detection was the real evil, and he could not well understand how the means of detection could be facilitated by augmenting the punishment. In a Report made in another place, relative to the traitorous practices alleged to exist, one of the means of seduction was stated to be that of the introduction of a foreign force. From what quarter did they derive that information? He could not ascertain that they had found any such scheme to be in contemplation by the Spencean Philanthropists or Union Clubs. The only quarter in which he had found any such notion broached, was in a pamphlet said to be written by a learned civilian of Oriel College, Oxford, in which it was most unjustly stated, that the object of all reformers was revolution. Then the pamphlet recommended an union of European Sovereigns against what

the learned civilian called revolution; observing, that they had before joined to put down revolutionary principles in France; and the author remarked, that these attempts at Reform might thus be the means of introducing a foreign force. He presumed, therefore, that this pamphlet had been laid before the committee, and that they concluded from it, that the introduction of foreign troops was one of the plans for seducing the soldiers from their allegiance; and that it was the origin of these absurd fictions. Then as to the treason bill, his opinion was, that the act which it went to make perpetual, ought never to have existed; and he would have been much better satisfied to see a bill brought forward to repeal it. He thought that his Majesty and the Prince Regent might be satisfied with that security which Edward III. thought sufficient, and which was all that was required by William III., George I., and George II., in times of rebellion and disputed succession; but if that act were to remain on the statute-book, there was no reason against extending its provisions to the Prince Regent, though he believed in his conscience, that no additional security would be given either to the King or the Prince, by this act.

The Earl of *Liverpool* did not deny that the circumstances of the times were the immediate occasion of introducing these bills; but independent of these circumstances, he was clearly of opinion, that the acts ought to be made perpetual. Then, with respect to the bill for punishing the seducing of soldiers from their allegiance with death, he was satisfied that the additional severity would be attended with advantage, unless it exceeded the moral turpitude of the offence. Now, in that view, he believed it would hardly be contended that the punishment was too much for the crime to which it was affixed. It was argued, however, that the severity of the punishment would increase the difficulty of detection: but then it ought to be considered, that the object of the bill was to operate by intimidation. The crime was one which it might be difficult to prove; but, when proved, this ought to be the punishment, and the commission of the crime might be in a great measure prevented by apprehension as to the result. With respect to the treason bill, the noble lord had no objection to the extension of that security to the Prince Regent which was given to the King; but the objection was, that the law in question ought to be repealed both as to the King and the Prince. The act, however, only made that treason which, according to the current of authority and opinion, was treason before. On occasion of the trials which had been alluded to on a former night, Chief Justice *Eyre*, in his charge to the grand jury, and another judge in his charge to the petty jury, stated this to be treason: and it was to be presumed, that the jury had acquitted the individuals, because they thought that their proceedings did not come under the law as so stated.

But to remove all doubt, the act now to be made perpetual was passed, and therefore had a tendency to put an end to, rather than create constructive treason. But as to the inaccuracy in wording some parts of the bill, he had no objection to give his consent to the 3d reading of the bill being put off till Monday, in order to give an opportunity to remedy the defects.

The *Lord Chancellor* contended, that the act ought to be made perpetual upon the same principles upon which it was originally enacted. His opinion was well known, that the offence treason before; but unquestionably the acts ought to be clearly worded.

The 3d reading was accordingly postponed.

The *Earl of Liverpool* then moved the third reading of the bill for punishing with death the seducing of soldiers and sailors from their allegiance.

Earl Grosvenor rose to move, that the act should be continued only for a year, instead of being made perpetual. The object of the other bill appeared to be, to strengthen the existing law; but this bill went to perpetuate a sort of new treason. For this he saw no necessity whatever; and it appeared like a scandalous imputation on the soldiers and the people. The soldiers, he trusted, were not so easily to be seduced from their allegiance; and there were but few among the people who could be guilty of so heinous an offence as to attempt to seduce them. The only reason for the bill, that he could perceive, was the Spafelds flag, with the inscription, "The soldiers are our friends treat them kindly." Suppose a brother or friend were to request a soldier to attend him to a meeting for petitioning for Parliamentary Reform, Retrenchment, or the more heinous offence of removing his Majesty's Ministers, would that make him liable to the punishment of death? He concluded by moving his amendment.

The amendment was negatived without a division.

Lord Holland contended, that the words "mutinous meetings," and others in the bill or act, were too indefinite.

The *Lord Chancellor* proposed some amendments, to render the meaning of certain parts of the bill more definite and distinct.

These amendments were agreed to, and the bill was read a third time and passed.

HOUSE OF COMMONS.

Friday, March 7.

PARLIAMENTARY REFORM.] *Mr. Calvert* presented a petition for Reform from the parish of St. John, Horseley-down. The hon. member praised its moderation.—Ordered to lie on the table.

The *Hon. R. Neville* presented a petition for Reform from the freeholders, copyholders, leaseholders, and other inhabitants of the county of Berks. It did not carry its prayer for Reform

to those lengths that certain wild and mischievous men demanded. If a motion were made for a committee on Reform, it would have the hon. member's concurrence.

Lord Cochrane strongly objected to the language sometimes employed in designating the reformers. Let their arguments be discussed and answered, but let not their motives be abused, nor their intentions questioned. When it was considered that Annual Parliaments were held for 200 years, or that every new session there was a new election, it did not seem just to say that those who now called for a restoration of Annual Parliaments meant mischief, and must necessarily be designing men.—The petition was then read. It prayed for representation co-extensive with direct taxation.—Ordered to lie on the table.

Mr. Charles Dundas presented a petition from the city of York, praying for Reform and Retrenchment.—Ordered to lie on the table.

Lord Folkestone presented a petition from the town of Newbury, in Berkshire, praying for a redress of grievances, and a radical Reform in Parliament. His lordship added, that the petitioners, although few in number, were very respectable, and had adopted the prayer for radical Reform with a full knowledge that he did not agree with them in that principle.—Ordered to lie on the table.

Lord Folkestone presented a petition from Horsham for Reform. The noble lord said, the chief magistrates of the borough had refused the petitioners the use of the Town-hall to hold their meeting.

Mr. Hurst had an objection to this petition, which was, that a number of the names attached to it were in the same handwriting.

The *Speaker* said, if such were the fact, the petition could not be received.

Sir F. Burdett said, it was only the fancy of the hon. member that these were the signatures of the same hand; and on such fancies a petition from the people should not be refused.

Lord Castlereagh highly disapproved of the frauds which had been practised, which had brought the right of petitioning into disgrace.

After some further observations, the petition was ordered to lie on the table.

Sir F. Burdett presented a petition from the inhabitants of the town of Belfast, praying for Parliamentary Reform.

General Mitchell said, it was no more a petition from the loyal inhabitants of Belfast, than the Spafelds petition was from the loyal inhabitants of London. Such a Reform as the petitioners prayed for would lead to a Revolution.

Sir F. Burdett replied, that the gallant general had stated nothing against the petition which could have any weight. Belfast was in every way a most respectable town, and any petition coming from it deserved the most serious attention. The only kind of representation which Belfast enjoyed was that of a rotten borough; therefore nothing was more.

natural than that it should apply to the Legislature for relief from such an injury.

The petition was ordered to lie on the table.

Sir F. Burdett also presented a petition from the joiners and carpenters, praying for Reform.

Ordered to lie on the table.

The hon. baronet then postponed the adjourned debate on the petitions for Reform until Wednesday next.

FINANCE COMMITTEE.] Mr. Calcraft informed the House, that he was desired by a right hon. friend to request that his name might be struck off the list of the members of the Finance Committee, as he could not attend from ill health. His indisposition was of such a nature, that he was advised by his physicians, even if he came down to the House, to attend as little business as possible. He therefore moved, that the name of the Right Hon. George Tierney be taken off the Finance Committee. It was accordingly done, and Mr. Calcraft appointed in his stead.

POOR-RATES.] Mr. Calcraft said, he held in his hand two petitions on this subject, one from Langdon, and the other from Swanage, in Dorsetshire. The petition from Langdon states, that the parish contained 575 inhabitants, out of which number 409 received parochial relief; and the rate this year amounts to 19s. *in the pound*, rack-rent on those who could pay. It further stated, that every tenant, except one, in Langdon, had given notice to quit. That from Swanage stated, that there were 300 houses in that place, not one-seventh of which would be able to pay the rates, which would this year amount to *one guinea in the pound*! The parishes in question had had some idea of applying to the magistrates for a rate in aid on the other parishes; but it was found, on inquiry, that none of these parishes paid less than 7s. or 8s. in the pound; and that they would be utterly unable to pay more. A number of gentlemen, at the head of whom was Lord Eldon, had exerted themselves to form a fund, and to employ the labouring classes, and had materially assisted them; but he was sorry to say that fund would, in a few days, be exhausted. He should move that these petitions be referred to the Committee at present sitting on the poor-laws, which Committee he hoped would not separate till some effectual steps had been taken; the most effectual which could be taken, he thought, would be to render funded property rateable, as well as landed property. He was at a loss to conceive what greater objection there could be to the stating the amount of each public creditor's demand publicly, than there was in publicly stating the amount of the national debt.

Lord Castlereagh thought much of this evil arose from the system adopted by the farmers themselves, who of late years had been compromising between the poor's-rate and the price of labour. In many instances 10s. or more of the sum paid for poor's-rate should be paid for labour. He considered it as a bad system to re-

duce the price of labour beyond its fair proportion.

Mr. Calcraft agreed in part in what had fallen from the noble lord, which applied to agricultural districts. But the places from which these petitions came were not of that description. The inhabitants were principally employed in the stone trade, which had entirely failed of late, and caused the distress in question.

Mr. Curwen repeated his former arguments on this subject, and at the same time declared his conviction that the noble lord intended to meet the subject fairly.

Lord Cochrane considered the subject as most important: it was as the noble lord (Castlereagh) had said, that labour was not paid. Formerly, at Manchester, a workman received 2s. for weaving a web; now he had 7s. for the same work. His support was drawn from the poor rate. These cloths were afterwards sent to America, and there sold cheap at the expense of the land-owner in this country. If we were to carry on commerce at this rate, we had better burn all our ships, or our commerce would be our ruin, and by this time twelvemonth no land proprietor would be able to draw a shilling from his landed property. He knew but of one remedy: that was, to reduce the interest of the fundholder.

A member said, that out of 7,000,000*l.* paid for poor-rates in 1815, 300,000*l.* was spent in litigating paupers' settlements!

Sir C. Burrell wholly dissented from the doctrines of the noble lord. The fundholder had a right to his interest, under his contract with the public.

Mr. Brougham had reason to know that for some months past the wages of labourers had not been more than 4s. a week in Lancashire.

The petitions were referred to the Committee on the Poor Laws.

HOUSE OF LORDS.

Monday, March 10.

Further evidence was given in Bayley's divorce case, tending to shew that the child was not that of the husband. On the motion of the Lord Chancellor, this was ordered to be printed along with the other evidence, and the whole to be taken into consideration on Wednesday.

HOUSE OF COMMONS.

Monday, March 10.

GAME LAWS.] Sir E. Knatchbull moved the second reading of the Game Preservation Bill, which was read accordingly.

POLICE COMMITTEE.] The Hon. Mr. Bennett moved for the re-appointment of the Police Committee. The hon. member said, he did not anticipate any opposition, nor did he think it necessary to shew the utility of the measure.

The motion was agreed to, and the commit-

tee re-appointed, with the addition of two new names.

SCARCITY IN IRELAND.] General *Mitchell* presented a petition from the borough of Belfast praying for the suspension of distillation from grain. He quoted the prices of the Irish markets, both in the northern and southern districts; and gave it as his opinion, that they evinced a degree of scarcity that called for precaution. The question of revenue sunk into insignificance when compared with the importance of securing food to the people. The spirits that were necessary for the consumption of the country might be made from sugar; from that source an equal revenue might be expected.

The Hon. *W. H. Quin* was of opinion that much of the corn used in the distilleries could be used for no other purpose whatever, and that consequently it would be lost if distillation were suspended. It was not applicable to human food. The hon. member quoted the latest prices, for the purpose of shewing that the difference between the cheapest and the best kinds was so great, that the former could not be used as an article of subsistence.

Mr. *M. Fitzgerald* said, that he was still convinced that the state of provisions was such in Ireland as rendered it expedient to adopt measures of precaution, and to call for a stoppage of the distilleries. Ministers said, that it was now too late to be effectual. Why, then, was not distillation suspended earlier? (*Hear.*)

Mr. *Marryat* thought, that if we now suspended distillation, no possible harm could be done, and no responsibility was comparatively incurred: if we allowed it to proceed, the danger might be great, and the responsibility serious. (*Hear.*)

Mr. *Knox* declared his conviction, that unless some steps were taken by his Majesty's Ministers to avert the evil, Ireland would soon, in addition to the miseries of famine and pestilence, be afflicted with those of tumult and insurrection.

Sir *N. Colthurst* said that there were no apprehensions of famine in that part of Ireland with which he was immediately connected.

The petition was read, and ordered to lie on the table.

NEW SOUTH WALES.] Mr. *Bennet* presented a petition from certain respectable settlers in New South Wales, not persons who had been sent there on account of crimes committed in this country, but actively engaged in agricultural and commercial pursuits in that colony. The petition complained of the system of government, and likewise of the harsh and oppressive conduct of the governor. It stated, that their agricultural interests were injured by the free importation of corn, and the prohibition of distillation, and that favours were shewn to American vessels which were denied to those belonging to British subjects. Some instances of the governor's arbitrary proceedings were likewise mentioned, and the petitioners prayed that the administration of the Government might no longer

be intrusted to the discretion of a single individual. The hon. member, in moving that the petition do lie upon the table, expressed his wish that some provision should be made for the return of the female convicts after the term of their transportation, as he was sure the House would hear with disgust, that they had no other means than that of prostitution for procuring a passage home.

Lord *Castlereagh* rose only at present to say a few words for the purpose of guarding the reputation of the gallant officer (Col. Macquarie) from being prejudiced before inquiry. He had filled the office of governor of New South Wales many years: he had been brought under his (Lord C.'s) notice when at the head of the Colonial Department, solely by his personal merit: and, he believed, had fulfilled the sanguine expectations which were then formed of his competency for the due discharge of all the duties belonging to that arduous and distant station.

Mr. *Bennet* entirely agreed in the high character of Colonel Macquarie.—The petition was laid on the table.

PARLIAMENTARY REFORM.] General *Fergusson* presented a petition, signed by numerous respectable individuals in the town of Abaroth, praying for some improvement in the representation of Scotland. The hon. general made some remarks on the very imperfect manner in which that part of the empire was represented in Parliament; a single county in England (Cornwall) returned as many members as the whole of Scotland.

Mr. *Brand* concurred entirely in the opinion of his hon. friend; and declared his belief, that it was the zealous wish of the great and intelligent body of the people of Scotland, that a revision of the existing system was necessary, and that there was no ground for alarm in the meetings lately held, in order to prepare petitions for that purpose.

Mr. *Boswell* declared his conviction, that there was not one considerable landowner who was dissatisfied with the present system of representation, and he believed that there were very few instances of freeholders signing these petitions.

Lord *A. Hamilton* could not allow this opportunity to pass without saying a few words, particularly with respect to what the hon. member had stated, that all the landholders in Scotland were entitled to a vote. He must enter his protest against that assertion. The voters in that country were not commensurate with the landholders. He could not offer himself as an authority for what the people of Scotland might be satisfied with on this subject; but he would not hesitate to pronounce, that the representation of Scotland must be considered almost as a nonentity. The numbers entitled to vote bore no comparison to the population of the country. The boroughs were close, in the worst possible sense of the word.

The Lord *Advocate* said, that nine-tenths of

the people of Scotland did not wish for any alteration whatever in the state of the representation. He had mentioned this fact on a former occasion, and would now take leave to affirm it again. (*Hear, hear, from the Opposition.*) If gentlemen doubted the truth of this, how did it happen that there was no petition on the table from the landed interest, or from corporate bodies, praying for an alteration? One or two petitions from obscure individuals did not diminish the strength of this observation; but there was no petition from any meeting of freeholders, none from the meetings of commissioners of supply, nor from the heritors of any one district. As to the petition lately presented by the hon. member (Sir R. Fergusson) from the borough of Kirkcaldy, it was not signed by one of his constituents, and he understood that a counter declaration had been Scotland, he repeated, was satisfied with the representation she had in that House. (*A laugh.*) It was settled by a Whig Government in 1707, when it was thought that the rights of the electors were commensurate to the situation of that country. The number of electors, particularly in the counties, instead of being diminished, had increased since the Union; indeed, in some of the counties the number of electors was now very seriously increasing. (*A laugh.*)

Mr. Douglas said, that the observations of the learned lord were perfectly correct; and in that part of the country to which he belonged they had serious thoughts of petitioning Parliament on this subject, that no alteration should take place. (*A laugh.*) He had that day received a letter from a respectable individual at Langham, stating, that a petition had been drawn up by a few low people in that town; none of the persons who subscribed it were respectable, but many of them idle, drunken, and profligate. In order, however, to make up by numbers what they wanted in character, they had proceeded to the charity school, and there obtained the signatures of all the children who could write their names. He did not impute to the noble lord, that he meant to mislead the public by such low and detestable means; but he stated this fact, in order that gentlemen might take the trouble of ascertaining whether the petitions they presented were authentic or not.

Sir R. Fergusson denied that any counter declaration had been signed to the petition he presented. To the present petition there could be no objection whatever: it was couched in mild and temperate language; but it certainly prayed for that which was so painful a subject to the learned lord and his adherents—the most rigid economy and retrenchment. (*Hear.*)

Sir M. W. Ridley said, that if the learned lord, when he undertook to state the sentiments of the people of Scotland on this subject, had mentioned what the actual number of voters was, it would have been much more satisfactory to the House. (*Hear.*)

Mr. Brougham observed, that the learned lord had taken some pains to assure the House, that nine-tenths of the people of Scotland were averse to Parliamentary Reform. It was probable it might be so; but it was very extraordinary that they should be so very anxious not to have Reform. But from whom were these petitions against Reform to come? He was afraid that they would come from those who had the elective franchise themselves. (*Hear, hear.*) It was almost impossible that they could come from those who did not possess that right. The learned lord had said, that the Whig Government of this country gave such a representation to the people of Scotland as they thought adapted to their property; and that the number of voters had increased. In counties, perhaps, this might be the case; but the House should recollect, that the inhabitants of Scotland were nearly doubled since the period of the Union. The elective franchise, therefore, should bear some proportion to the population of the country. As matters stood at present, a man might have a landed estate of 20,000*l.* a year in Scotland, and not have a vote, while others who had not an acre of ground might return members. (*Hear.*)

Lord Binning said, they had heard a great deal as to the weight due to these petitions for Parliamentary Reform: but the real fact was, most of them came from the precise family of the distressed manufacturers here, to whom that sort of panacea had been held out as a cure for all evils. They should be considered, therefore, as nothing more than a proof of distress and disaffection in the manufacturing districts. The question of Parliamentary Reform had made no way amongst the best educated people of Scotland. (*Hear, hear, from the Opposition.*)

The petition was then brought up, read, and ordered to lie on the table.

Sir R. Fergusson presented a similar petition from Brechin.

Mr. Curzon could not suffer this opportunity to pass without stating what he believed to be strictly the fact—that in the county of York there were 60,000 freeholders, while in Scotland there were not above 2,000. (*Hear.*) He did not profess to know what the feelings of the great body of the people of Scotland might be on this subject, but it would be a most singular occurrence if they should petition the House against a Reform. He could not believe that they would adopt such an extraordinary proceeding until he actually saw the petitions on the table. (*Hear.*)

Mr. Brand presented a similar petition from Montrose.

COMMITTEE OF SUPPLY.] The Chancellor of the Exchequer moved, that the army estimates, the ordnance estimates, the exchequer bills' account, and also the treaty of 1815, respecting the pay of the British army in France, be referred to the committee of finance.

Lord Palmerston then proposed, that the

number and charge of the land forces should be taken for six months, from the 25th December, 1816, to the 24th June, 1817, in order to enable him to bring in the Mutiny Bill. The committee to whom these matters were referred would probably make a report of them, and therefore, the discussion should be postponed till after Easter, when the House would have an opportunity of considering the details. All that he now required of them was, that provision might be made for the service till after Easter. The general bearing of the estimates was, that a considerable reduction had been made. The difference of charge between this year and last was 2,163,000*l.* As to the numbers, last year they rated 196,000 men, including the army in France, and the regiments employed in India; this year the number to be rated was 140,000, including officers and men. The changes to be made, and the number of men to be disbanded, would leave a reduction of 26,176 rank and file; to which was to be added a farther reduction of 4,800 men, who would be called home from our contingent army of occupation in France, at the beginning of April; so that the total reduction of rank and file would amount to 30,976 men. He should therefore move, that 121,035 men, including the army in France, and the regiments in India, be voted for six months, from the 25th of December, 1816, to the 24th of June, 1817.

Mr. *Calcraft* said, he was not then prepared to enter into the subject in detail; but, after the committee had made their report, the House would be able to ascertain what was intended to be done by Government. What he understood was, that they were then only called upon to consent to the numbers up to the 24th of June.

Mr. *Curwen*, trusting that the committee above stairs would recommend a farther reduction of our enormous military establishment, would abstain from any observations till he saw the Report. He was decidedly of opinion, that all the retrenchments which had been made were totally inadequate to the situation of the country. (*Hear.*)

Lord *Castlereagh* said, it would be better to reserve any arguments till the House proceeded to the discussion after Easter. He should now merely state, that the 26,176 rank and file included reliefs to foreign garrisons.

Mr. *Peel*, in answer to a question respecting the forces in Ireland, said, that an assimilation had taken place in the services of the two countries, and a considerable saving had been made in the Irish regiments.

The number of men being voted,

Lord *Palmerston* next moved, that a further sum of 237,600*l.* be granted for the supply in England, and 438,000*l.* for Ireland. The sum for troops intended to be reduced on the British establishment, would be 163,600*l.* and on the Irish establishment 16,700*l.* These sums being agreed to,

Lord *Palmerston* then moved, that the sum of 37,600*l.* should be voted for six months, at a

calculation of 3*l.* a man for the yeomanry corps in England. He observed, there had never been any question as to the utility of this force; the events of the last six months had shewn the absolute necessity of keeping it in an efficient state; and he was happy to say, that these corps had on all occasions conducted themselves in such a manner as fully entitled them to the consideration of that House, and to the thanks of the nation at large. (*Hear.*)

Sir *J. C. Hippisley* praised the conduct of the yeomanry cavalry of Somersetshire. On two occasions, a requisition being made at seven in the evening, they had assembled to the number of 400 by nine the next morning, from a district of 40 miles in extent, and had marched 24 miles to Bristol in very inclement weather. The individuals of the present corps were not rich, and he thought that 4*l.* a man would not be too much.

Lord *Castlereagh* considered the testimony of the hon. baronet as not beyond the merits of the corps: his Majesty's Ministers had the highest sense of its importance; the civil power could not be supported without so constitutional a body; and had it not been for this, Ministers could not have come to Parliament with estimates so low. He hoped the testimony given would animate the services of the body, for which Parliament would no doubt hold out an adequate reward; but those services were less heavy now than in time of war, and he thought 3*l.* a man sufficient to carry it on.

Mr. *Curwen* doubted whether the corps would be rendered more efficient by the grant of war pay; but, if the regular estimates were to be reduced by the employment of this force, every one must offer his services to strengthen a body so constitutional.

Mr. *Courtenay* bore testimony to the merits of the light horse volunteers, and thought them a very constitutional force.

Mr. *Keck*, considering the description of persons composing these forces, thought that 4*l.* was not too large a remuneration.

After a few words from Mr. *Shiffnar*,

Mr. *W. Wynn* thought it impossible to procure the adequate service on the scale of last year's establishment. He had considered 3*l.* sufficient; but after witnessing the situation of the farmers, he deemed it unreasonable that they should now serve at their own expense. He suggested the propriety of allowing pay to officers, as those who held commissions were qualified for the local militia; and the object was inconsiderable, in a pecuniary point of view, if 4*l.* a man should be granted, besides something on days of muster.

Mr. *Calcraft* asked, whether the additional grant of 1*l.* a man, amounting altogether to 17,000*l.* only, would not be advisable, to satisfy the corps that they did not give up their time in vain. He was extremely glad to hear the eulogium that had been pronounced on this body of men; the more so, as an army of 70,000

regular troops was not warranted in time of peace. (*Hear, hear.*)

Mr. *Baring* doubted whether the appearance of pecuniary compensation (for it was but an appearance) might not lower the character of the service. In Paris a very efficient corps of 40,000 national guards, whose duty was very laborious, received not one sixpence compensation; and yet it was a favourite service, and the men had a pride in not receiving pay.

Mr. *Robinson* observed, that the sum proposed was not for a compensation, but for equipment; the expense of which was such, that small farmers and shopkeepers could not afford it; the other sum, might, perhaps, be deemed a remuneration, but a very inadequate one, though something was certainly necessary; for the corps he belonged to had been out ten days, and marched to a distance of 60 miles, and he thought there could be no degradation in being somewhat indemnified for such a journey.

Mr. *Baring* disclaimed any idea of imputing a degradation in the receipt of pay.

The following sums were then voted for 182 days, from December 25, 1816, to June 24, 1817:—

For defraying the expenses of volunteer cavalry	£37,500	0
Ditto for Ireland	15,682	10
Chelsea Hospital	25,500	0
In-pensioners of Kilmainham Hospital	8,300	0
Out-pensioners of Chelsea	393,200	0
Ditto of Kilmainham	82,700	0

FRENCH PAYMENT.] The *Chancellor of the Exchequer*, after reminding the House that by the treaty of peace a sum of 50 millions of francs was to be paid by France, said, he was to apply for an authority from the House for the application of that sum. The regular payment of last year had enabled Government to save a considerable sum; and the military chests of the two armies were so amply provided, that no call would be made before the end of the year. It was with pleasure, therefore, he called on the House for the payment of 25 million of francs to the army under the Duke of Wellington.

On the question being put,

Mr. *Curwen* asked, whether the French Government were only to find pay for the troops, or clothing and provisions also.

The *Chancellor of the Exchequer* replied, that the whole was to be found, clothing, feeding, pay, ordinaries, and extraordinaries.

Mr. *Curwen* expressed his satisfaction, when

Mr. *Baring* took the opportunity of making some observations on certain operations in which he, with others, had been concerned: he should always pursue what he deemed to be right, and express his opinions unswayed by clamour or faction; but a great clamour had been raised on the subject of a contribution by way of loan, which had been made to France from various parts of the Continent as well as England, though it was this very contribution which had enabled the French Government to fulfil its engagements

with punctuality. Undoubtedly, in all his operations, he should take care to engage in that might be prejudicial to the interests of this country; but he considered the transaction in question to have taken place, not injuriously to this country, but for a truly British object. It had been complained, that the specie of the country would be drained away, but the operation was never likely to produce any great effect this way; and as the whole was now finished, nothing more could be dreaded on this ground. A noble person, of great authority, who chose to instruct the world on subjects of this nature every three or four months, had lately advanced doctrines so absurd, that they hardly admitted of an answer. He had complained that the operation in question had sent money out of the country. Why, what did merchants always do but send money out of the country? The noble author had conceived, that because mechanics had been prevented from exporting their tools, merchants must be prevented from making the most of their money; this, however, could never be prevented; and it was for the interest of a mercantile country, that it never should be prevented. The operation in question had, he was certain, been productive of most beneficial effects to this country.

The *Chancellor of the Exchequer*, after explaining that the French Government paid our army only in the same proportion as foreign troops, and that the difference between the amount of foreign and British pay would be made up by this country, bore testimony to the honour and candour of the hon. gentleman (Mr. *Baring*) in the operation he had alluded to; he had given his Majesty's Ministers early information concerning the nature of the transaction, which he had offered entirely to relinquish if they deemed it injurious to the interest of the country. Government had thought it their duty to state, that so far from considering the operation as likely to be prejudicial to Great Britain, they thought it highly beneficial, as contributing to the tranquillity of Europe, by enabling the French Government to fulfil all its engagements.

The *Chancellor of the Exchequer* moved, that a sum of 5,152,000*l.* be granted to make good outstanding Exchequer Bills. He stated, that, at the end of the war, the amount outstanding had been 39,000,000*l.*; and at the end of a year from that time, they had been reduced to 19,000,000*l.*; that they now amounted to about 12,000,000*l.*, but a great proportion of these were charged on adequate funds.

A conversation then ensued between Mr. *Ponsonby*, the *Chancellor of the Exchequer*, and Mr. *Bennet*; when the *Chancellor of the Exchequer* admitted the floating debt to amount to 51,000,000*l.*, but that the public had been saved 600,000*l.* by successive reductions of the rate of interest on Exchequer Bills.

To a question from Mr. *Baring*,

The *Chancellor of the Exchequer* answered,

that preparations were making for removing the difficulties in the currency of Ireland; but, if English currency were introduced, a shilling English would be still charged where a shilling Irish was now demanded.

Mr. *Ponsonby* observed the taxes were always paid in English currency.

1,680,000*l.* were then voted for the discharge of Irish Exchequer Bills, and the House resumed.

SEDITIONS MEETINGS BILL.] On the order of the day for the further consideration of the Report of this Bill, the House resolved into a committee, when several verbal amendments were proposed, and agreed to without discussion.

On the clause inflicting the punishment of death on such persons as did not disperse within one hour after being ordered so to do by a magistrate,

Mr. *Gurney* rose, and objected to the infliction of so great a penalty.

The *Attorney-General* said, that the object of this clause was to prevent the meeting of tumultuous assemblies, and to disperse them when they met. The clause would operate as a preventive, and it therefore was not likely that the actual infliction of the punishment it enacted would ever take place. There had been no instance of any punishment under the act similar to the present bill, which passed at a former crisis, nor under the riot act. The apprehension of punishment had prevented the offence; but how could it be expected that seditious meetings could be dispersed, if, after an hour's notice given by a magistrate, it should still be necessary to enter into par lance with the multitude? It was necessary to have a definite penalty specified, in order that the parties might know what would be the consequence of their continuing longer together; and the severity of the punishment would be a security against the violation of the law.

Sir *James Mackintosh* considered the argument of the learned gentleman as one of a very singular kind. He had insisted on the necessity of punishing persons offending against the law, as if his hon. friend, who had opposed the clause, had maintained that there should be no punishment. The question was, whether the punishment of death was the proper punishment for the offence. The hon. and learned gentleman had stated, that there had been no instances of punishment under the similar clauses in the riot act, and the act of 1795, which, he believed, was the fact; but if there had been no cases of punishment, the reason to be inferred was, that there had been no occurrence of the offence. The multiplication of unnecessary statutes, and the enacting of penalties too severe in proportion to the offence, only tended to weaken and degrade the authority of the law. The order of the magistrate to disperse, it was supposed, might be disobeyed. That disobedience would either bring the parties offending within

the riot act, or it would not. If it brought them within it, then this clause was useless; for what necessity could there be for loading the statute book with sanguinary enactments? If it did not bring the parties within the riot act, then this bill went farther than that act, by punishing a less offence with equal severity. He would now ask the committee whether they were prepared to enact a law more severe than the most sanguinary of the criminal code of this or of any other country, namely, the riot act?—a law which nothing could excuse but the peculiarly difficult circumstances of the period in which it was passed. Unless he received a satisfactory answer, he would propose to leave out the words “inflicting death without benefit of clergy,” in order to substitute the punishment of “transportation for seven years.”

The *Solicitor-General* saw no reason for this amendment. The object of the present bill was to prevent assembling at all, except under the sanction of lawful functionaries, as he might call the magistrates, who were to superintend such meetings; and the clause in question gave to magistrates authority to disperse meetings so assembled, though there might be no actual riot or tumult. The House would bear in mind that this bill was not proposed to be permanent, like the riot act, but to be passed to remedy a temporary evil. The offence was not one for which any reasonable excuse could be offered. It was not one committed on a sudden impulse of passion, or inadvertently. The penalty did not attach, unless the persons assembled should continue together one hour after proclamation made by a magistrate for their dispersion. Now, unless assembled for some other purpose than passing resolutions, or agreeing to petitions, it was not probable that any individuals would resist the order to disperse. This was the effect he anticipated, and consequently he expected that the punishment enacted never would be inflicted. He was far from wishing for sanguinary laws, but he was convinced that the effect of the present act would be greatly weakened were any alteration to be made in the clause under consideration. Many persons, he was persuaded, would risk the staying together, if the punishment were only transportation, who would not venture to resist the law if they knew that such resistance made them liable to suffer death.

Mr. *Barclay* wished to know whether it was meant to assert, that when proclamation had been made under the riot act, it had always happened that the persons assembled dispersed in due time, and returned to their homes? For his part he believed the contrary was very frequently the case. There having been no punishment under the law, was no proof the offence had not occurred. In his opinion, the severity of the punishment had prevented prosecutions.

Mr. *W. Smith* had been of opinion, that the hon. and learned gentleman, (the *Solicitor-General*) was one of the last men in the country who would lend his support to the enactment of

sanguinary laws; and gave him full credit for the humanity of his intention in that respect.—He believed, however, that on the present occasion, the hon. and learned gentleman had suffered his understanding to be misled. Did he consider where his argument would stop? If deliberation were to be the criterion for inflicting the penalty proposed in the present case, what other crime deliberately committed ought not to be punished with death? The learned gentleman was of opinion, that, if the amendment which had been suggested were adopted, the persons improperly assembled would persist in staying together; but he, on the contrary, thought their obedience would be better secured by their conviction that punishment would follow their offence: for, as had been well observed by the hon. gentleman who spoke last, the punishment of death, enacted by the riot act, appeared so severe in comparison with the crime, that the law had never been enforced. Had torture remained the law of this country, every argument which had been used by the learned gentleman in support of this clause, would apply with equal force in favour of that horrible practice. Suppose a number of persons assembled together, deliberating without any disorder, should, on receiving notice from a magistrate to disperse, venture to continue their deliberation, or to debate whether they ought instantly to disperse, and it should happen that they remained together some moments more than the limited hour, every man so assembled would, in that case, be liable to the punishment of death. This was a case which might happen. There was a great distinction with respect to the riot act. In the case of proclamation under it, there was an actual breach of the peace; and if resistance took place, immediate bloodshed would follow; but this was not the case under the present bill. He did not state this with the view of defending the riot act, but to shew the difference between the two measures. He hoped his hon. friend would move the amendment he had suggested.

Sir J. C. Hippisley said, it was now a century since the riot act had passed, and it had proved of the greatest advantage to the State. He had recently had personal experience of its utility. In the course of last week he had felt it to be his duty to read the riot act to an assembly which, thought not actually riotous and tumultuous at the time, had riotous objects in view. Had the act been less penal, he was convinced he should not have had sufficient influence to cause the dispersion of that assembly. He was perfectly confident, that it was only by his stating to the people the high penalties to which they would expose themselves if they continued together, that he prevailed on them to separate. If the punishment under the riot act had been transportation, he certainly should not have succeeded. With regard to the difference between the present measure and the riot act, the important difference with regard to the

number allowed to continue together had not been noticed. Under the riot act the number was twelve, but by the bill now under consideration, it was fifty. He would vote for the higher penalty, as he considered it necessary for the peace of the country.

Mr. Wynn contended, that on every analogy to the laws of England, and to general justice, the penalty for not dispersing ought to be the highest inflicted by the law; for the offence was actual rebellion. He declared he would vote for the clause as it stood, being convinced that the punishment was not disproportionate to the crime.

Sir J. Mackintosh agreed with his hon. friend, that such a punishment could only be justified on the ground of its being applied to rebellion; but he contended that the offence was not one of that description. When the punishment of death was inflicted under the riot act, it was for actual violence and resistance; but here it was proposed to enact the same punishment for the mere non-compliance with the order of a magistrate. A century ago, it had been thought fit to punish resistance to a magistrate with death; but he called upon any hon. gentleman to shew an instance in which the law of England had made non-compliance with the order of a magistrate an offence punishable with death. He now moved, that the words "shall suffer death as in case of felony, without benefit of clergy," should be left out, and the words, "shall suffer transportation for the term of 7 years," inserted in their stead.

Lord Castlereagh rose to oppose the amendment. Many gentlemen had appeared disposed to seize upon the present opportunity to discuss the abstract question of crimes and punishments, but into that branch of the subject he should not enter. With regard to the riot act, to which hon. gentlemen had so strongly objected, he was of opinion with his hon. friend near him, that there was not on the statute book a law which had been more advantageous to the country.—The question was not whether the principle of the riot act was applied to the present bill, but whether there was a necessity for the measure. There was this difference between the two laws, that the riot act was applicable to tumult which had commenced, or was intended; whereas the present bill was intended, not merely to stop the incipient but apprehended riot. The hon. baronet (Sir J. C. Hippisley) had stated to the House, that he had dispersed persons because he knew they had assembled for a riotous purpose. The operation of the riot act was not, therefore, merely confined to actual riot. He would contend, that whenever resistance should be made to the order of a magistrate under this act, there would be such an opposition to the law as constituted rebellion: and he would ask, whether it was more prudent, by mitigating the penalty, to invite the people to make resistance, or to arm the magistrates with that precautionary authority, which would enable them to preserve

the peace? If the two laws, the riot act and the present bill, were allowed to go into concurrent operation with different penalties, the result of that operation would be the greatest inconsistencies. Suppose in the same field one magistrate should order the people to disperse, under pain of transportation, and in another part of the same field the riot act should be read, it would be impossible for the persons assembled to know to which penalty they were exposing themselves. He could conceive nothing worse than to leave any doubt on this subject, and therefore thought that the House ought to be guided by the principle of the riot act. He was confident that the amendment would not be adopted unless it were determined that there should be a complete doubt raised as to the situation in which persons assembled in opposition to the act should stand.

Mr. John Smith did not recollect the riots in 1780, but had heard much of the burning of houses, and the other mischiefs they occasioned. He felt inclined to think, that the punishment of transportation was calculated to deter rioters from offences. He had observed, in cases where the punishment of death was enacted for an offence comparatively slight, that it occasioned insuperable difficulties in the way of punishing an offender. He knew of no such capital sentence having, in such cases, been carried into execution.

The Attorney-General thought the arguments for the objection vague. His learned friend had spoken of mere non-obedience to the law; but what was the distinction to be drawn between a mere non-obedience to the law, and a resistance to it? It was to be particularly considered how the clause applied to meetings originally assembled illegally, and not called by the notice and signatures of seven householders. The magistrates were authorized to disperse an improper meeting; but was the meeting to be allowed to doubt and debate on the legal power of the magistracy, to oppose the legislature, and to remain in deliberation as to what they thought fit to do? He had a high opinion of his learned friends' legal knowledge; but he thought there would be great danger if people were to entertain doubts respecting a law.

Mr. W. Smith thought transportation sufficient.

Mr. Wynn regretted that riots were not sooner stopped, but it was the riot act that enabled the military to enter and interfere. If a meeting were illegal in its origin, the non-compliance of the people with the magistrate's request and orders, was a violation of the laws. To remain together when ordered legally to disperse, was resistance and rebellion against the law.

Mr. Sergeant *Bur* observed, that, according to the riot act, a riotous disposition should appear to the magistracy; but if the mob did not disperse within the prescribed time, punishment might follow. That had lasted since George I., about a century. Why should the clause for

capital punishment be deemed unnecessary, when it was enacted, not only by that act, but by a subsequent one? It had been found by experience, that dangerous crimes were prevented by holding out the threats of the severest punishments.

Mr. Smyth said, that when two sorts of punishment were proposed, both of them apparently effectual for the object, he should prefer the one that was least severe.

The Committee then divided on Sir J. Mackintosh's amendment:

Noes, 70 | Ayes, 26 | Majority against it, 44.

Sir J. Mackintosh said, he had another amendment to propose. To various parts of the bill, concerning the power of magistrates, he did not object; especially when persons were attempting to excite resistance or disaffection to his Majesty, or his Majesty's Government, strictly speaking. All such efforts, and all writings of that nature, he considered inexcusable; because they tended most dangerously to transfer the constitutional responsibility of the Ministers to the Sovereign himself. He held, with all eminent writers on the liberty of the press, that private security should be attended to, without which society would scarcely be tolerable. He had, however, a strong objection to one clause which spoke of hatred to the Government, and not simply of the King's Government, and the Constitution of the realm. The authors of the bill surely could not mean to apply the word "Government" in a sense in which it might be confused with the administration of the day, the liberty of canvassing whose conduct was the sacred birth-right of the people. The word "Government," in the way it was inserted in the act, he considered either mischievous or useless. Was it to be distinguished from the words "Constitution," or "government by King, Lords, and Commons," which last mode of expression he valued deeply? The word "Constitution" was sufficient. In the present session many petitions had been received against the acts both of the Ministers and of that House, when there appeared no studied insult in them. He wished, therefore, to let the clause have a full effect, but not to leave the magistrates an improper discretion. He therefore moved, that the word "Constitution" should be used, and the word "Government" omitted.

The Solicitor-General objected to this, as Government was a word constantly used in all indictments for sedition and treason, and insurrection, and one which every lawyer well understood. Speaking, therefore, as a lawyer, he would say, that he should prefer the word "Government" to the word "Constitution." His learned friend did only justice to Ministry, when he supposed that they meant not to confuse Government with Administration. "Government" was clear legal language.

Mr. Wynn observed, that by Government must be understood the Government by King, Lords, and Commons, as established by law. It

would be advisable that a magistrate should receive and notify a regular legal notice of a meeting before it was held, which would prevent many improprieties; and, if the magistrates acted wrongly, they would, he apprehended, be liable to answer for it before the Court of King's-bench.

Sir J. Mackintosh said, he understood sufficiently the legal meaning of the word "Government," as applied to cases of treason and rebellion; but it required more consideration, as applied to merely seditious words. To avoid errors, it was better to speak of the Constitution of Government, or of the King's Government.

Mr. W. Smith made two objections to the clause: first, he thought it improper to lodge so large a discretion in one magistrate alone; and secondly, he conceived that, from the latitude of expression adopted in this clause, a magistrate might think himself authorised to disperse a meeting, whose discussions were perfectly constitutional. He would illustrate his meaning by referring to a report made in another place: that report spoke of some societies called Union Clubs, and described them as "professing the object of Parliamentary Reform, but, under those words, understanding, Universal Suffrage, and Annual Parliaments, projects which evidently involve, not any qualified or partial change but a total subversion of the British Constitution." Now he (Mr. W. Smith) had no hesitation in saying, that he looked upon all such schemes as wild and impracticable; and even if they were practicable, he should consider them as injudicious alterations, and no Reform; but at the same time he did not hold himself bound to bow to the opinion of those who said that they were totally subversive of the British Constitution. He knew, indeed, that there were some very high authorities who thought very differently, and who maintained such doctrines to be perfectly constitutional, instead of being destructive of the Constitution: yet a magistrate might, either from ignorance or prejudice, take it into his head to believe that such opinions had a tendency to sedition, and might, on such a belief, dissolve an assembly whose proceedings were perfectly legal.

Lord Castlereagh.—The argument of the hon gentleman would destroy the bill altogether. Some discretion must necessarily be lodged with the magistrate. The rule on which he was to act was, not that he should disperse an assembly regularly convened, or whose discussions were conducted in a constitutional way, although the debate might be intemperate, or even disrespectful; he was only justified in proceeding to an exercise of his power, where there was an avowed object of any speaker to excite the multitude to sedition and rebellion. The magistrate, even in this case, would act under a legal responsibility; and a jury of his country would afterwards have to decide on the propriety of his conduct and motives. Unless the magis-

trates were armed with such a power, the country would at once be given up to the consequences of those inflammatory harangues, which might be made at such meetings. The only meeting put under the law was one whose object was to excite rebellion against the State. There was no reason to suppose that the magistrate would escape his liability, if he should abuse his power; there would always be at such meetings sufficient persons to watch him, and who would afterwards detail his conduct to the jury which might try him. In fact, it might be said that this Bill would in many respects cause more inconvenience to the magistrates than to the multitude assembled.

Mr. W. Smith replied, that the responsibility of the magistrate was more nominal than real: for it was well known, that if he had acted from weakness or error in judgment, he would not be liable; corrupt motive must be proved; and such corruption was not likely to exist, or if it existed, was not easy to be proved.

The Hon. Mr. Lyttelton agreed with the member for Cambridge, that the punishment of transportation was likely to be quite as efficacious as the punishment of death. He objected also to the words "and Government," as coupled with the word "Constitution," because he thought them liable to popular misapprehension. From habitual looseness of expression, both in and out of the House, the word "Government" was generally supposed to mean the "Administration." And a magistrate might, from pique or ignorance think proper to arrest a man who in fact was not attacking the Constitution of the country, but merely the existing Administration.

Mr. B. Bathurst thought that it was impossible for any persons (especially magistrates) to be so ignorant as to suppose that the words "the Government as by law established," could possibly mean the Administration of the day. At any rate such a mistake in a magistrate would subject him to an action: and as a discretion must be lodged somewhere, he did not see where it could be better lodged than in a person who would be answerable for any abuse of this power before a jury of his country.

Lord Castlereagh said, it was a mistake to suppose that the magistrate was empowered by these clauses to disperse a meeting regularly constituted: his duty was merely to arrest any particular person whose speech was inciting the multitude to rebellion.

Mr. Lyttelton put the case of a meeting, which, though not regularly called by the sheriff, might consist of persons exceedingly respectable.

Lord Castlereagh repeated, that a meeting regularly convened at the requisition of 7 householders, could not at once be dissolved by a magistrate: any individual holding seditious or treasonable language might be arrested; and if the meeting obstructed the arrest of such person, then it became tainted; and then, and

then only, the magistrate had the power to dissolve it.

Mr. *W. Wynn* thought that in some cases it would be better to hold to bail the seven persons who might lend their names to an inflammatory or seditious notice.

Mr. *W. Smith*, in order to shew that a magistrate might, from error, think it his duty to dissolve even the most constitutional meeting, referred to a recent case which he said had occurred in Cornwall. A requisition had been sent to the High Sheriff of that county, desiring him to call a meeting. The High Sheriff refused, and gave certain reasons for such refusal. A meeting was therefore held without his aid, and certain resolutions were passed. The persons assembled were respectable, and their resolutions constitutional. Now, it was highly probable that this Sheriff would, if the Bill now under discussion had been in force, have thought it his duty to disperse that meeting; and might have argued on the same grounds as he had stated in his answer to the requisition—that the doctrines there maintained brought the Government into hatred and contempt. The noble lord's construction of the clause was liberal; but would a court of justice construe it in the same way? The learned gentlemen knew very well that the Court would look merely to the language of the statute, and would not refer to the speech of any gentleman of that House for its proper interpretation. As to the words, "Government and Constitution," as it seemed to be admitted that they meant the same thing, one of them would be sufficient.

The *Attorney-General* supported the construction laid down by Lord Castlereagh, and observed, with respect to the suggestion of Mr. *Wynn*, that doubtless persons might be held to bail for a seditious notice; yet as the meeting might, notwithstanding, be held, it was fit that a power should be lodged with a magistrate to watch over and check its proceedings.

After a few words from Mr. *Sergeant Best* and Lord Castlereagh, the clause was carried; the amendment for leaving out the words "and Government" being negatived; as also an amendment by Mr. *W. Smith* for substituting the words "two or more justices," instead of "one or more justices."

On the reading of the next clause for apprehending persons who offended as before described, Sir *S. Romilly* proposed to leave out this clause altogether. He wished to know how the learned gent. opposite, who had paid so much attention to this Act, could explain the operation of this clause. Dreadful penalties attached to persons not dispersing, or who obstructed the arrest of any person by the magistrate. Now, if it should turn out that the magistrate had acted wrong, had arrested a person for no sufficient cause, would this error of the magistrate be a good plea for a person to be tried for obstructing, or for not dispersing? Or would the penalties still remain,

and thus be made to depend on the bare opinion of a magistrate, and that possibly, an erroneous one?

The *Attorney-General* conceived that the clause was sufficiently explicit. If a man should make any treasonable proposition, he was to be seized, and not otherwise; if the meeting adopted the treason by obstructing the arrest of such a person, it was to be dispersed, and not otherwise.

The *Solicitor-General* said, that a magistrate would by this clause have the power which he possessed in every other case, with this difference, that he would act on what he heard as well as on what he saw. He was in the legal predicament of a constable or magistrate, acting "upon the view." He was also responsible for any abuse or misapplication of his power. The learned gentleman concluded his few observations by apologizing to the House for detaining them.

Sir *S. Romilly* thought no apology to the Committee necessary in a question of such extreme importance, in which the lives of many of the King's most loyal subjects were involved. The clause before the Committee pretended to give certain privileges to assemblies convened by seven householders; but under the construction now put upon it, he had not the least difficulty in asserting, that it would be far better that the clause should be expunged, since some officious magistrates might only make it a pretence for denouncing the most peaceable and constitutional meetings, and arresting all those who took part in the discussion. (*Hear, hear.*) The clause, as at present framed and understood, was rather to occasion riot and confusion, than to prevent sedition and rebellion. The most important rights might be invaded, if it were not amended. Suppose, for instance, at an assembly legally convened, a gentleman should state, that it was a mockery upon the Constitution that Old Sarum should have as many representatives as Westminster, some justice of the peace might think that, as by the law and constitution, Old Sarum was allowed that privilege, it was illegal and seditious to assert that it was a mockery, and the result might be the dispersion of the meeting. The whole representation of Scotland was in his (Sir *S. R.*'s) opinion no less a mockery; and yet if that opinion were stated out of doors, any magistrate might step in with his constables, arrest the individual, and dissolve the meeting. This pretended privilege on the signature of seven householders was nothing more nor less than an allurement to mischief.

Mr. *Harvey* supported the clause.

Sir *M. W. Ridley* opposed it.

Mr. *Sergeant Best* contended, that the object the clause had in view was not the mere words spoken, but the intention with which they were uttered.

Sir *S. Romilly* observed, that it would indeed be giving a wide discretion to a country magis-

trate, if he were required to judge not only of the tendency of the words actually delivered, but of the secret intention of the party: if so, however innocent might be the language of any man, his motive was to be judged by a review of his previous political conduct through life: and if, unluckily, it did not happen to please the magistrate, he might immediately throw him into prison. (*Hear.*)

Lord Castlereagh said, that no power was here given that a magistrate did not enjoy on other occasions: he was to exercise nothing more than his ordinary functions under this bill.

Sir S. Romilly.—If what the noble lord asserted were true, the clause and the bill were completely useless.

The Committee then divided:

For the clause 43 | Against it 16—Majority 27

The next clause upon which any discussion arose, was that in which places for lectures or debates were declared disorderly unless licensed.

Sir S. Romilly proposed to leave out the words "and on any subject whatever:" by which lectures upon chemistry, astronomy, anatomy, or any other science, would be prevented.

Sir J. Mackintosh suggested, that the insertion of the words, "and on any subject whatever connected with the Government and Constitution, as by law established," would remedy the defect.

Mr. Sergeant Best thought it better, that particular institutions, devoted solely to scientific pursuits, should be excepted afterwards, but that the clause should be general.

Sir S. Romilly reprobated the indignity offered to science, by putting it on a level with ale-houses and gin-shops, by requiring that places for its promotion should be licensed: these new licenses might in time be as much abused as those granted to publicans.

Lord Castlereagh appealed to the hon. and learned gent. whether he really believed, that magistrates would wantonly break into the lecture rooms of scientific institutions: the intention of the general words was, to prevent subterfuges by pretences of lectures upon ancient history, &c. which were, in truth, nothing but harangues of sedition and treason. He could see no objection to the licensing of places really used for scientific discourses.

Sir J. Mackintosh proposed, that the amendment of Sir S. Romilly should be postponed, until the Committee arrived at the clause for excepting from the operation of the Bill the two Universities, the Inns of Court, and Gresham College, but it was not agreed to: and the question being put, the amendment was negatived.

When the Chairman reached the clause above referred to, Sir J. Mackintosh moved the insertion of these words, "that the Act shall not apply to any lectures really and *bonâ fide* limited to science, learning, or the arts." He appre-

hended that these words would exclude all moral, political, and theological discussions; the most important branches of human knowledge, all improvements in which Ministers were disposed to obstruct. He also proposed an amendment, excepting the East India College from the operation of the Bill.

Mr. B. Bathurst objected to the amendment, as opening a door for spreading dangerous doctrines, under the pretence of teaching science, learning, or the arts.

Sir J. C. Hippisley moved an amendment upon the amendment, That the Royal Institution be excepted; but

Sir J. Mackintosh said, this was unnecessary, as it was included in the general class of institutions established by Royal Charter.

After some conversation between Sir J. C. Hippisley, Sir J. Mackintosh and Mr. B. Bathurst, the two clauses exempting the East India College and societies incorporated by Royal Charter or authority of Parliament, were agreed to. The third, about the exemption of all lectures for the promotion of science, learning, and the arts, when *bonâ fide* delivered, &c. was rejected.

When the clause relative to the duration of the act came under the consideration of the Committee, it was agreed that it should expire the 24th of July, 1818.

On the reading of the clause declaring the Societies called Spencean Philanthropists to be unlawful combinations,

Sir James Mackintosh said, that he was quite ashamed to have the names of such contemptible enthusiasts introduced into a solemn legislative enactment.

The Attorney-General said, that he felt as much contempt for those poor lunatics as any one could, but he expressed his conviction that the clause should stand, because they had not only a great crowd of auditors, but were also making a considerable number of proselytes.

The clause was then read and allowed to stand part of the bill; and also the clause against Delegates, Missionaries, and Correspondence, was read, and allowed to stand.

Freemasons' Lodges and charitable Institutions were exempted from the provisions of the bill.

Mr. J. L. Foster rose to propose a clause exempting Ireland, which, after some conversation between Mr. Williams Wynn and Lord Castlereagh, was given up as being unnecessary.

The Solicitor-General then brought in some other clauses to exempt religious societies, which were ordered to stand as part of the bill.

He also brought in a clause to give the Attorney-General power to stay proceedings in prosecutions under this act.

All the clauses having been gone through, Sir M. Ridley gave notice that he would move an amendment to the preamble.

The House having resumed, the bill was ordered to be reprinted and read a third time on Friday.

COURT OF EXCHEQUER.—Mr. *Martin* moved for and obtained leave to bring in a bill to facilitate proceedings in the Court of Exchequer, by authorizing one of the barons to sit and hear suits in equity. The bill was brought in, and read a first time.

The House adjourned at 2 o'clock.

HOUSE OF LORDS.

Tuesday, March 11.

SINECURES, USELESS PLACES, &c.—Earl *Grosvenor* rose, pursuant to notice, to submit some resolutions to the House on the subject of sinecures, useless places, and the granting of offices in reversion. The subject, he observed, was at all times important, and particularly so at the present moment, considering the state of the public mind: but he did not agree with the noble earl opposite, who had on a former occasion said, that it was not material that the matter should be brought under discussion at an early period of the session. The noble earl probably alluded to certain measures which were stated to be in contemplation for the reduction of sinecures and useless places: but he did not feel himself justified in placing much reliance on hopes held out by Ministers; and more especially on a subject like this. What he contended for was—that their lordships ought to take the subject into their own hands, and give a distinct and solemn pledge to the country upon it. It was, however, with considerable pain that he now brought the matter under discussion, not merely on account of the delicacy of the subject, and the prejudices connected with it—not merely on account of the negatives which he had met with, when on former occasions he called the attention of the House to this matter; but also on account of the critical situation of the public mind. In looking at that situation, he could not view it without something like despondency; not from any such alarms as the noble lords opposite felt, but from the mistaken notion which the Executive Government appeared to entertain of the character of the people of England. They totally misunderstood the open, generous, liberal, and manly character of the people, whom they charged with disloyalty and disaffection; and with that opinion adopted measures which might be attended with the most fatal consequences. But he held in contempt the notion, that in times of difficulty and danger “the post of honour was a private station,” and he was not one given to despair. This subject had been so often discussed, that much novelty could not be expected, and he should confine what he had to say within as narrow bounds as possible; and so he wished that the various resolutions on the subject of Retrenchment and Reform should be entered as read. Their lordships would observe that, though these petitions differed materially as to the nature and extent of Parliamentary Reform, they all agreed in condemning useless Places and Sinecures, and

in calling for Economy and Retrenchment. Many a long and weary contest had he had with the noble and learned lord on the woolsack on this subject. The argument of the noble lord was, that innovation was a dangerous principle: but, adopting the language of a celebrated dramatic poet, he might say, that it might be dangerous to eat, drink, or sleep; but that out of the nettle danger, they would pluck the flower safety. The object of the noble lord was to embrace the Constitution as it was, with all its decays and corruptions. His (earl Grosvenor's) object was to cut off the gangrened limb, and restore the Constitution to its full health and vigour. On former occasions he had been met with the objection, that this was not the proper time—that it was a period of war; and he was asked whether he would set about building his house in a hurricane? And he was apprehensive that, though this was a time of peace, he should still be met by the old objection—that this was not the proper time. In his present view of the subject it would not be necessary to enumerate all the sinecures and useless places at home and in the colonies, which gave so much improper influence to the Ministers of the Crown: the masterpieces of the revels, and such places, sometimes given to the amount of 5,000*l.* each, to children of two or three years old. Into these details it was not necessary for him to enter. He only called upon their lordships to-night to declare their opinions on the principle, and to vote that sinecures and useless places ought to be abolished. He did not wish to throw imputations on individuals. There was no demerit in holding these offices: and if indignation were felt on the subject, the public indignation ought to be directed, not against the individuals holding the offices, but against the offices themselves. His object was to procure a vote of the House that these sinecures ought to be abolished on the fall of the lives of the persons by whom they were now held. The very name of these sinecures excited disgust; and a great and eminent lord, who once sat on the woolsack, had this opinion of them. It had been objected on former occasions, that sinecures ought to be reserved for the reward of distinguished services: but it seldom happened that, when such services were to be rewarded, any sinecure was vacant; and in reality it was well known that for the most part they were not the reward of great and distinguished public services. Witness the instances of Marlborough, Nelson, and Wellington. There were, however, some eminent exceptions; such as his noble friend the Auditor of the Exchequer, and the noble earl opposite, who had been much employed in the public service. He might be told, that it had already been recommended to abolish several sinecures—the Surveyor-Generalship of the Isle of Wight, the Wardenship of the Cinque Ports, the Clerkship of the Pells, the Justiceship in Eyre, and four offices in the Exchequer: but then he wished their lordships to give a distinct pledge

on the subject. He was not called upon to place implicit confidence in what he heard; and he had so often found these things come to nothing, that he did not feel satisfied without a pledge from their lordships: and, besides, though the Commons might think that these offices ought to be abolished, their lordships might, perhaps, unless they gave that pledge, be of a different opinion, as on former occasions. The object, then, of the first resolution which he should propose to their lordships was, to procure their vote that sinecures ought to be abolished. The object of the second resolution was, the abolition or regulation of useless places. He was aware that the noble earl opposite had laid a paper on the table relative to that point; in the examination of which he would not take up their lordships' time. The noble earl might say, that a great deal had been done by a Committee appointed by the Treasury Board: but the paper in question, if it shewed that something was done, also proved that a great deal was still to be done. Two inspectors-general were continued at large salaries; and in the Barrack department, great reductions might have been made which had not taken place. The Treasury Board itself might have done all that had been done by its Committee, and much more. "These things they ought to have done, and not left others undone." The Treasury might have reduced the salaries of those under their own controul; for instance, that of the Resident at Lisbon, whose salary was greater than that of the Ministers who had been sent thither—certainly not greater than that of the present President of the Board of Control. There were other offices which had not been considered, though they well deserved consideration: the office of the Secretary for the War and Colonial department for example—that was a question which ought to have been considered. There was another office, also, which he had mentioned on a former occasion, which he conceived to be not only useless but illegal; and that, also, ought to be abolished. It would also have well deserved consideration, whether the office of one of the Paymasters of the Army, and whether the offices of two of the Lords of the Admiralty, might not be abolished. It had been said that certain of these lords were in a course of education there for the office. He had himself on one occasion been in the Admiralty, and he remembered that the course of education which he received for the office, was to have some large volumes of statutes relative to the Admiralty put into his hands, which he was desired to read all over, and these contained frequent references to other acts of Parliament. The late Lord Stanhope had read the whole statute book, but he believed few others had done so. However, he had been desired to read over these statutes: but as to the duties—he had been certainly very often called upon to sign his name, so that the office was no indifferent school for writing: still if the First Lord of the Admiralty had consulted

* *Sinecures, Unless Abolished, &c.*

them frequently, these additional lords might perhaps be considered as of some use, unless they were a naval lord; however, he believed that the First Lord of the Admiralty was not in the habit of consulting them. All these offices therefore were very proper subjects for consideration. An act had lately passed for authorizing the receiving of voluntary contributions from certain offices; and it was said, that this had been done on various occasions: but he could not think that those who were employed in the active service of the state ought to be called upon so to contribute from their salaries; at least there was only one case in which such contributions might be proper, to a certain extent: and that was, when the salaries had been considerably increased a few years ago, during the depreciation of the currency. In such a case some contribution from these offices might be proper: but, generally speaking, nothing ought to be taken from the salaries of those employed in the active service of the state. It was not the active bee, but the idle drone that ought to give up his emoluments. After the example which had been given by one nobleman, who had held a large sinecure, it might be expected that others would follow. But a noble lord had, on a former occasion, recommended that the landed proprietors should contribute. Such, however, was the general distress of the country, that none were exempt from it except those who derived their incomes from the taxes: and the distress was very heavy on the landed proprietor. A friend of his had told him, that the distress was so great, and the tenants so unable to pay, that if the income tax had not been taken off, he would hardly have had any income at all to live upon. Whether the distress was generally felt by landed proprietors with such severity, he could not undertake to say: but it was unquestionable, that they were exposed to a very heavy pressure. The third resolution which he intended to propose to their lordships, had for its object to put an end to the practice of granting places in reversion. Unless an end were put to that practice, no good could be done: and neither sinecures nor useless places could, to any very great extent, be abolished or regulated. The 4th resolution was of a more general nature, and related to the subject of Reform, for which this was a proper time. He earnestly requested the attention of the House to the state of the public mind; not as filled with disloyalty and dissatisfaction, but as calling for some Reform. The want of Reform was considered as a practical grievance. The people thought that, in the present state of the representation, they had not that check and control over the conduct of the Executive Government which they ought to have; and without some Reform the public mind never would be at peace. No people ever were more attached to their institutions than the people of England were at that time: they considered as the true and genuine Constitution of their country. The public mind

had become more enlightened, and the people in general understood what were their rights and privileges much better than formerly; and were naturally anxious to have that to which they conceived themselves entitled. These opinions were not confined to England, but were circulated throughout Europe; whether derived from the American or French revolution, it was not, for the present purpose, very material to inquire. But the sentiment had embodied itself in the minds of the European population; and all the power of governments, though accompanied with racks and tortures, would never be able to crush it. The public mind never would be satisfied till the people, all over Europe, obtained what he wished to God they might obtain—a fair representation. An able and eloquent writer had attributed the downfall of the French monarchy to clubs and corresponding societies, and those practices which were at present made the ground of the suspension of the Habeas Corpus Act: but he considered those practices not as cause but effect. They were the effect of dissolute morals and manners; of financial embarrassments; and above all, of the despotic nature of the French government. (*Hear, hear.*) Many a government had begun under the happiest auspices, and with the fairest prospects, and ended as the French Government had done:

“Fair laughs the morn, and soft the zephyr blows,
“While proudly riding o’er the azure realm,
“In gallant trim, the gilded vessel goes;
“Youth at the prow, and Pleasure at the helm,
“Reckrless of the sweeping whirlwind’s sway,
“That, hush’d in grim repose, expects his evening
“prey.”

He should not help now saying a few words with respect to a matter personal to himself. He had, on a former occasion, been called to order for naming certain members of the Executive Government in the other House. Now he was desirous that it should be understood, that on that occasion, as well as on every other, he opposed measures, not men; that he proceeded on public grounds, and was not actuated by personal or party hostility towards individuals; and he protested and declared, that if his noble friends near him were to become Ministers, and were to act on the principles which appeared to govern the conduct of the present Ministry, he would oppose them. The Ministry which he wished for was one which would look, not merely to the prerogatives of the Crown, but also to the privileges of the people; a Ministry which, while it steadfastly regarded the prerogative and dignity of the Crown with one eye, would regard the privileges of the people no less steadfastly with the other; and if the caprice of the sovereign should at any time call upon it to deviate from these principles, he wished for the Ministers who would resign their places rather than comply. He did not oppose the present Ministers on any

personal ground; and he earnestly and solemnly entreated the House, and especially the bench of Bishops, to recollect, that if it was possible that a people should conspire against their Government, it was also possible that a Government might conspire against the people. (*Hear, hear.*) There was one point more to which he wished to call the attention of the House. The savings, as it appeared from the papers on the table, amounted to 50,000*l.*: but the excess of salaries lately created amounted to 196,000*l.*, or from that to 170,000*l.*: from which their lordships would perceive, how small in comparison the saving was. He proposed, then, these four resolutions:

1. That it is the opinion of this House, that all sinecures in the patronage of the Crown ought to be abolished after the expiration of the subsisting interests.

2. That all useless places should be abolished or regulated forthwith.

3. That for the future no places should be granted by the Crown in reversion, as tending to prolong and perpetuate useless offices, and to render inadequate the discharge of those to which active duties are annexed.

4. That it is more especially the duty of the House to adopt the foregoing resolutions at a period of unusual difficulty and distress, and of universal petition for economical Reform and Retrenchment.

The Earl of *Liverpool* observed, that the noble earl who had just sat down began the speech which contained the grounds on which he had submitted his resolutions to their lordships’ consideration with a general eulogium on the loyalty of the people. In that general eulogium he was sincerely disposed to concur; but he believed that there was no man who fairly considered what had recently been the state of the country, and what the probable effect of the unreasonable practices which had been disclosed would be, who would not admit that precautionary measures were necessary: not indeed on the supposition of disloyalty in the great body of the people, and, therefore, not adopted against them; but for the protection of a loyal people against those who wished to seduce and demoralize them. When the noble earl said, that the bill which had passed for the suspension of the Habeas Corpus Act, and those now in their progress before Parliament, had excited discontent and dismay, he asserted what appeared to him completely contradictory to the real state of the case. Where were there any evidences of discontent or dismay, since these measures had been originated? Let the noble lord, on the contrary, compare the despondency which existed a few weeks ago, with the state of the public mind now, and judge fairly of the difference. What had been the effect of the measures introduced by his Majesty’s Government, and already, in part, sanctioned by Parliament? It was to be seen in the removal of that apprehension and despondency which had prevailed: it

was to be seen in the ameliorated state of the public mind and public credit; as was evident from the very considerable rise of the funds which had taken place. He certainly did not mean to undervalue that consideration which was due to the measures which had been adopted, or to insinuate that the grounds on which they were proposed ought not to be jealously canvassed; but this he would maintain, that their immediate consequence had been the restoration of public credit and confidence. With regard to the only one of those measures which as yet had passed through all the forms requisite to render it a law, it was rather singular that the noble earl should regard it as so peculiarly objectionable. The noble lord ought not to deal quite so hard with those who now supported the suspension of the Habeas Corpus Act, as he had voted for it himself not less at least than six or seven times. It is true, the noble earl will say, that when he so voted, the circumstances of the country were very different, and that the present circumstances do not call for such a measure. This, however, was what he disputed; and whether the circumstances of the country now required the passing of the suspension of the Habeas Corpus Act was not a question to be argued between him and the noble earl—it had been decided by Parliament. Before he proceeded to make any remark on the objects of the resolutions themselves, he must observe, that it was possible for resolutions to be so drawn as to contain nothing objectionable on the face of them, and yet to be such as would be very improper for that House to adopt. A subject might be stated which would be a very fit one for inquiry, in certain circumstances: and which would be unfit in others. It certainly would be neither regular nor proper in their lordships to go into an inquiry on the subject of the resolutions proposed by the noble lord, with a knowledge, that an investigation on the same subject was in progress in another place. It was also to be considered, that this was a branch of legislation not so appropriate for their lordships' deliberation; and that if the noble earl's resolutions were adopted, it was not easy to see how any practical measure could be founded upon them. The first resolution which the noble earl proposed to move, was for the abolition of sinecures. Now, the question he would wish to ask on that resolution was, what the noble earl meant by a sinecure? He would contend, that no noble lord could give a distinct answer to the question. He would be glad to be informed, how any definite meaning could be attached to the word sinecure. The noble earl would find the term sinecure-office in a bill which had been introduced into Parliament: but neither in that bill, nor in the long list of offices pointed out as fit objects of regulation, by a report of the other House, could any one be found to which the term sinecure would with propriety attach. To certain offices in the Exchequer this term had often been applied; but were they really sinecures? On the contrary, they were

offices of high importance and great pecuniary trust. It might be proper to regulate them; it might or it might not be proper to find other means for rewarding merit than the existence of these offices presented. This was a question he did not at present mean to argue; but what he contended for, and would maintain, was that if the noble lord regarded any one of these offices as a sinecure, in the proper sense of the word, he was most completely mistaken. They were all offices of trust, which had duties to be performed either by the holders or their deputies. In fact, the term sinecure, applied to any office of the State, was a perfect nickname. The noble earl called to abolish something of which the House knew nothing, and the existence of which he could not point out. Where are these sinecures the noble earl would abolish? And how many are there of them? He should be glad to hear any noble lord answer these questions. Here he begged it might be understood that he was not giving any opinion against legislating on the subject of the offices in question; that was a matter on which Parliament was competent to determine; but of this he was certain, that to ascertain what offices might with propriety be abolished, and what others might be changed, reduced, or otherwise regulated, required very mature deliberation; and more knowledge and experience of business than he believed the noble earl could pretend to possess. What the decision of their lordships might be, when the subject should be fairly under their consideration, would depend upon a view of the effects of the present system of rewarding merit, with the probable consequences of that system which might be proposed to be substituted. He would not pretend to anticipate that decision; nor did he now object to the discussion of the subject, but should reserve his opinion until it came before their lordships in a proper shape. With respect to the noble earl's opinion, respecting an increase of the influence of the Crown in Parliament, it was so absurd he did not think it necessary to enter into a refutation of it. The contrary was notoriously the fact: but he should be ready to state his opinion on that question, also, if it should be at any time brought in a practical form under their lordships' consideration. That there was a call, an imperious one, on the Government to inquire into the state of the public expenditure, he would not deny. If ever there was a time for economy it was the present, when the public distress was from various causes, so great. Whether Ministers had or had not done their duty in the measures of economy they had adopted, there would be other opportunities of considering; and he should not now detain their lordships by discussing that point. He would, however, just observe, that the reductions made in a great branch of the public expenditure exceeded what had been expected by the best informed advocates of the system of economy in another place. The peace establishment was estimated by a

person well qualified to judge, and not disposed to take the most favourable view of the conduct of Ministers, at 700,000*l.* more than the sum at which it had been fixed. This he thought might be considered as at least a strong presumption of the disposition of his Majesty's Government to adopt every practical measure of economy. As to colonial offices, all of that class which it was possible to do without had already been abolished: but the increase of our foreign settlements, and the extent of their relations, required a department for the management of colonial affairs. He was confident that it was impossible for public business to be carried on without three secretaries of state. Under the present, or any ordinary circumstances of the country, the business of the office of the third secretary of state, to be properly executed—and it never had been better executed than now—was as much as physical and moral strength of an individual was capable of performing. Among those who might choose to take the trouble to inquire what business was really done at this office, he was confident there would be no difference of opinion on this subject. Upon the whole, seeing no practical good that could be derived from the resolutions proposed by the noble earl, he must necessarily give his vote against them.

Lord St. John was surprised to hear the noble lord dwell, as he had done, on the advantages of the measures adopted by Government. It was truly said, that difference of political sentiments often made the same objects appear very unlike to persons who viewed them at the same time; but he scarce thought it possible for any political difference to account for the opposite manner in which the noble secretary of state and himself viewed the present situation of the country. He had heard of many circumstances having a tendency to support the funds: but he never expected to have been told, that they were benefited by the suspension of the Habeas Corpus Act. The noble earl had also described the measure to which he attributed this beneficial effect as a precautionary one. Now this seemed quite a new way of viewing it. If he had at all understood the grounds on which the measure was proposed by Ministers, it was not for the purpose of preventing, but for putting down sedition. The noble lord had challenged any person to give a definition of the term *sinecure*: but if it was difficult to describe a *sinecure*, it was easy enough to tell what a *sinecurist* was. That denomination would very properly apply to a person who held an office which was executed by another. He could not agree with the noble earl, that the House of Lords had no concern with questions of this kind. Such an objection has been remarkable at any moment, when their table was loaded with Petitions praying for Retrenchment and Economy. He thought their lordships were also competent to make measures for abridging the influence of

the Crown, surely could not be questioned. He must remind the noble earl, that after the act of succession had passed, that measure which had for its peculiar object the securing the independence of the House of Commons originated in their lordships' house.

The Earl of Lauderdale could not concur in opinion, either with his noble friend who moved the resolutions, or the noble Secretary of State. His noble friend had described the difficulties which the country experienced from the weight of taxation. If he had looked into the situation of the landed interest, he would have found it in a state of distress far beyond any thing ever experienced in this country. The noble earl opposite seemed to doubt this statement; but if he inquired into the condition of the tenantry, he would soon be convinced of the fact: he would find that few of them were able to pay their rents; and that the greater part of those who did pay, derived the means of so doing from the appropriation of their capital, and not from the produce of their farms. Did the noble lord consider what must be the ruinous effect of this state of things? It was capital in the hands of the tenantry that had created that high state of cultivation for which this country was justly famed; but if the capital was exhausted, that agricultural prosperity would necessarily cease. A noble lord had said, on a former occasion, that the situation of the agricultural classes could not be so bad as it was described, as the repeal of the property-tax must have been a great relief to them. If, however, inquiry were made among the farmers, it would be found, that they would be content to suffer the infliction of the property-tax, if they could be placed in the situation in which they stood five years ago. Whatever measures might tend to relieve them, he was certain the abolition of *sinecures* was not among the number. Nothing was more ridiculous than the expectation of great public benefit from that abolition: except, perhaps, what the noble Secretary of State had asserted to be the effect of the abolition of the Habeas Corpus Act. What facilities that measure might give to the noble earl's tenants, in enabling them to pay their rents, he did not know; but if the suspension had really raised the funds, as the noble earl asserted, it was fair to suppose that the subsequent fall of one per cent. had been owing to the discovery made by the noble and learned lord on the woolstack, that the amendment made on the bill by the Commons had done it great injury, inasmuch as the benefit of the measure in the manner intended, would not be extended to Scotland. The state of the country, however, required very different remedies than those proposed by either of the noble earls. A noble friend near him (Lord St. John) had spoken of the table being loaded with petitions: but if the public distress was to be in any way attributed to the existence of the offices in question, it would follow that public offices were now more

highly paid than they had been in former times: which was not the fact. The opposite parties of that House had often been described as two factions, only contending for the loaves and fishes of the British Constitution; but as each party in its turn had yielded to the public prejudice against these offices, if the same system proceeded there would soon be neither loaf nor fish left. With regard to the influence of the Crown in the House of Commons, there was a report on their lordships' table which placed that question in its true light. That report, which was made to Parliament in 1807, proved that the number of persons holding offices had diminished instead of having increased. To avoid entering into details on this question, he should only state some prominent facts. Before the union of Scotland, the number of members of the House of Commons holding places under the Crown was greater than at later periods, though the House of Commons was augmented by that union. In 1705, these 98 individuals holding offices had seats in the House of Commons; in 1807, the number was only 74, being a diminution of 24. In the year 1716, the difference was still more remarkable; there were then 164 placemen in the other House; which, compared with 1807, gave an excess of 90. In 1718, the number of placemen who had seats was 154; which made the excess at that period 80. In 1797, the number of placemen was 193, and the expense of the salaries above 265,000*l*. In 1807, the number, as he said before, was reduced to 74, and the expense to only 193,000*l*., making a difference of 119 in number, and 92,000*l*. in expense. This comparison decidedly proved that the influence of the Crown had greatly decreased in the House of Commons: but he begged that he might not be supposed to state that it had decreased on the whole. On the contrary, he was aware that it had infinitely augmented through the country at large. This was naturally to be expected, from the large civil and military establishments maintained by the Government, and from the influence of a national debt, amounting to 700,000,000*l*.; the charge on which was 37,000,000*l*. It was not, therefore, the influence of the Crown in the House of Commons which was to be guarded against, but the influence out of doors. This was evident from the readiness with which the Crown appealed to that influence whenever a majority of the House of Commons was disposed to bring about a change of administration. The noble earl who moved the resolutions had talked of the great emoluments of public offices; but the view he had taken was altogether erroneous, and founded on the common public prejudice. There never was a period in our history when men in office were less corrupt; and perhaps never a time when the public was more corrupt. He agreed with the noble Secretary of State as to the impossibility of pointing out any office which was completely a sinecure. He looked upon sine-

cure offices as a sort of lottery, where, though the rewards were few, yet the hope of the great prize would induce many a man to exert himself to deserve it. He had not himself been much in office; but though he had never been minister, he was perfectly acquainted with the circumstance—that three or four important claimants might be put off by the hope of a reversionary sinecure, who, without such a mode of rewarding public service, would at once have required a pension. His noble friend had truly observed, that the distresses of the people made them look on all sides for relief: he was one of those, however, who believed that the people would never have turned their attention to this particular subject, nor have looked to such a source for relief, unless the Parliament itself had set the example of referring to such a fund for a supply. In fact, the evil under which the country laboured lay much deeper: it was the infinite load of the public debt. He had himself published to the world his sentiments on this point, though he had not had the good fortune to be listened to. He had no hesitation to state, clearly and explicitly, that he deprecated and even reprobated the discussion of these minor matters, because he felt a conviction that they took off the public attention from greater objects. He was ready to admit, that no taxes could be too great for a nation to pay, provided the objects to be attained were greater: but such a fact must be fully proved, which had not yet been done. As to the argument drawn from the funds, every man who looked to the state of the currency must know, that though the funds might probably be yet considerably higher, yet speculators alone would derive any benefit, while the labourer and the manufacturer would be entirely without relief. The funding system had been productive of the greatest disadvantages, and had taken as much as five millions from the pocket of the landholder. That was the wisest distribution of property which would give happiness to a whole people: but as to the abolition of sinecures, he thought that the measure would not only do no good in itself, but that it would tend rather to increase than diminish the hatred of public men; and would, in its consequences, force upon the people a stronger idea that such men lived only on the public property.

Earl Darnley observed, that if no other argument could be found for the abolition of sinecures, yet it ought to be entertained for this single reason—that such a measure contained in itself the general principle of Reform; and such a principle was of the highest importance at a time like the present. He was ready to agree, that a system of pensions must be substituted for the present system; but he thought such a mode of remuneration would be more economical, and (he begged pardon of noble lords) less offensive, than the present. But, be this as it might, he thought that the circumstances of the country were such, that it became the duty of Parliament to direct its attention to some specific

of reform, whatever difference of opinion might exist as to the particular and specific plan.

The Earl of *Liverpool* professed his intention of withdrawing his motion of the previous question: and though he must oppose the present general motion, yet he would not be unwilling to attend to any specific proposal.

Lord *Holland* thought that the noble earl had great reason to flatter himself on the accession of strength which he had obtained: but the principle of the question was not affected by such a circumstance. As to the office of wine-taster, which some noble lords might naturally be anxious to retain (*a laugh*), he would say nothing about it, but would address himself to the general question. He did not exactly see the relation between the Habeas Corpus Suspension Bill and the present question; but as it had been referred to, he would say, that he could never hear the mention of that measure without giving it his most severe reprobation. The noble earl had boasted, that the Suspension of the Habeas Corpus Act had raised the funds to 70: if so, the prospect of the country was most alarming; for if a suspension of three months had raised the funds to 70, Ministers had the strongest temptation to make the measure permanent. But it was not true that the measure was of such prodigious importance, and the argument of the noble earl was good for nothing, unless he could go on to shew, that the measure, besides raising the funds, would give employment to the idle, and food to the hungry. His noble friend (Lord *Lauderdale*), whom, notwithstanding a difference of opinion, he heard with the greatest pleasure, on account of his ingenuity and information, had, to a certain degree, said very truly, that a great delusion prevailed at public meetings as to the quantity of relief which such a measure as that now proposed would produce; but his noble friend had not stated the whole of the argument. He had contended, that the influence of the Crown had not increased in Parliament; and had described the distresses of the country as resulting from its enormous debt: but it would have been as well if the noble earl had taken into his consideration the enormous increase of the army, and of all the other establishments connected with the Crown. He might then have seen some strong reason for cutting down the luxuriance of these establishments. The noble earl opposite had pretended, that the business of the country could not be conducted without a third Secretary of State. The fact, if so, was rather curious: for it had been pronounced formerly as not entirely essential in time of war; and it was odd, that this branch of the war department should be found to be more necessary in time of peace. He had not himself much experience in office; but, from what knowledge he had, he would venture to say, that the duties of the war department would be better performed without the third secretary; and the business of the country was im-

peded more than accelerated by the existence of this additional office. The conduct of Ministers with respect to the pious Lords of the Admiralty was very unsatisfactory, and their language on the subject was neither wise nor respectful to the country. And though Ministers had taken great credit to themselves for some general reductions, he begged to know why the retrenchments had not been made last year. The noble earl might think these concessions boons: but in fact they were extorted only by the petitions of the people—by such petitions as he trusted still to see the table crowded with. One noble lord had denied the existence of sinecures: if they were not sinecures, he (Lord *Holland*) did not know what they were; but if the word was matter of objection, let it be altered; and the substance of the present motion would still stand. And as to the reason assigned for not entering upon this question, that inquiries were now pending, it was precisely the reason why this Parliamentary proceeding should be adopted. A noble earl had objected to this as an abstract and speculative proposition; but “abstract” and “speculative” were nick-names too often applied. He must here allude to a speech made the other night, that the French revolution began by the abolition of sinecures. Was it so? Who, then, was the great author of a similar revolutionary measure in this country? At whose instigation were sinecures first abolished? Was it not by the great champion of anti-revolutionary principles? To what extent would such an argument lead us? If the abolition of sinecures was a revolutionary measure, then Mr. Burke was the great revolutionist: if it was jacobinical, Mr. Burke was himself the arch-jacobin. (*Hear, hear, and a laugh.*) If the Spencean doctrines should prevail, and every proprietor's land be cut into squares for the public good, Mr. Burke alone was answerable: nay, if their lordships should all have their throats cut, all the dire mischief was to be attributed to Mr. Burke's Bill. (*A laugh.*) Such was the absurd consequence to be deduced from the argument of a noble lord—that the very proposal of abolishing sinecures was in itself revolutionary. The noble earl had talked of certain salaries (offices would have been a proper term) as necessary to maintain the splendour of the Crown. He was himself as anxious as any man to support the due splendour of the regal dignity: but he thought that too much might be expended in doing so, as well as too little. When Mr. Burke spared the great offices of the household, his professed object was to keep about the Throne persons of refined education, of exemplary character, and of high rank; persons, in short, whose situations were such that they were not likely to attach themselves to the Crown for the sake of the salary. On this point he would not be so personal as to point out what individual offices might be abolished; but he thought the subject extremely fitting for parliamentary inquiry.

The noble earl had said, that pensions would be as expensive a mode of remuneration as sinecures: but the question was not one of sinecures *versus* pensions, or of pensions *versus* sinecures; but of pensions *plus* sinecures. (*Hear, and a laugh.*) He had never seen that the existence of sinecures tended in the smallest degree to diminish the number of pensions. Whenever any public service was performed, or any great man was to be rewarded, a pension was immediately demanded for him as much as if no such thing as a sinecure was in existence. He did not mean to cast any personal reflections, but two instances occurred to him too striking to be omitted. The first was the case of the late Mr. Pitt, a man whom, though he differed widely from him in politics, he was ready to praise for his noble disinterestedness and disregard of money? When he died, application was made to Parliament, and all his debts were paid by the public. On Mr. Perceval's death, a similar application was made, and pensions were given to his children. So in all cases, whenever an opportunity presented itself, a message came down immediately to Parliament, and a pension was recommended to reward each fresh instance of merit in a public servant. It was not fair, therefore, to call it a question whether pensions or sinecures should be allowed to be the best mode of public reward; for the real matter in dispute was whether both modes of remuneration should exist at the same time, and for the same purposes. For his own part, he thought sinecures the most unjust species of compensation; but, if not unjust, he was sure that it was the most invidious; and that was no slight objection. To call it by the gentlest name, he would say it was inconvenient, because it was peculiarly liable to unconstitutional influence. In this point of view, there was much more room for abuse in the distribution of sinecures, than of pensions. In every case of pension, whatever influence might be exerted was manifest and declared. All was open. A regular request was made to Parliament: the service of the person to be rewarded was publicly announced, and was discussed and weighed, and calculated before the pension was bestowed. He might apply to pensions and sinecures, the language of Scripture, which had lately been quoted for another purpose: with respect to their different natures and effects, he would call the pension, "the arrow that flieth by day," and the sinecure, "the pestilence that walketh in darkness." (*Hear, hear.*) It was, indeed, the chief and prevailing objection against sinecures, that their influence was secret and silent. It was this that made them so offensive to the country: it was this which would ever continue to make them offensive, though the degrees of injury which they produced might be infinitely less than it was pretended to be. This, therefore, was alone a ground (he would, if their lordships pleased, allow it was the chief ground) why they should

be abolished. (*Hear, hear.*) It was no doubt true, that the Crown had an interest in remunerating its servants by this mode; but it was at least equally clear, that public opinion was decidedly against it. The nation had considered sinecures as odious burthens; Ministers were bound, not merely to listen to the voice of the people, but to obey it. The noble earl had talked of delusion, and of false persuasion, that had been superinduced; but the best way of removing it, if found inconvenient, was to abolish sinecures: and as they were the cause, the effect would cease with them. The plan hitherto adopted, if indeed it deserved the name of a plan, was most injurious to the purposes of Ministers themselves: they refused to abolish at once in an open and manly way; but, by degrees, they clipped and trimmed one office and then another, without giving satisfaction to their own or to any other party. The noble earl had spoken of the danger of concession; but that danger was incalculable, when compliance was extracted and extorted by the compulsion of national sentiment. His Majesty's Government might delay as much as they pleased, but the time would come when they must grant what the nation required; they might patch and paint for a time, but "to this complexion they must come at last;" and it was not only far better for themselves, but for the public tranquillity, that they should comply at once with a good grace, instead of being forced at last to yield what in itself was most just and reasonable.

The question was then put on the previous question, which was negatived. The House divided upon the original motion, when the numbers were—Contents, 3, Non-contents, 45, Majority, 40.

HOUSE OF COMMONS.

Tuesday, March 11.

PARLIAMENTARY REFORM.] Sir W. Gellie presented a petition from the freeholders and inhabitants of the county of Kent, praying for Retrenchment and Reform.

On the question being put that the petition be brought up,

Sir E. Knatchbull said, that he could not suffer the opportunity to pass, or the petition to be read, without making an observation or two. The petition was presented as that of the county of Kent, and as expressive of the sentiments of the county. He believed that it expressed the sentiments of the majority of the meeting at which it was voted, but he denied that it expressed the sentiments of the county, or could be received as the petition of the county. The high sheriff had signed it in the name of the meeting; but he could only sign for himself—he could not sign for others; and this petition, therefore, could not be received,

except as the petition of the individual whose signature it bore.

The *Speaker* stated the rule regarding the reception and signature of petitions to be the following. There were only two modes in which petitions could be viewed as coming before the House. They must either come from individuals, assemblies of individuals, or corporate bodies. If they came from corporate bodies, and were signed in the name of the corporation, and sealed with its seal, they were considered as the prayer of the corporation. If they came from individuals or meetings of individuals, they were to be considered only as the petitions of the persons whose signatures they bore. They could not, when signed by one in the name of the rest, be considered as the prayer of the whole.

Sir *W. Geary* wished the petition to be read as the petition of the high sheriff representing the meeting.

Sir *E. Knatchbull* had no objection that the petition should be considered as expressive of the sentiments of the meeting.

Mr. *Calcraft* was sensible, after what had been said, that the forms of the House precluded the petition from being received as any thing else than the petition of the high sheriff who signed it; but he hoped that, as it was substantially the petition of the meeting, though signed in their names, it would have all the weight which such an origin could give it. The hon. baronet (Sir *E. Knatchbull*) had allowed that it expressed the sentiments of the meeting. That meeting was most respectable—it was numerously attended—it was called with due notice—the requisition was most respectably signed. In consequence of the address to be voted to the Prince Regent, which was a part of the business of the day, the hon. baronet had it in his power to have assembled a greater number of his friends to oppose the petition. The hon. baronet might have exerted all his influence. He was well supported in his opposition by a young man, who displayed great abilities on the occasion, and he might have had the assistance of some demagogues. If the hon. baronet complained, that he had not all the advantages that he could have wished in the contest, or that he thought he could in future obtain, he might call another meeting, and he (Mr. *C.*) and his friends would be glad to meet him on the same grounds, and would not despair of similar success.

Sir *E. Knatchbull* begged to say a few words in reply to what had fallen from the hon. gentleman (Mr. *Calcraft*) opposite. The hon. gentleman was mistaken when he said that he (Sir *E. K.*) opposed the petition. He neither attended when it was discussed, nor offered it any opposition whatever. He hoped, therefore, the hon. gentleman would retract what he had said about his opposition. The Chair had rightly decided, that the petition could only be received as the petition of the high sheriff.

Though the high sheriff had signed it, however, as he conceived at the time his official duty demanded, he (Sir *E. K.*) was convinced that he neither concurred in the sentiments of the petition, nor would have signed it in his own name.

Mr. *Calcraft* expressed his great willingness to retract what he might have inadvertently said about the hon. baronet's opposition to the petition. He congratulated him on his late change from strong aversion to his measures, to a state of neutrality. (*Hear.*) Had it not been thought sufficient that the high sheriff should sign the petition in the name of the meeting, there would have been no difficulty in obtaining numerous and respectable signatures. The hon. baronet had wished even to take away from the petition the advantage of its one signature, by saying that the high sheriff had signed it contrary to his own sentiments. He (Mr. *C.*) did know intimately the sentiments of the sheriff; but he never heard that they were opposed to the petition, and could attest that he seemed perfectly willing to sign it in the name of the meeting.

Sir *E. Knatchbull* was ready again to express his conviction that the petition did not express the sentiments of the county in general. (*Hear, hear.*)

Sir *W. Geary* assured the House, that the petition expressed the sentiments of the meeting at Maidstone; that that meeting was convened as a county meeting, after due notice; that the requisition was respectably signed, and that the meeting was respectably and numerously attended. The only formality wanting to make this petition a petition of the county was one that might have been easily supplied. He remembered that a petition came up from Cornwall at the beginning of the session, signed like this by the sheriff, and another one had followed with numerous signatures. He was glad that the conversation had taken place, as it would shew to the country the formalities that must be observed in presenting petitions, and would prevent any mistakes in future.

The *Speaker* said, that the House would not only see the importance of the rule that had been laid down, but the importance of diffusing a knowledge of it. Petitions could only be received as the petitions of those whose names they bore. When there was only one signature, as in the present case, the House remained entirely in the dark as to the sentiments of the meeting from which the application was said to proceed.

Sir *C. Monk* thought it was manifest, from the conduct of the hon. baronet opposite (Sir *E. Knatchbull*) that his intention was to damage the petition in the eyes of the House. (*Hear, hear.*) The petition could only now be received as the application of the high sheriff; but no one could rationally doubt that it expressed the sentiments of the meeting at which he presided, and that, consequently, it was the petition of

the county in the name of which he had signed it. The observation of the hon. baronet that the sheriff had signed it contrary to his own private sentiments, from the belief that he was performing an act of official duty, sufficiently testified the nature of the petition; and contained an admission of which the hon. baronet could not thus have seen the tendency. Though in form it could only have been received as the petition of an individual, in substance and reality it was that of the county. He (Sir C. M.) was surprised that the hon. baronet should so contradict himself as he had done, by admitting that the petition was the petition of a county meeting, and not of the county.

Mr. Lushington contended, that his hon. friend (Sir E. Knatchbull) did not contradict himself in saying, that he believed that the petition expressed the sentiments of the meeting at Maidstone, but not those of the county in general. He (Mr. L.) believed, that the county was against the petition; and as far as he knew, the freeholders would oppose it.

Mr. Ponsonby said, that nobody could expect that those who visited the treasury, and were the friends of the hon. gentleman (Mr. Lushington, secretary to the treasury), would sign petitions for Retrenchment and Reform, or adopt any other sentiments than those of the hon. secretary. This meeting by the hon. baronet was said not to combine the respectability, or to express the sentiments of the county, when it voted the petition now before the House. He would ask, did this meeting do nothing else that expressed the sentiments of the county? Were the other acts of the meeting not the acts of the county? Did the address to the Prince Regent not contain the sentiments of the county? Did the vote of thanks to the Marquess Camden not express their sentiments? Were not these two acts done by the same meeting with whom this petition originated, and at the same time? How, then, could they be said to express the feelings and sentiments of the county while this petition did not?

Sir E. Knatchbull explained. The right hon. gentleman did not know the manner in which the county business was transacted in Kent. It was usual to send to individuals of influence and property, notice of what was intended to be done. On the present occasion, this formality was omitted. He (Sir E. K.), as member for the county, ought to have been applied to. He, however, was not so applied to, nor were most of the leading characters of the county. Some indeed, who had received notice, refused to attend a meeting with such an object. The address to the Prince Regent would have collected the whole county, and would have been concurred in without a single exception. In the other measure the county would not concur.

Sir W. Geary repeated, that the requisition was respectably signed, that many attended, and that the object of the petition might have been opposed. The petition, in these circumstances,

appeared to him a full and fair expression of the sentiments of the county.

Mr. Calcraft never heard before of the practice of sending notices to the leading characters mentioned by the hon. baronet. About four years ago, a county meeting was called to petition against concessions to the Catholics. He never saw the requisition for that meeting till he saw it in the newspapers. The requisition in no case was sent round, except to the friends of the measure to be proposed for consideration at the meeting. On the occasion of that anti-Catholic meeting, he went down along with some friends, and found himself in a minority: but he did not complain of want of due notice. The circular notice to which the hon. baronet had alluded, was to him a novelty, and seemed perfectly unnecessary. Why was the hon. baronet to be formally invited? (Hear.) It was his duty to attend on his constituents, and not for them to wait upon him. (Hear.)

The petition was ordered to lie on the table.

FEES IN COURTS OF JUSTICE.] Sir J. Newport hoped, in calling the attention of the House to the motion with which he meant to conclude his observations, that he should obtain the indulgence of the House for a few moments, while he recounted what had already been done in consequence of his exertions. It would be in the recollection of the House, that about three years ago he submitted to them the necessity of an inquiry into the state and mode of proceeding of our Courts of Justice. Such an inquiry, as in the earliest and best times, was recommended: and was always gone into, to protect the public against impositions, and repair the decay, which time or neglect might introduce. At that time, after much discussion, he had the good fortune to carry the measure with no support from his Majesty's Ministers. They, on the contrary, differed from him with regard to its practicability and its utility: and three of the members of the Cabinet openly opposed him. The commission of inquiry, however, which he proposed, was sanctioned by the House. At that time he had the misfortune to have two hon. and learned gentlemen opposed to him, who thought his notions visionary and chimerical. The House, however, having decided on a commission by a vote, unnecessary delay was interposed between the decision of the House and the appointment of commissioners. On the 20th of June, 1814, the vote passed, and a commission was not appointed till February, 1815. Even when a commission was at last appointed to inquire into the English Court of Chancery, the composition of that commission was not such as could have been wished or expected. Out of the five members, of whom it consisted, two were Masters in Chancery, and those two individuals were to inquire into abuses which, from their situation, they were interested in supporting. The result of the operation of this commission, however objectionably composed, was a report which was now upon the table, and

which proved that his (Sir John's) objects were not visionary in exerting himself for its appointment. In this report abuses were acknowledged of great magnitude and of long duration. It was in the nature of all human institutions to be liable to decay, not only from accidental external causes, but frequently from the private interest of those who were appointed to office. It would be seen by this Report, that the Lord Chancellor of England had, in April, 1815, about ten months after the discussion in the House, recognized an erroneous practice in the bankrupt department in Chancery, by which fees had been taken, and which he ordered to be curtailed. This practice had passed unobserved during the nine years that the noble and learned lord had held the seals, and was only discovered in consequence of the inquiry he recommended. The House of Commons resolved, on the 18th of April, 1799, that the officers of the Court of Chancery had an interest in the proceedings which tended to the delay of justice and to the oppression of the subject. In consequence of this, the commission, called Lord Hardwick's commission, issued. The Report of the Finance Committee, in which the Speaker had taken so distinguished a share, had laid down certain limits for confining the fees payable by suitors to the officers of courts of justice, and declared the principles by which the application of them ought to be governed; viz. that they should be levied equally, according to the service performed; and should go to compose an aggregate fund for the proper maintenance of those officers. His intention now was to submit two propositions, in the first place, declaratory of these principles; and to add a third with regard to the progress already made by the Commissioners of inquiry. Their first and only Report yet made, which was then before him, gave no account whatever of the aggregate amount of the fees within any certain period, and was thus deficient in a very important and necessary portion of information; for it was impossible for the House to judge, left as it now was in the dark upon that subject, whether the emoluments of any office had swain beyond the proper measure of compensation. When, on a former occasion, he had deemed it his duty to offer a statement, amongst other abuses, of the fees taken for expediting business, an hon. and learned gent. had positively denied that any such practice existed as that of taking fees for such a purpose. An hon. and learned friend of his had, however, then expressed his astonishment at this denial: and the present Report openly alluded to them, although in a very guarded way, and with an expression of doubt as to the possibility of withdrawing them. It stated, that the officers were in the practice of affording information and assistance to suitors, who were not familiar with the forms of business, and that their exertions were necessarily stimulated by the gratuities which they thus received. It added, that it might be a

proper question for consideration, whether those exertions would be equally active if these fees were abolished; and whether the same extent of business would be accomplished, if the transaction of business should be limited to stated hours. But the effect of this system was obvious; the man who gave the additional gratuity got his business done first: the hardship must, however, fall somewhere; and on whom was it likely to fall but on the poor, and on those who were unable to pay the expedition-fee? He might venture to assert, that the hardship must fall exclusively on the poor; and whenever that should be the case, the court was no longer a court of justice, for it violated that fundamental provision of the great charter, which declared *nulli vendemus justitiam*. He would remind the House, likewise, with reference to this part of the subject, of the great augmentation of the stamp-duties on law proceedings, occasioned by the necessities of the State, but which had already too much closed the avenues of justice; and if to these obstructions were to be added the exactions of clerks, it must be evident, that all, except those who had large purses, would be debarred from legal redress. He believed he had touched but upon a very small part of the evil which actually prevailed: he had been well informed that he had not laid before the House, on a former occasion, a tenth part of the abuses in the courts of Ireland. If the commission of inquiry had been onerous and expensive, he had no doubt the public would derive an ample recompense from its labours, and he was happy in the reflection that he had been the humble instrument of shewing how far the fountains of justice had been corrupted, and the poor man stripped of his only means of protection against injustice and oppression. The Honourable Baronet then moved three Resolutions, to the following effect:

'That the Fees payable on law proceedings are to be considered as direct taxes levied on the suitors, to defray the charges of the various offices; that they ought to be at a fixed rate, moderate in their amount, duly proportioned to the service performed, and as far as possible paid into a common fund for the general support of the establishment of each office.

'That the immense increase of the Duty on Law Stamps, imposed on the Legislature the duty of guarding suitors in Courts of Equity against the demand of fees exceeding a fair compensation for the labour performed, and precluding the possibility of an equal admission to those Courts to the rich and to the poor.

'That the Report of the Commissioners appointed by Parliament to investigate the subject, be referred to the consideration of a select Committee of twenty-one Members, who shall be directed to take into consideration the best mode of carrying into effect the recommendations in that Report respecting the Offices in Courts of Justice, and to report their opinion to the House from time to time, as they may think fit.'

The question having been put on the first Resolution,

Lord Castlereagh acknowledged the temperate manner in which the hon. baronet had brought forward his proposition, although he thought himself entitled to complain of that part of his statement, in which he represented the grounds upon which three of his Majesty's Ministers had formerly opposed the appointment of this commission. The fact was, that they admitted a sufficient case to have been made out for the inquiry as it applied to Ireland, and only opposed the necessity of extending it to England. He was certainly prepared to admit, that these inquiries often produced useful information; but he did not think a great expense ought voluntarily to be incurred for the mere purpose of fishing for abuses, or upon a chance of discovering them. The expense was often extremely heavy; one inquiry into the revenue of the united kingdoms had cost 147,000*l*. His objection to the appointment of a Committee was partly an objection of time. The inquiries of the commissioners were in full progress; the House had already received two reports from Ireland, one from Scotland, and one with regard to the English Court of Chancery. He did not think it would be wise in the House to interfere until it should be satisfied that nothing was likely to be done upon these reports, either by the judges, or the immediate Ministers of the Crown. The subject was one of a professional and technical nature, and nothing could be more difficult for the members of that House than to prescribe what were reasonable fees for the performance of each particular kind of business, according to the different practice in courts of equity and law. The House did not take up the report of the commissioners in 1740, but referred it to the law officers; and lord Hardwicke did not feel himself competent to act upon it till after the lapse of two or three years. The present Lord Chancellor certainly had it in contemplation to direct proceedings, in consequence of the Report now on the table: and with respect to the fees in bankruptcy, he had not lost a moment in retrenching them in his own department. He was also engaged at present, in concert with the Master of the Rolls, in the more elaborate task of investigating the nature and amount of official fees. The House ought not to commit itself to an undertaking, the scope of which would comprehend an inquiry into the present constitution of all the judicial offices, in the form of an abstract question, and with very imperfect information. He did not suppose it was the wish of the hon. baronet to deprive the judges of those offices in their gift, which enabled them to provide for their families, and to leave them on their present salaries. (Here Sir J. Newport observed, across the table, that he had not said a word upon the subject.) With respect, then, to the composition of the commission, and the circumstance of two masters in Chancery being members of it, of which the hon. bart. had complained; he sincerely believed, that, without

his knowledge, the commissioners have arrived at an understanding of the subject. He had no personal acquaintance with those gentlemen, and therefore could not be supposed to speak with any particular partiality, when he expressed his belief that their appointment was above all suspicion. At the same time he entirely concurred in the principle, that the present practice ought not to continue, and that its long existence could not sanction it. The Report on the table recommended that it should cease: and if the hon. bart. should hereafter find that no measures had been taken by his Majesty's Government, or the heads of the courts, to carry this recommendation into effect, he would not find him disposed to say anything in their defence. Upon these grounds he trusted that the hon. baronet would see the propriety of withdrawing his motion, and assenting to the previous question.

Mr. Webber defended the commission of inquiry in Ireland.

Mr. Ponsonby observed, that the noble lord had been misinformed, or his memory had failed him, with respect to the opposition made to this inquiry by three of the Cabinet Ministers on a former occasion. The opposition was made to every branch of the inquiry, and it was carried by a majority of one, viz. by the vote of Mr. Stephen. With regard to the alleged expense of these commissions, he believed that it was in the power of Ministers to make them as expensive as they pleased, by obliging their friends with lucrative appointments; or if they meant honestly, that it was in their power to keep the expense within very moderate bounds. What had been the case in this instance he did not pretend to know; but he doubted much the soundness of the noble lord's opinion, that it would be better to wait till the commission should have made all its reports, and completed its inquiries, before the House at any proceedings with respect to them. It was the object of instructing a Committee to report from time to time, except that by this means the House was enabled to form a more deliberate and mature judgment than if the whole of a complex subject was submitted to their consideration at once? The noble lord had said, that time ought to be given to the Ministers of the Crown; but he had seen too many Reports laid on the table, (and particularly that in which the Speaker had taken so active a part,) without leading to any practical result, that he could not indulge very sanguine expectations of the expedition likely to be manifested on this occasion. If the noble lord, however, would name any reasonable time within which some proceedings should take place, he would advise his hon. friend to withdraw his motion for the present. His belief was, that the hope held out was nothing more than a device to get rid of the question; and trusted, therefore, that his hon. friend would not consent to withdraw it immediately.

Mr. L. Foster stated, that the commission had sat seven years, and at the end of that time

were obliged to refer the matter to the Lord Chancellor; that his lordship, after taking three years to consider the matter, redressed every grievance, and abolished every abuse. There never had been so complete a clearance of the avenues of a court of justice. He had no doubt that, on the face of the Report, there might be some instances of increase of fees and irregularity of practice; but in all the really important affairs of the court, he was persuaded there was little ground for complaint. For the last seventy years there had not been one increase of fees, nor one abuse in the master's office; none in the register's office; in the six clerks' office a few, but those small; in the sworn clerks' office none since 1740; no increase in the examiners of the court; none in the master of the reports; and none in the register of Affidavit's office. In this enumeration he had set forth the whole machine which substantially did the business of the court. He was far from saying that the report did not deserve consideration; but the question was, how the matter should be taken into hand? and he thought the same course should be pursued as before, and believed it must finally come to this. If a committee, formed of professional men, were to sit every day till the end of the session, their undertaking would be little less laborious than that of the former committee: he knew this by experience, as he had himself sat upon the commission in Ireland: he had then found the difficulty of the subject, and he was persuaded that a committee of the House was more likely to take up insulated points and to do harm, than to effect any real service. It would be by far the best mode to submit the whole to the Lord Chancellor, and if there were any points which he might not like to venture on, they might be made the object of a supplemental act. He was aware it might be urged, that this was calling the Chancellor to be judge in his own cause, and that many of the fees of the Court appertained to himself. At least this would be no objection as far as the fees of others were concerned; as, with respect to his own, it was to be expected, that the consideration of his own interest would, with so exalted a character, be an additional motive for the exercise of impartiality. It appeared by the Report that not one of the Lord Chancellor's fees had been increased; and the Report stated, that they were all ancient and legal. The hon. baronet seemed to think otherwise as to the office of secretary of bankruptcies: but that had been lately regulated, and the Lord Chancellor had himself voluntarily relinquished 1,000*l.* a year to those who transacted a great share of the business. On these grounds he thought it would conduce to the public good, to put the reformation called for into the hands of the only competent authority, and he could assure the House that he would never support any undue delay.

Sir J. Newport shortly replied, that he would forbear to press his motion, if the noble lord would name a certain day for the settlement of

the business. However, he thought it unfair to refer to the Lord Chancellor the revision of offices, in the gains of which he himself participated. It had been said, that the Lord Chancellor had relinquished 1,000*l.* a year; but when had he relinquished it? After the commission had been instituted. The office of secretary of bankruptcies had been discharged sometimes by one and sometimes by another, and no regular appointment had been made till the inquiry took place. The noble lord had alleged that it was inconvenient to adopt general principles which might be controverted by the language of some subsequent report; but it was impossible that the principle contained in the first resolution could ever be impugned. The stamps imposed on law proceedings were the most fatal tax ever proposed, and had the effect of shutting up every avenue to justice. The noble lord (Castlereagh) was afraid of encouraging litigation, if the stamps should be abandoned; but if they were continued, the poor man was deprived of justice altogether. (*Hear.*) The load of law taxes had induced thousands to relinquish their legal demands, because they could not pay the duties of the suit. No tax that could be devised could be half so injurious as this; not even a tax on the necessities of life. If, by such a tax as that, an individual were prevented from purchasing a whole loaf, he might purchase perhaps half a one; but no man could obtain justice by halves, or pay for half a writ, if unable to discharge the stamp for the whole. The Legislature should be called on to abandon these duties, which closed the courts of justice against every poor man; taught him to look for irregular means of redress; and destroyed the proudest boast of England—that her law was open to the poor as well as the rich. He would not, however, press his motion, if the noble lord would name a certain day; but if the matter were to be delayed indefinitely, he must now take the sense of the House.

Lord Castlereagh said, it was impossible to name a certain day on such a complicated subject: but it was open to the hon. baronet to apply to the House again, if he thought the interval which might take place too long.

The House then divided:

For the motion 16—Against it 63.

[POLICE IN IRELAND.] Mr. Peel rose to move for leave to bring in a Bill to amend an Act passed in 1814, entitled "An Act for the better execution of the law by means of superintending magistrates, and constables under them." The object of that Act, and of the present Bill, was to supply the deficiencies of the civil power, and to provide an adequate system of police for the disturbed districts of Ireland. If he were called on to say, from his experience of five years, what measure would be most effectual towards producing tranquillity in Ireland, he should say it would be the formation of an adequate civil power. When he considered the situation of Ireland, labouring, as she was, disadvantages arising from political errors

of former times, and destitute, for the most part, of an efficient police, he was less surprised that disturbances should have existed, than that they should not have been readily checked. It was true, that Ireland was governed by the same laws as England, and enjoyed the assistance of magistrates in the same degree as ourselves: but she was lamentably destitute of all subordinate civil agents, such as police officers and proper constables, who, in such a country, were almost as necessary as the higher magistrates. The want of these subordinate agents was supplied in an objectionable and expensive manner; powerful, indeed, in a military view, but cumbrous and oppressive in the cases where its assistance was chiefly required: such as in checking illegal distilleries, in preventing and detecting outrages. The constant engine in all such cases was a military force: to this the magistrates looked as to their only arm of power; and if the House considered how inapplicable such a body was to the purposes of patient investigation, required for the bringing to justice past offences, and for the prevention of future crimes, they must wish that means might be found to exchange a system, expensive and objectionable, for one that would be more constitutional and more effectual; and he hoped they would not allow a few partial objections on the face of the measure to countervail a design of the greatest utility. To say nothing of the expense of soldiers, and the danger of subverting the discipline of an army, by splitting it into small divisions, the military were, on many grounds, unfit for the purposes of a police; and, at all events, as likely to be instruments of oppression as of wholesome restraint: he had, therefore, been long considering a proper substitute for the engine at present employed in the civil government of Ireland. At a very early period after he was connected with the Irish Government he attempted something like a civil system of police, namely, that the Lord Lieutenant should be assisted by the magistrates and constables in preserving the peace of the country. The Act which he had introduced on that occasion had passed with the unanimous concurrence of that House: it had, indeed, received the support of an hon. baronet (Sir J. Newport) who was generally opposed to the measures of government; and who, at all periods, had been more anxious to promote those objects which would be most beneficial to the country, of which he was so great an ornament (*Hear, hear*), than to throw difficulties in the way. The Act of 1814 had been carried into execution in the counties of Tipperary, Down, Clare, and Cavan: and the people generally considered it as a source of real advantage. The whole expense was defrayed by the disturbed districts: but there were many parts of the country in which it was still desirable to act upon the same principles. The absence of the great landed proprietors, and the withdrawing from the country a great part of the revenue, in many districts, where

there was the greatest necessity for the application of the Act, had produced considerable difficulty in carrying it into effect. In the north of Ireland the most violent acts had been committed: persons had even acknowledged the crimes of which they had been guilty, but had baffled every attempt of the law to repress their aggressions, and punish their violent proceedings. On almost every occasion of that nature, they had been provided with horses, in order to escape from the infantry, and cavalry who were sent in pursuit of them. In such a state of things, the question with the Government was, not only whether they should suffer such a system to continue, but in what manner it could be prevented. The magistrates had found it necessary to call in the assistance of the military; but they were obliged to find accommodation for a large body of dragoons. It was to provide against the recurrence of measures of that kind that he now proposed the introduction of this Bill. The first clause, he ventured to hope, would meet with the unanimous concurrence of the House. As the law now stood, it was necessary to appoint a superintendent magistrate; but as this led to a great expense, he should propose to dispense with the attendance of those officers. The second clause was, to give the Lord Lieutenant and Council the power of determining what proportion of the expenses should be paid by the disturbed districts, and what should be paid by the country generally. The third clause went, that in all cases a return should be made to Parliament, in the beginning of the next session, of the cases in which the Act had been applied, and of the expenses incurred in its execution. In the last session of Parliament, frequent discussions had taken place as to the large military establishment to be kept up in Ireland; but so far from considering it excessive, it was a tolerably unanimous opinion that it was necessary: but, not only was Ireland to be exempted from the suspension of the Habeas Corpus Act, and the Bill for preventing seditious meetings, but a very considerable reduction was proposed to be made in the military establishments of that country. (*Hear, hear.*) It was intended to reduce the military force from 25,000 to 22,000 men; and seven brigades of 400 guns to 200 guns, whereby a very considerable saving would be produced. He was sure that a very slight consideration of the subject would induce gentlemen to think, that if there had been a regular police in Ireland, the public peace would not have been disturbed; and that the measure which he now proposed was the most beneficial that could be adopted. The right hon. gentleman then concluded with moving, that leave be given to bring in a Bill to amend the said Act of the 54th of the King.

Sir J. Newport observed, that the greatest benefit which the House could confer on Ireland was, a regular constitution of police. If the armed force were to act on all occasions, it would bring the country into a state of military tutelage, which might lead to the most disastrous

consequences. Nothing could be so desirable, as that Ireland should be placed in the same situation as Great Britain, and that its Government should be enabled to act without the intervention of a military force. In substituting constables, they were only retracing their steps from the way they had abandoned. The peasantry must be convinced that the laws ought to be enforced—and they must be enforced. He had little, however, or nothing to add to the clear statement made by the right hon. gentleman; and should, therefore, sit down with expressing his entire concurrence with his proposition.—Leave was then given to bring in the bill.

ARMY ESTIMATES.] Mr. *Brogden* brought up the report of the Army Estimates.

Mr. *Culcraft* said, he should defer any observations he might wish to make on this subject, till the committee of finance had made their report; but if that committee did not recommend a reduction of the military force, he should consider it his duty to call the attention of the House to that very important subject.—(Hear, hear.)

The resolutions were then read and agreed to.

Lord *Palmerston* then moved for leave to bring in the Mutiny Bill, which was agreed to, and the bill was read a first time.

SEDITIONS MEETINGS BILL.] Mr. *Brogden* brought up the report of the Bill for more effectually preventing Seditious Meetings.

Sir *J. Newport* said, that on the third reading he should think it necessary to make some observations on the Orange meetings in Ireland, which now presumed to dictate to the country what should or should not be done within it.

The bill was ordered to be read a third time on Friday next.

HOUSE OF LORDS.

Wednesday, March 12.

Some further evidence was heard in Bayley's divorce case.

From the nature of the evidence originally given, the ground of divorce was such as rendered it necessary for the House, in case the divorce were granted, to decide that the child was illegitimate: but evidence was given tending to shew, that an act of adultery had been committed, independently of the evidence involving the question as to the legitimacy or illegitimacy of the child.

The Lord Chancellor stated, that the case was one deserving their lordships' most serious consideration. The standing order of the House, requiring a clause to prevent a marriage between the guilty parties, proceeded on the supposition that evidence must be given of adultery committed by the woman with some particular person. It would be hard, however, where adultery should be clearly proved to have been committed, to refuse a divorce, because the particular party could not be pointed out. Then the House would consider long, before it would grant a divorce on evidence which would render

it necessary for their lordships originally to decide upon the status of the infant. It was a rule with that House, in granting a divorce, not to alter the state in society of any other individual whatever, and more especially where there was no appearance to defend the interests of that individual. But there was another ground which he particularly recommended to their lordships' attention, which arose from the evidence last given. That evidence went to shew, that the husband having left the country, in the King's service, in March, the wife had first become pregnant in August, so that an act of adultery, if she had so become pregnant, must have been committed. This left at large the question as to the legitimacy or illegitimacy of the child; and he recommended to their lordships, to consider particularly, whether the divorce might not be granted on this last evidence. He moved that the House be summoned farther to consider the case to-morrow, which was ordered.

The mother of the wife had deposed, that the child was baptized as the child of Kelly (with whom the act of adultery was supposed to have been committed) and — Smith, Mrs. Bayley's maiden name. This, on the motion of the Lord Chancellor, was ordered to be expunged.

The rules and regulations of the Millbank Penitentiary were presented, and laid on the table.

HOUSE OF COMMONS.

Wednesday, March 12.

GAME LAWS.] Colonel *Wood* brought in a bill to repeal the acts prohibiting the sale of game; which was read a first time, and ordered to be printed.

COMMITTEE OF SUPPLY.—EXCHEQUER BILLS.] On the motion of the Chancellor of the Exchequer, the House went into a Committee of Supply. The right hon. gentleman moved, that 18,000,000*l.* of Exchequer bills be granted to his Majesty, to exchange for the following Bills outstanding:—

Irish Exchequer Bills . . .	£4,200,000
English Exchequer Bills . .	12,200,000
Ditto, ditto	1,700,000

18,100,000

Mr. *Curwen* asked what part of the unfunded debt was unprovided for? Were there not five millions?

Mr. *Sharp* said, that the money-market was now improving, but the issue of Exchequer bills would absorb whatever could be spared. New taxes would be necessary to defray the principal and interest of these bills. If a new Parliament should be called soon, and if it was necessary, when this one had expired, to give it a descriptive title, it might be called the Taxing Parliament. The great evil under which the country at present laboured, was insupportable taxation.

Mr. *P. Moore* thought that the right hon. gentleman should have given the House a general

view of the ways and means, before he called on them to vote particular sums.

The *Chancellor of the Exchequer*, in answer to the member for Carlisle (Mr. Curwen) said, that the Appendix to the Account of the Unfunded Debt, which had been presented to the House, contained particulars of the sums already provided, and of those which remained to be provided for. As to the observation of the member (Mr. P. Moore) that a general statement of the Ways and Means should be laid before the House, he could only say, that it had not been usual, and it was not very possible to make that statement at so early a period of the session.

Sir J. Newport complained, that the Treasury bills in Ireland had always been issued to the Bank of Ireland, which exacted as high interest from the public, as it would have done from any individual. It was desirable that these bills should be paid off by sums raised here, on account of the interest: care should be taken, however, that, as there was capital in Ireland, which could not now find employment, the commercial interest should not suffer for the want of this mode of investing their money.

The *Chancellor of the Exchequer* could not allow that commercial interest was neglected in the transaction of the Irish Treasury, or that it had not benefited as well as the Bank.

Sir J. Newport had occasion to know, that the merchants in Dublin were often for weeks without being able to obtain a single Treasury bill, owing to the mode of transacting business between the Treasury and the Bank.

Mr. Grenfell took the opportunity, suggested by the conversation about the Bank of Ireland, to make some observations about the Bank of England. As his motion was negatived on a former occasion, he was compelled to take this mode of submitting some remarks to the House, and of asking a few questions of the right hon. gentleman opposite. He held in his hands an account of one or two charges, which he would state. In the first place, there was a charge of 1,898*l.* for the management of 4,000,000*l.* of debt transferred to the Bank in 1791. This debt should not be paid at a higher rate than the rest. The rate of charge, however, for managing every million of this debt would amount to 47*½*%; whereas the management of the other parts of the public debt was paid only at 300*l.* Why was there this difference? The sum was but trifling, but why was the public called upon to pay even this trifling sum, without necessity? He would ask the *Chancellor of the Exchequer*, if he meant to take any steps for reducing this charge? He would wait for a reply, and say no more till he heard it; as he wished to bring forward the matters of which he complained piecemeal, expecting from such a mode of proceeding the most satisfactory answer.

The *Chancellor of the Exchequer* having made no reply, the hon. gentleman continued:—As he had got no answer to one question, he would put another, in which he might be more fortu-

nate. In the paper which he held in his hand there was another charge mentioned, equally objectionable with the last: it was a charge of 6,174*l.* for receiving a certain portion of the property tax last year. This was service greatly overpaid. What did the Bank do for such an expense? They received the money from those who were bound to pay it, and might carry it in one week from the Bank to the *Exchequer*, and for all they received after the rate of half-a-crown for every hundred pounds. (Hear.) He was glad such a charge would not recur; but he thought it should not have been paid: and he asked if the *Chancellor of the Exchequer* had taken any steps towards reducing it?

The *Chancellor of the Exchequer* had only one answer to make to both questions—namely, that the committee was not now sitting on the affairs of the Bank. The two charges adverted to by the hon. gentleman had been often explained. The sum of 1,898*l.* paid for the management of four millions of South Sea Stock, was sanctioned by Act of Parliament ever since 1722. As for the per centage on the Property Tax 50,000*l.* had been saved to the country, by that portion of the tax having been thus received.

Mr. Grenfell said, he was in great error, if the charge of 1,898*l.* was sanctioned by Act of Parliament.

The vote was then agreed to.

COLD BATH FIELDS PRISON.] Mr. *Ames* rose to move for a return of the number of persons confined in Cold Bath Fields Prison, under the 39th and 40th of the King. He made this motion upon good authority, that some of them were in a very deplorable condition, without medical assistance, or the necessary comforts of life. He alluded particularly to the treatment of the elder Evans, (see page 376) who was confined in the same cell with a common thief; whilst his son was shut up in the foul ward of the hospital, exposed to disease and contagion, and was not suffered to have any communication with the father.

Mr. B. Bathurst would not object to the motion; but, with regard to the persons in confinement, he wished the candour of the hon. gent. had allowed him to go a little further, and to acquaint the House with what had passed upon his visit to the prison. He would ask the hon. gent. whether the elder and younger Evans had not both told him that they had nothing to complain of? When the former was first committed, there was no convenient place for his reception; but he had long since occupied the state-room, with the use of four others, adjoining it. It was at his own request that the individual with whom he was confined was suffered to stay with him. The younger Evans was said to be confined in the foul ward of the hospital, such was the name given to the infirmary; and to be there exposed to the infection of contagious disorders. Had the hon. gent. ever seen a cleaner or more comfortable apartment? The fact was, that next to the state-room, it was the

most desirable part of the prison, and had been so acknowledged by the young man himself. He had likewise the privilege of walking in the gaoler's garden, of which he frequently availed himself. There was but one patient at present in the infirmary, with a distemper in the leg; and he repeated, that the hon. gent. must have found that neither of the prisoners were disposed to complain of any of the circumstances incidental to their confinement.

Mr. Bennet said, that the term foul-ward of the hospital was the expression of the gaoler himself. He found, that whilst the father was confined with one thief, the son was condemned to the society of six. His observations had not been founded on what either of these individuals might be pleased with; he spoke as a public man, when he maintained that it was highly improper that two persons, accused of high treason, should be confined in the company of thieves and informers.

Mr. Canning observed, that the complaint of the hon. gent. was a sort of speculative feeling as to the nature of these confinements. The ground of complaint was, that these prisoners were allowed to have companions. He remembered a story of a man who was placed in solitary confinement having made a spider his companion: he watched its motions, fed it, and taught it to spin its web in a peculiar way; but the malicious gaoler observing the pleasure he derived from this mode of diverting his mind, killed the spider, when the unhappy prisoner exclaimed, that he felt a pang more severe than he had ever endured in his life. If the hon. gent., therefore, wished to have the associates of Mr. Evans removed, let the House of Commons, and Mr. Evans himself, remember, that it was the hon. member who had killed his spider. (*A laugh.*)

The returns were then ordered.

PARLIAMENTARY REFORM.] Lord Sefton presented a petition from Liverpool, praying for Retrenchment and Reform. The noble lord stated, that every obstruction was offered to the business and views of the meeting in which the petition originated. The mayor had refused to convene a meeting pursuant to the requisition, which was respectably signed. He (the noble lord) particularly reprobated the conduct of those who endeavoured to prevent the people from assembling in a legal way, and expressing their grievances and their prayers to the Legislature. He thought persons who so stepped in between the Parliament and the people, were injuring the character of the former in the exact proportion that they obstructed the views of the latter. (*Hear, hear, hear.*) As the petitioners in this case could not obtain the sanction of the mayor, they could only assemble by themselves. (*Hear.*) They were determined to exercise their rights, and accordingly assembled. They called to preside at their meeting, an active magistrate, (Colonel Williams) well known to many of the members of the House, whose character

needed no praise from him. (*Hear.*) At the meeting, there was the greatest good order, and the greatest decorum in conducting the business: though every provocation was offered to riot and disturbance, by insulting and unnecessary precautions against them. (*Hear, hear.*) A regiment of the line was called out, under arms, and the yeomanry cavalry were on duty. Notwithstanding this expectation of violence and tumult, nothing could be more praiseworthy than the conduct of the meeting. The present petition was unanimously agreed to, and signed by 14,000 persons. A petition more respectably signed was never presented to the House. (*Hear.*) It would be transgressing the bounds of truth if he should say that he was acquainted with all the petitioners; but with some of them he had the good fortune to be intimately acquainted, and others of them he was proud to call his particular friends. (*Hear, hear.*) The petitioners, after attributing our sufferings to unjust, ruinous, and impolitic wars—to an extravagant and uncontrolled expenditure of the public money—to unmerited pensions and excessive salaries—threw themselves on the wisdom of the House for such a redress of their grievances as it might think practicable, and for such a Reform of Parliament as it might think expedient and effective. (*Hear, hear.*) Such was the temperate prayer of the petition, conveyed in the most appropriate and respectful language. He knew not why the usual channels of conveying their application to the House had not been resorted to on the present occasion by the petitioners; nor was he acquainted with any reason why he should be selected for such an honour; but he was as happy to execute the commission, as he was proud to be intrusted with it. (*Hear, hear.*) He felt a greater pleasure in being made the instrument of communicating to the House this petition, as he concurred entirely in its prayer, and as anxiously desired a radical and constitutional Reform, as he decidedly reprobated, and would strenuously resist, the wild and mischievous theories afloat upon the subject. (*Cries of hear.*)

Mr. Birch did not wish to destroy the effect of the able speech of the noble lord who had presented the petition, by stating any thing additional in its support. He could not help informing the House, however, that he held in his hand the requisition by which the meeting was called, and there could not be found in the kingdom names more respectable than those by which it was signed. They were not only people of great respectability in point of education and worth, but several of them were men of great opulence. The hon. member could not forbear saying, that the prayer of the petition had his most hearty concurrence. (*Hear.*)

Mr. Benson rose to defend the character of the mayor. He was justified in his fears of disturbance, by the outrages that had not long ago occurred in the town. He refused to lend his sanction to the meeting because he dreaded their renewal. His apprehensions were such

that they could only be allayed by calling in the force to which the noble lord had alluded, and which contributed powerfully to make the meeting so orderly and respectable as it was represented (*Shouts of hear, hear, from both sides.*) He did not deny that the requisitionists were respectable, or that the signatures of the petition were not so likewise: he only rose to defend the character of a worthy magistrate from misrepresentation.

Mr. Birch called upon the hon. gentleman (Mr. Benson) to state to what outrages he had alluded, as he never heard of outrages before. (*Hear, hear, hear.*)

Lord Cochrane could not help saying a few words about the fear of disturbance entertained by the mayor of Liverpool. At none of the meetings for Reform had there been any tendency to confusion or disturbance. Conduct of this kind was left to meetings of a different description. He had never seen such an irregular and disorderly meeting as he yesterday attended in Hampshire, called by the sheriff, (*Hear, and a laugh,*) and attended by the whole of the parsons, and their friends. (*A laugh.*) A Covent-garden riot, with all its apparatus of noise, marrow-bones and cleavers, could not have been more outrageous than this. (*Hear, and a laugh.*) The meeting was called for the purpose of collecting and conveying to the Prince Regent the congratulations of the country on his escape from the late atrocious attack on his person; but, instead of expressing the sentiments of the inhabitants, the freeholders only were allowed to vote. There was no outrage where there was perfect freedom: the outrage rose from unjust opposition. Here the inhabitants were not allowed to express their sentiments; and the consequence was, that the meeting became so disorderly, that it was dismissed without executing completely the objects it had in view; it was dismissed without settling in what way the address was to be presented, the persons who were to present it, or voting thanks to the high sheriff who presided. When he heard meetings for Reform called disorderly and tumultuous, which in no case they had been, he could not help stating, that this was the most turbulent and riotous that ever he attended; and that the parsons were the ringleaders in the confusion. (*Hear, and a laugh.*)

A Member said he was present at the meeting described by the noble lord, and allowed that it was noisy and turbulent. The noise was raised as much by the one side as the other. The address was, however, carried by a vast majority, and it was not ascertained that they were all freeholders. The sheriff found that the only way to take the votes was by making those for the address go to the one side, and those against it to the other; and notwithstanding that many inhabitants, not freeholders, might have voted, there were five for the address to one against it. (*Hear.*) Nobody could be heard on either side. (*Hear.*)

Lord Cochrane confessed that he could not be heard. (*Hear.*)

Mr. Brougham felt it his duty to call the attention of the House to the gratuitous assertions of the member for Stafford, relative to some notorious outrages which he stated to have taken place in the town of Liverpool. He called upon the hon. member to declare, at what time those outrages had been committed, as his statement otherwise would have very little weight with the House. He concurred in the observations made by his noble friend upon the unconstitutional proceeding of the mayor, in obstructing the communication between the people and the House; and although this was the first, he hoped it would not be the last time they should have the advantage of hearing the sentiments of his noble friend. (*Hear, hear.*)

Mr. Benson said, he had spoken of tumults which, from his own personal knowledge, originated in Liverpool, and he believed the mobs never were more violent than when the hon. and learned gentleman headed them. (*Order, order.*)

Mr. Brougham observed, that after this second assertion of the hon. gent. he should call on the right hon. gent. opposite, (Mr. Canning), and an hon. general, the other representative for Liverpool (General Gascoyne) to negative it; they were both present at the time of the election referred to, and were capable of giving the fullest contradiction to a charge which he now heard made for the first time—a charge of having led on a tumultuous assembly to acts of riot and mischief.

Mr. Benson spoke to order: and said he had distinctly acquitted the hon. and learned gent. of any mischievous design; he had applied that word generally to the mob itself.

Mr. Brougham was by no means satisfied with the distinction taken by the hon. gentleman; and again called on the right hon. gentleman (Mr. Canning), who, he was sure, was incapable of saying one thing to him on that occasion, and another thing at present to the House, to say, whether it was not agreed on all sides at the time, that there never had been a political contest in which so large a number of persons had been engaged, that was conducted with such tranquillity. It was an observation made at the close of the election, that it had resembled rather a peaceful pageant than a popular struggle. He had seen the hon. member on that occasion on the hustings, and might appeal, therefore, to his more accurate recollection.

General Gascoyne declared, that in the various contests which had taken place for the representation of Liverpool, during the last 20 years, in which he had been personally interested, he remembered none which had been carried on with the occurrence of so few acts of violence, or in which more strenuous efforts were made for the prevention of outrage.

Mr. Canning thought it fair to mention his belief, that no exertion had been spared on either side to repress every tendency to riot and

disorder during the period of the election. He believed his hon. friend had confounded it with a subsequent election, which, certainly, was one continued scene of outrage, extending even to acts of personal violence. Although his hon. friend was incorrect, however, with regard to the particular occasion, the fact was undoubted, that tumults had prevailed to such a degree as to form a complete justification of the precautions adopted by the mayor. With respect to the petition now before the House, he was not desirous of creating any impediment to its being laid upon the table; although he had heard of certain practices which were resorted to for the purpose of obtaining signatures, and which were, he believed, pretty frequent on such occasions. Amongst the 14,000 signatures attached to this petition, he was informed that many were those of the softer sex, and some those of persons of tender age. (*A laugh.*) He did not mean to object to it on this account; but thought, on the contrary, that it should be treated with peculiar indulgence at a time when so much was said in favour of the principle of Universal Suffrage.

Mr. *Brougham* considered the right hon. gentleman's defence of his hon. friend more ingenious than satisfactory. He desired to know, if the hon. gent. had only mistaken one election for another, how he had been induced to believe that he had seen him actually at the head of the mob; when the fact was, that he was not in Liverpool at the time alluded to?

Mr. *Benson* had made the observation as applicable generally to the place in which the late meeting was held, which was the theatre of constant riot and disorder by mobs of every description; and his only view in so doing was to justify the mayor, who acted from no other motive than an anxiety to preserve the peace.

Mr. *Brougham*—Now the explanation of the hon. member is intelligible. If he merely means to say, that the persons whom I had the honour of addressing on that occasion, the persons who were kind enough to take an active part in the promotion of what they considered my interest, were remarkably numerous, I can have nothing to object to him.

Mr. *Curwen* reprobated the conduct of the mayor, of which there had been too many examples throughout the country, in presuming to attribute a riotous disposition to public meetings, for the purpose of calling out the military and stifling the voice of the people. (*Hear, hear.*) He was sorry to say, that a riot had lately taken place in the county which he inhabited; this, however, had falsely been ascribed to the operation of Spencean principles—principles which, he was sure, had never been heard of by the populace concerned in the tumults; and which, he believed, they would reject if attempted to be taught them. The fact was, that it had arisen solely from the pressure of want, and was totally unconnected with the

slightest enmity or disaffection to the Government.

The petition was then read, and ordered to lie upon the table.

Lord *Sefton* thought it necessary to observe, with reference to the statement of the right hon. gentleman, of his understanding many of the signatures to be those of women and children, that his information was directly contrary: and that if the right hon. gentleman's intelligence was derived from the quarter to which he had formerly resorted, he was disposed to rely quite as much on the correctness and veracity of his own information.

Gen. *Gascoyne* knew many of the names attached to this petition to be highly respectable; nor did he think there was any thing wonderful in the number of the signatures, when it was considered that the population of Liverpool amounted to 120,000 persons. When the meeting spoke, however, of withdrawing their confidence from their representatives, he must observe, that he did not conceive he had been ever honoured with it, or that the persons of whom the meeting was composed were amongst those who had sent him to Parliament. Upon the subject of Parliamentary Reform, he believed that, in practice, the present was the best system of representation which had ever existed; and that the influence of peers, and of property in general, was as great in counties as in boroughs.

The order of the day being then read for resuming the adjourned debate on the petitions presented for a Reform in Parliament,

The *Speaker* begged to inform the House, that he had caused the several petitions on this subject to be sorted. The total number presented by the hon. bart. (Sir F. Burdett) was 527; of these, one had no name subscribed or annexed; two had no names signed on the same paper; 28 were of the same import as those which were negatived for lying on the table; 468 were printed; 11 were the same as the Halifax petition, which was received; four were the same as the petition from Hollingwood, which was rejected. Thirteen were petitions on various other subjects. The question, therefore, in regular order now before the House was, that the first petition be read.

Lord *Castlereagh* said, that as this petition was not signed, it must be considered as a nonentity. He should, therefore, move, that it be rejected.

This motion being carried without any farther observations,

The *Speaker* then said, that the next question was, as to the two petitions which had no signature on the same paper.

Lord *Castlereagh* moved, that these petitions also be rejected, which was carried *nem. con.*

The *Speaker* said, the next question was, as to the petitions that were of the same nature, and couched in the same language, as those which the House had already rejected.

Sir F. Burdett considered, that this question deserved the most serious attention. By the law of the land, the subject had a right to petition the King, and both Houses of Parliament. The Bill of Rights had secured this inestimable privilege to him, and it had been always regarded as one of the greatest bulwarks of our liberties. In the petitions then before the House, various grievances were complained of: but, particularly, the want of a proper representation of the people. On a former night, the House had objected to several petitions on the same subject, on account of certain expressions that were introduced into them. The noble lord opposite (Lord Castlereagh) had objected, that the petitioners said, the present House of Commons did not represent the country. This was so comprehensive an objection, that the House had better say at once, it would not receive any petition for a Reform of Parliament. In what way could the petitioners ask for relief, if they were to be precluded from stating what was so notoriously true? On former occasions, strong suspicions only were entertained, that seats in that House were bought and sold; but never till of late had this shocking and disgraceful practice been brought to light, and the fact established beyond the power of contradiction. "You, Sir," said Sir F. Burdett, addressing himself to the Speaker, "have expressed your strongest disapprobation of this vile traffic; and shall the people, then, be told, that they must not complain of such things? There are no words, Sir, that the people can employ on this subject which your own indignation has not anticipated. If our ancestors, as you have observed, would have started with horror on hearing of these practices, why may not the people now complain that the House of Commons does not contain a fair and legitimate representation of the country?" Other gentlemen had objected, that the petitioners introduced words merely to insult the House, instead of confining themselves to the grievances of which they complained: but was it fair to search out matters of this kind, and to look over all that part of the petition which complained of real grievances? Finding, however, that different gentlemen objected upon different grounds, it was impossible for him to know what would be agreeable to the House. Some hon. members certainly did not like to be told that they did not represent the people; but it was equally certain, and they themselves knew, that they did not sit there as the representatives of the people, nor could the people hope to have any grievances redressed by their exertions. He must contend, then, that these petitions ought to be received. If the House thought otherwise, it was of the utmost importance to the country that they should come to some decision, in order that the people might know in what language the House would be inclined to lend their ears to grievances. (Hear.)

Mr. G. W. Wynn conceived, that it was the

intention of the petitioners to throw needless abuse on the House. It was utterly impossible to prescribe what language should be used on these occasions; but the House must judge, from the general body of the petition, whether it were a *bonâ fide* expression of grievances, or only intended as an insult. He should wish the House to revert to its regular practice: petitioners were not to use any language they thought fit. Many of these persons stated, that if Parliament had been reformed, the war would not have taken place. (*Hear, hear, from the Opposition.*) But no war could be cited that was more popular than the war of 1793. He had heard, however, that the form of a petition had been agreed upon in London, and afterwards printed; and that reams of this printed petition were sent into the country, recommended by a signature which he did not believe to be the hon. baronet's, but which appeared to be a fac-simile of his hand-writing. He could not think, therefore, that this petition presented a view of the sentiments of the country. The House must stand upon the ways of their forefathers: and feeling this, he should vote that these petitions be rejected.

Lord Cochrane said, that after all the distresses and privations which the people had so patiently endured, they had received that return which they did not expect, namely, a suspension of the Constitution. The House had been led to adopt certain measures which the state of the country did not justify; and which, he firmly believed, were only intended to prevent persons from meeting again in order to state their grievances. No instance whatever had occurred of any disturbance at any of those meetings; but Ministers had a particular object in alarming the timid. They now called upon the landed gentlemen to rally round them: but what was the situation in which those gentlemen stood? Why, it was neither more nor less than this—that they were about to be plundered of their property by the fluctuating state of the currency. The hon. member below had said, that the war of 1793 was extremely popular. Yes, Ministers then found means to frighten the country, by giving out that Buonaparte was coming in a great hurry to invade us; and now they told the country gentlemen, that the Spenceans were about to seize on their estates, and, therefore, they should rally round the Ministers. He hoped, however, that this delusion would not last. It was impossible, he thought, that men of judgment and experience should not soon see through it. The petitions then before the House complained of real grievances, and it would be a most offensive measure if they should resolve to reject them.

The Attorney-General was surprised to hear the noble lord say, that Ministers had found means to prevent public meetings; for, unless the names of the members for Westminster had been forged, there was to be a meeting to-morrow, not to desire the people to rally round Ministers, but to address the Prince Regent for

their removal. The noble lord had said, there had been no riot or disturbance at any of the public meetings; but surely he must have been out of the country for the last six months, or he could not have been so ignorant of what had taken place. The language of these petitions was a direct insult to the House; and, therefore, he should vote for their rejection.

Lord *Cochrane* explained.

Mr. *J. Martin* thought the less offensive mode would be, not to reject the petitions, but to vote that they could not be received on account of their irregularity.

Sir *G. Heathcote* said, the House ought not to refuse to pay attention to the petitioners, merely because they alleged that the House did not represent the country. Great offence had been taken at one of the expressions in these petitions; namely, where the petitioners spoke of "the disgusting debates in that House." He would now ask, upon a day like this, when it was known that upwards of 500 petitions were to be considered, what was the situation of the House? Most of the gentlemen had retired to take their dinners very comfortably, and the petitions of the people of England were treated with contempt. (*Hear, hear.*)

Mr. *B. Bathurst* said, if gentlemen had retired, it was only because they knew that 400 of the petitions were printed, and, therefore, could not be received. The question of Parliamentary Reform would be fully discussed when the hon. bart. (Sir *F. Burdett*) should bring forward his motion.

Mr. *Abercromby* said, there was no part of the Constitution which he valued or cherished so much as the right of petition; but the case was materially changed; not as it might affect that House, but as it might affect the liberties of the people, when the right of petitioning was brought into contempt. What he complained of was, that persons had signed these petitions, well knowing that they could not be received. The House of Commons had great reason to complain of this conduct, not on account of themselves, but as it regarded the welfare of the people.

Mr. *Jones* could not conceive that any petition ought to be received couched in language the House had already rejected.

Mr. *Smyth* was against the rejection of the petitions, though he disapproved of the terms in which they were couched.

The question was then put, and the petitions couched in the same language as some that had been negatived by the House, were rejected. On the question being put, that the 468 printed petitions should be read,

Mr. *W. Wynn* stated, that the question had been agitated in 1656, in 1793, and in 1813; on the latter occasion it had been decided, that printed petitions should not be received; and six days afterwards a petition from Major Cartwright, for leave to present a printed petition, was refused. Nothing could be more publicly

known than the decision thus entered on the journals of the House. [At the request of the hon. gent. the clerk then read the entry of 1793, which applied only to private petitions; but that of 1813 related to a public petition from the town of Nottingham.] He thought that these entries established the rule, and believed that these petitions were presented for the purpose of being rejected, and producing exasperation. He thought the rule a reasonable one, calculated to prevent the manufacturing of petitions in London for the purpose of being sent down to be signed, instead of offering a genuine expression of the sentiments of the people. We had lately seen the effect of this manufacture, of which whole reams had been sent down to be signed. On these grounds he thought the petitions ought to be rejected; and that, if the House had before testified its displeasure on such occasions, the hon. bart. would not now have presented them.

Sir *W. Geary* thought the House should pause before it rejected the petitions. The rule of 1665, on which the others were grounded, did not apply to the question, and at all events the House ought to exercise its judgment on every individual occasion. Though he disapproved of the language, and differed from the sentiments of the petitioners, he thought they had a right to petition in print; and the hon. gent. below (Mr. *Wynn*) had given no one reason why the order he referred to should have been made. If he (Sir *W.*) were to present a petition to the people for their signature, he should wish them first to understand it; and he knew no mode so immediately conducive to that object as to shew them the petition in print. (*Hear, hear.*) He was convinced the petitions ought to be received.

Mr. *W. Quin* observed, with respect to the resolution that referred to private petitions, that all petitions in a parliamentary sense were private which did not come from a public body.

Sir *F. Burdett* felt aware, that he should be only wasting time in discussing the question at present, seeing the treasury benches, and those behind them, so full, and those on his own side of the House so empty. But having already delayed the question so long, he thought he might be deemed blameable if he deferred it any longer. It was satisfactory to him, however, that the cause itself stood on so strong grounds that nothing had been said to impugn it; and he thought the hon. gent. (Mr. *Wynn*) who seemed so conversant with this subject, and so extremely well versed in the journals of the House (though indeed he had unluckily selected an entry that by no means suited his purpose), might have recollected that a private order did not bind the House on all occasions; and more especially did not bind it in the case of petitions of the utmost importance to the subject—petitions against a grievance the most dangerous and inveterate of any, namely, the corrupt state of that House. However, the rule of 1656 could now be of no force whatever; the rule was framed by Cromwell's creatures, placed in that House by him-

self, and not one of them allowed to enter Parliament till he was furnished with a ticket from the soldiers who surrounded the doors. That was not a period from which a precedent could be drawn for the guidance of future times. (*Hear, hear, hear.*) The rule in question, too, related only to private petitions; and whether or no the hon. gent. conceived that the clerk ought to have read "printed" for "private," and had made a mistake, from his having been so long accustomed to read written instruments only, it was easy to see, that the rule was aimed against a practice that prevailed at one time, of prejudicing the sentiments of members, by distributing printed petitions on private matters; and it was in order to prevent the printing and circulation of petitions, and the canvassing members with such views, that the rule in question was framed—the rule on which the whole argument against receiving these petitions rested: a foundation more sandy on which to rest an argument against receiving the sentiments of thousands of petitions it was impossible to conceive. The hon. gent. had referred to the discussions that took place in 1793; and how did they apply? Previous to Mr. Grey's motion for a Reform of Parliament, a petition was presented from the town of Norwich, by Mr. Hobart, and he (rather extraordinarily for the presenter of a petition) started a doubt, whether the petition, being printed, could with propriety be received. The doubt was immediately caught at, in the same manner as at present. The Speaker being applied to, referred to this order, as proving that it was against the practice of the House to receive printed petitions. Mr. Fox said, that no such order was directed against public petitions; and that private petitions only were within the construction and spirit of the rule. Of nine members who spoke on the subject, five were for receiving the petition, two were against it, and two doubtful. Mr. Sheridan then requested the honourable member who had presented the petition to withdraw it, for that day at least, in order to allow the more time to the important motion that was coming on to be discussed: the petition was in consequence withdrawn, so that nothing was settled by this entry of 1793. (*Hear, hear.*) And the discussion itself stood only on the doubtful rule of Cromwell's Parliament. In 1819, reference was made to this supposed rule of 1793, and a division certainly took place, which could be now of no force; as it went on the supposition of a rule that never existed: or existed only in such a manner, that it could not be made the ground of proceeding at the present moment. (*Hear, hear.*) If, then, no order existed against the practice, we must come to the reason of the thing; which, after all, was of much stronger avail than any order whatever. When we considered this part of the question, no objection whatever could be found against the reception of printed petitions, or none which might not with equal force be urged against the reception

of written ones: on the contrary, there were many objections to written petitions which could not be adduced against petitions that were printed. Printed petitions were read and comprehended with much greater facility and accuracy than those which were written; and every man was able to see and understand what he was to sign. Printed petitions were not so liable to be altered as written ones, and every man who signed them must feel greater assurance that nothing but what he had signed would be presented to the House. The Bill of Rights, which ensured the right of petitioning to the subject, did not attempt to shackle it in any way, or to prefer one mode of petitioning to another. It did not require a goose-quill to be made use of rather than a steel pen; or say that one sort of ink should be made use of rather than another. The printed form, he would contend, was the best. The King had no objection to receive a printed petition; the House of Lords had received a printed petition, and had actually made an entry of the receipt of one shortly after the Nottingham petition had been withdrawn in the House of Commons; though they certainly had said that it should not be drawn into a precedent: but why this reservation was made he could not conceive; and should the House of Commons reject petitions after this, and obstruct the right of petitioning in the most dangerous manner? Formerly no objections were made to any paper that was offered; but this course having produced inconveniences, an order was made in 1780 that all petitions should be signed; but no order was made that they should be written by the signer; and all the reasons of the thing were the other way. Indeed, if any such order had been made, there was the strongest reason on the present occasion for suspending such an order, even though it were suspended with a reservation like that of the House of Lords, that the instance should not be drawn into precedent. A case of such magnitude as the prayer of 468 petitions would justify the suspension of any order on a point of practice; but, in reality, the House could not make that order, it could not obstruct the right of petitioning. Even as to irrelevant or casually offensive matter, the House ought not to be too nice on all occasions; that, however, was not the present question. But no reason whatever had been given for the rejection of petitions, merely because they were printed. One hon. gentleman had recommended a very odd way of getting rid of the difficulty. "Can't you (said he,) call the petitions private, and then reject them by the rule of Cromwell's Parliament?" Certainly, the petitions might be got rid of in that manner; but they could not, in any rational sense of the word, be called private petitions. He (Sir F. B.) felt the difficulty of a person, who had to prove a self-evident proposition; like a man who is called on to prove he is innocent, when, in fact, it —

the other side who should have shewn him to be guilty. Gentlemen on the opposite benches should shew why these petitions ought not to be received. A lecture had been read to him and he had been told he ought to refuse to present a petition, if it was couched in language the House had before rejected. On this point, however, he had acted on his own judgment, and to the best of his judgment; and he should never present a petition the less because the House rejected its fellow. The laws of that House were not, like those of the Medes and Persians, irrevocable; and it frequently happened that a vote given on one day had been reversed the next, by the complaisant concurrence of gentlemen on the treasury benches. (*Hear, hear.*) In the affair of Lord Melville, the House had one day, on the instigation of Mr. Pitt, voted that his lordship should be tried by a jury; and the very next day, on the same Minister's representation, revoked the trial by jury, and ordered an impeachment. He, therefore, (Sir F.) might reasonably hope to find the House in better humour on some occasions than on others; and might fairly expect that a petition rejected one day might stand a chance of being received the next; and, certainly, if a petition couched in terms that had been rejected came from a distance, he should feel it his duty not to send it back, but at least to offer it to the discretion of the House. As to what had been urged with so much vehemence concerning petitions that had been sent down into the country for signature, what objection could possibly be made to such a practice? The petitions must be drawn up somewhere, for it never could be supposed that all the thousands who signed could each draw up their own petition; it was sufficiently in their power to dissent from the terms of a petition by refusing to sign it; and what more could be required or expected? It might as well be contended, that a bond already drawn up and presented for signature, was not the bond of the person who signed it, as that these petitions did not contain the sentiments of their subscribers. They were much more easily read when presented in a printed form; and if they were not drawn up ready for signatures, how could their contents be acquiesced in or dissented from? Could it be seriously supposed, that a man without influence could prevail on thousands to sign against their inclinations, for the sake of furthering some project of his own? Besides, how did Ministers act on such occasions themselves; how did they get signatures to their petitions and declarations? Did they not go about to taverns and bankers' shops, thrusting their printed declarations into every hand, and compelling signatures from those who feared their interests might suffer if they refused? (*Hear, hear, hear.*) With them, indeed, all practices were considered fair; with those who wished to check them in their career of ruin, all was complained against as foul. Upon the whole, a body of

public opinion had been raised on facts which admitted of no denial, that the representation in the House of Commons was altogether corrupt. Gentlemen might rail, but they could not erase the signatures from the bond, or stem the torrent of general reprehension. They might contend, that some monster of terror—some magician with his wand (who, in fact, was no other than a very honest-hearted individual, acting in all things for the best), could issue his petitions, north and south, and countervail all the efforts and tricks of Ministers. But, if they wished to consult the dignity of the House (not the dignity of being hated, as Junius calls it), if they wished to preserve the respect and affections of the people, without any hateful admixture of the *oderint dum metuant*, they would never reject the prayers of the subject, because they were offered in a form of all others the most convenient and the least objectionable. Arguments of this sort, he was aware, would carry little weight in a quarter where the *sic volo, sic jubeo*, was sure to carry a majority; but he felt it his duty to take a division on the question, however small that division might prove.

Mr. W. Wynn offered a few words in explanation.

Lord Castlereagh contended, that if the House believed that the hon. baronet really wished the petitions to be received, they must perceive that he had not argued the cause in a way to ensure their reception. The hon. baronet had presented them in the face of a rule, the existence of which was publicly known; and he had said nothing to shew that the rule did not form a part of the practice of Parliament. It was indeed a little extraordinary that the hon. baronet should cavil at the expressions of the rule in question, as he himself was one of the tellers on the division that took place shortly after the question came before Parliament, on the Nottingham petition. He (lord C.) would contend, that these were private petitions in the parliamentary acceptance of the word private, and within the obvious construction of the rule; and the hon. baronet could not shew a single usage to the contrary. He had, indeed, shewn the usage of the other House; but that was in a case which was expressly prohibited from being drawn into question, and therefore told against the hon. baronet. Anxious as he (lord C.) was to receive the petitions in question, and to preserve in all its privileges the right of petitioning, yet he thought the systematic trade of framing petitions, and calling meetings for the purpose of breaking the peace of the country, ought by every means to be checked in its growth. God forbid that he should impute to any of those who signed these 468 petitions, any settled design against the Government of the country; they were most of them, he believed, misguided and deluded individuals; but he knew that designing men went about the country, availing themselves of the rights of the people, for the purpose of calling meetings, in

which they might exert every faculty, and rouse the passions of the people, for putting them in movement towards a general rebellion. Meetings, such as these, must be brought under the eye of the law; and it was necessary that the House should hold fast to the established rule, and not relax it, in order to give facilities to individuals who were employed in this metropolis for the sole purpose of fabricating petitions to excite discontent. There never was a moment in which it was more necessary than at the present to consult the dignity of Parliament; and as it was clear that the rules and practice of the House were against the entertaining of printed petitions, he should vote against the motion.

Mr. *Smyth* wished to give every latitude to the admission of petitions; but he could not help thinking that the hon. baronet, whatever his intentions might be, was actually following that course which was most calculated to defeat the right of petitioning. When the petitions of the people bore marks of conveying their own sentiments, the House ought to receive with indulgence any expressions they might contain; but the case was very different when they were couched in terms which appeared to have been dictated. It appeared, that in 1813, the House had come to a decision founded on former precedents, against receiving printed petitions, and he saw no reason for now reversing that decision.

Sir *Egerton Brydges* was satisfied that the petitions proposed to be laid on the table had all proceeded from one source. That circumstance afforded strong presumptive evidence, that they were not the sense of the people.

Mr. *Boswell* opposed the motion. The House could not be surprised at there being such a similarity in their form and expressions, when they were aware that they had all proceeded from the same hand and mind. The old gentleman who presided over this department, in the course of last summer, left his stationary labours in Palace-yard, and became a wandering star for the illumination of the most remote parts of the United Kingdom. He visited the manufacturing towns of England and Scotland; and there found a market for his own manufacture, among the poorer and more ignorant part of the population. In several of the petitions the signatures were in one handwriting; and one, into which he had accidentally looked, was signed by a woman, of rather, indeed, an imposing name: it was Mrs. Cannon.

Mr. *Peter Moore* had heard no sufficient reason assigned for not receiving the petitions. The order which had been read against receiving private petitions, printed and circulated, was perfectly intelligible. There were many instances in the courts below of objections to the circulation of printed applications, founded, he supposed, upon the same ground as the order of 1665. They were objected to on the same principle as tampering with a jury would be considered objectionable. A noble lord, who had a seat in the other House of Parliament,

had once been sent for six months to Newgate, for an offence connected with the circulation of printed petitions. If there were really fears of the existence of a secret fire, concealment was not the best way of extinguishing it. If any machinations were going on against the State, the best way was to give every encouragement to petitioning, in order that the House might not remain in ignorance of the opinions and feelings of the country at such a crisis: but he was far from placing any confidence in the assertions of the reports which had been presented to Parliament, which he considered as gross libels on the people. His opinion in this respect could not be altered by any *ex post facto* evidence which might hereafter be brought forward in support of these reports, as had been done in a similar case in Ireland. That country was, in 1793, declared to be full of treasonable practices: and when trials took place two years afterwards, it was strongly enough contended, that those trials proved the truth of the preceding declaration. He saw no just ground, either on precedent or reason, for objecting to printed petitions, and should therefore support the motion.

The House divided—

Ayes 6

Noes 59

Majority against receiving printed petitions } —52

A great number of the petitions for Reform against which there was no objection were then received and ordered to lie on the table.

The Lords' Amendments to the *Treasonable Practices Bill*, and the *Soldiers' and Seamen's Seduction Bill*, were taken into consideration and agreed to.

HOUSE OF LORDS.

Thursday, March 13.

[BAYLEY'S DIVORCE.] The *Lord Chancellor* moved that the consideration of this case be farther postponed till Monday, with a view to examine the witnesses more particularly to the act of adultery as unconnected with the question of legitimacy. The act in that view was not, in his opinion, as yet sufficiently proved, though it might be proved by a more particular examination of the witnesses.

The consideration of the case was accordingly postponed till Monday.

[REFORM, SINECURES, &c.] *Earl Grosvenor* presented a petition from *Shawford* in Gloucestershire, praying for a repeal of the corn laws, for an income tax in place of the assessed taxes and taxes on consumption, and for Parliamentary Reform. His lordship also presented a petition from *Southwark*, praying for Retrenchment and Reform. On presenting these petitions his lordship observed, that he certainly could not agree with the Gloucestershire petitioners in the prayer for the restoration of the income-tax. On the contrary, he was very decidedly of opinion, that

nothing could have been more beneficial to the country than the repeal of that tax: but he thought it his duty to present any petition which was couched in respectful terms. As to the Southwark petition, he fully concurred in the prayer of the petitioners; who, in their prayer for economy, included the abolition of sinecures. The public mind was certainly at present in a diseased state; there existed a spirit which was not to be put down by force, but by conciliation. They had heard of meetings of 30,000 men, whose object, as it appeared on the face of the proceeding, was to go to Carlton-House to undeceive the Prince Regent. How they intended to effect that, did not appear; but certainly they would have had in their favour one strong argument, which was wanting to himself and others in that House, who urged the propriety of the abolition of sinecures, and the necessity, in the present circumstances of the country, for economy and retrenchment, and that argument was physical force. But this proved how diseased the state of the public mind was, when five or six itinerant orators could have persuaded such a multitude to set out on such a design—in which, however, their career was stopped. It had been objected, the other night, to his motion, that the places to which he referred were not sinecures nor useless: and it had been said, that when a place was proved to be useless, the recommendation to abolish it would be adopted. He trusted he should be able on some future occasion to point out a number of places which were either entirely useless, or places of such a description that the emoluments might be greatly reduced; and then he hoped that the noble lords who had voted against his motion the other night, would concur with him in the abolition or regulation of these places; for he should be sorry that, in the present state of the public mind, the people should be left to despair. He repeated, that there was a spirit abroad which was not to be repressed by force, but which must be met with conciliation. It might be checked by force for a time, but it would return with greater violence, and produce a political earthquake, which would overturn from the foundation every institution from which this country derived strength, security, and happiness.

The *Earl of Lauderdale* rose merely for the purpose of stating, that the discussion the other night had been, not whether sinecures and useless places ought to be abolished, but whether the places to which the noble earl alluded were useless or not. The places were, in reality, not sinecures, nor were they useless: many of them were useful for the public service: and as to the emolument, they were not to look merely to the manual labour that might be necessary for the duties of any particular office, but to the responsibility. He was fully persuaded, that, if the noble earl's system were carried into effect, the consequences would not only not be beneficial, but extremely pernicious to the public. These were the grounds on which those noble

lords had proceeded who had voted against the noble earl's resolutions: yet they had at the same time stated, that if particular offices or places were pointed out and proved to be useless, they would vote for the abolition of these places. He did not wish to renew the discussion. His object was by this explanation to prevent the notion from being carried abroad, that the House had refused to abolish sinecures and useless places. The resolutions had been negatived because there was no evidence that the places were sinecures, or useless.

Lord *Holland* observed, that he must say, in support of the resolutions for which he had voted the other night, that those resolutions went to this merely—that the places should be abolished if entirely useless; or, if useful in some degree, that the emoluments should be reduced to the level of the services performed. The term *sinecure* might perhaps be an inaccurate one; and, in order to gratify his noble friend, he should be very glad if Johnson's Dictionary, or some other dictionary, were searched, in order to find a more appropriate one. But many of the offices which had been designated as sinecures and useless places, were such as called for regulation; and it would be difficult for his noble friend to shew, that the services rendered, if any were rendered, were at all adequate to the emoluments paid by the public.

Earl Grosvenor said, that his resolutions were general, and would, if adopted, have pledged the House to no more than this—that such offices as were mere sinecures should be abolished; and that such places as were nearly sinecures, though not absolutely so, should be reduced in point of emolument to the level of the services performed. This was all that he required: and yet to these resolutions their lordships had been pleased to give a negative.

Lord *Holland* wished to know from his noble friend (*Lauderdale*) whether he really considered the House as having voted that useless places ought not to be abolished?

Earl of Lauderdale said, that the only question was, whether the places were useless; and he was anxious that the notion should not go abroad that the House had refused to abolish useless places. The noble earl had proposed certain abstract resolutions, couched in terms which were in a great measure indefinite, and had called upon the House to vote for those resolutions. The answer was, that there was no proof before the House that the places to which the noble earl referred were sinecures, or were useless; and it was, on the contrary, contended, that they were not sinecures, and that they were not useless: and that the consequences of their abolition would not only be of no public advantage, but would be attended with great disadvantage to the public. The resolutions were therefore negatived—those who opposed them, however, stating, that on proof being produced that any particular offices were useless they would vote for their abolition.

Earl Grosvenor observed, that the explanation of his noble friend was such, that he did not despair of having his vote at some future time for the abolition of these sinecures and useless places.

The petitions were then laid on the table.

HOUSE OF COMMONS.

Thursday, March 13.

PARLIAMENTARY REFORM.] Mr. Calvert presented a petition from the parish of St. Olave, in the borough of Southwark, for Reform and Retrenchment.

Ordered to lie on the table.

The hon. member presented another petition from the parish of St. Mary Lambeth, with the same prayer. It contained between 900 and 1,000 signatures. The hon. gent. stated the manner in which the meeting had been convened, and the good order with which its proceedings were conducted.

Ordered to lie on the table.

WINDOW DUTY.] Mr. Lushington brought in a bill to amend and explain the window-duty act, with regard to its application to warehouses.

DISRESSED STATE OF TRADE AND MANUFACTURES.] Mr. Brougham, in rising, pursuant to notice, to bring forward this important subject, addressed the House as follows: Sir, when I consider, that the period of the session is well nigh passed, in which it has been the custom of this House, at periods of great public distress, to inquire into the state of the nation, and yet that nothing has been done to bring the subject before us, or to testify, on our part, a becoming anxiety concerning the sufferings of the people, I feel myself supported by this reflection under the magnitude of the vast question, which I have presumed to handle. We have, in truth, allowed the accustomed season of investigation to elapse, without doing any thing except what, with all possible respect for the proceedings of Parliament, I conceive to have been beginning at the wrong end. Mistaking the symptom for the malady, we have attempted to stifle the cries of the people in their extreme distress, instead of seeking the cause of their sufferings, and endeavouring to apply a cure. I am, indeed, aware, that there are many, who differ with me upon this subject; who deemed the late measures of legislation salutary and wise. But whatever variety of opinion might exist upon their merits, I may now appeal to all who hear me, to those who joined me in deprecating and resisting the suspension of the Constitution, and to those who viewed this frightful step as justified by the necessities of the times, and call upon all parties alike to say, whether the moment is not at length come, when it behoves us to mount from the effect to the cause of the mischief; and, having done so much to preserve the public peace, whether it is not our duty to search for the means of alleviating the general

misery by which alone that has been endangered. My very sincere anxiety to give the Parliament an opportunity of discharging this duty has made me bold to bring forward the present question; too late, I admit, for attaining all the objects that might once have been within our reach; but early enough, I would still hope, to effect some good purposes. I am aware, that there is nothing so injudicious as to begin a discussion like this by hazarding any large and sanguine predictions of its probable result. Nevertheless, I will venture to say, that whatever difference of opinion may exist upon particular topics, a considerable majority of the House will agree in holding, that the period is now arrived, when, the war being closed, and prodigious changes having taken place almost all over the world, it becomes absolutely necessary to enter upon a careful but fearless revision of our whole commercial system, that we may be enabled safely, yet promptly, to eradicate those vices which the lapse of time has occasioned or displayed; to retrace our steps, where we shall find that they have deviated from the line of true policy; to adjust and accommodate our laws to the alteration of circumstances; to abandon many prejudices, alike antiquated and senseless, unsuited to the advanced age in which we live, and unworthy of the sound judgment of the nation. I shall begin, Sir, by entering upon the fundamental branch of the inquiry, which I am solicitous the House should institute; I mean the present aspect of our affairs. Every one is aware, that there exists in the country a great and universal distress; a distress wholly without parallel in any former period of its history. This, indeed, is unhappily matter of so much notoriety, that I should hardly think it required any particular proof or illustration, were it not that, according to my view of the subject, the extent to which the evil has spread, and the peculiar shapes which it has assumed, must be examined before we can probe its sources or find a remedy. The House will speedily perceive in what way this examination of the fact conduces to the object we all have in view; and will, I am persuaded, give me credit, in the mean time, for not leading them into superfluous details. To demonstrate the general proposition, indeed, I might bid you cast your eyes upon the petitions that load the table, from all parts of the empire, from every description of its inhabitants, from numbers infinitely exceeding those that ever before approached us in the language of complaint. It is in vain to remind us of the manner in which some of them have been prepared for signature. Does any man believe, that a treasury manufactory of petitions, distributing the article through the country with all the influence of government, could procure one column of names to a statement of national prosperity, or a prayer for liberal taxation? Nor does the inaptness of the remedies, which many of the petitioners suggest, impeach the correctness of their tale of distress: they may be very incapable of devising

the means of relief; they are abundantly qualified to give evidence of the grievance. I might next appeal to the returns from the Custom House, to shew the declension of trade. I am aware, that these documents give no information respecting the internal commerce of the country, by far its most important branch; and that, even with respect to foreign traffic, nothing can be more fallacious than arguments wholly drawn from such sources. When taken, however, in conjunction with other evidence, they are not altogether to be disregarded. Now it is shewn, by a comparison of the years 1815 and 1816, that there was a falling off, in the shipping employed during the latter year, of 826,000 tons, or nearly 5000 vessels. This fact is the more remarkable, that we were at war during a quarter of 1815, whereas 1816 was the first whole year of peace. These returns speak of the tonnage outwards and inwards; but they tell nothing of the difference between the exports and imports of either year. I will venture to assert, that a much more considerable defalcation will be found in the importation of last year than the mere falling off in the tonnage indicates. I am well aware, that many millions of goods have been sent abroad, for which no returns have been received, and which never will produce sixpence to the exporters. Upon this point no Custom House papers can give any information. They cannot shew what proportion of the cargoes shipped have found a market: what parts have been sold under prime cost; what parts remain upon hand unsaleable at any price; and what parts of the goods imported are in a similar situation. We have known former times of great national suffering; most of us are old enough to remember more than one period of severe public calamity: but no man can find an example of any thing like the present. In 1800 there was a scarcity, much greater than is now felt, but no distress ensued beyond the reach of private charity: and the affliction ended with the bad season; for, though provisions were dear, work was abundant, and the bulk of the poor were enabled to sustain the pressure of the evil. In 1812 there was a much greater distress; the dearth was less, indeed, but the rate of wages was far lower. The House well remembers the painful inquiries in which it was then my fortune to bear a considerable part. We were accustomed to describe the circumstances in which we found the manufacturing population of the country as wretched beyond all former example; and the expression was strictly justified by the fact. Yet, compared with the wide spread misery under which the same classes now labour, the year 1812 rises into a period of actual prosperity. It will be necessary for me, and I hope the House will grant me their indulgence, to go shortly into some particulars touching the great staple manufactures of the kingdom, in order to shew how unparalleled in its amount, and how various in its kinds, the distress is, which now everywhere prevails. I

shall begin with the Clothing; a branch of trade, which, from accidental circumstances, is not so depressed as our other great staples; and for this, among other reasons, that the foreign markets do not happen to be overstocked with this manufacture, while some considerable foreign government contracts have given great assistance to several of the clothing districts. I hold in my hand the result of statements, which I have received from the principal clothing countries of Yorkshire—Leeds, Huddersfield, Wakefield, and Halifax. Taking the number of men engaged in the branch which suffers most, the cloth dressing, at 3360 in August last, there were then 927 in full, 1385 in partial employment, and 1048 wholly out of work. Calculating upon the same number, there are now only 757 in full, and 1439 in partial work; while 1164 are entirely idle. That is to say, a third of the whole are idle; and of those who have any work, only one third, that is, two-ninths of the whole, or two men in nine, have full employment. The distress of the other clothiers in this county is far from being so considerable; but in the West of England I am informed, by the most unexceptionable evidence, that it exceeds any thing which can easily be conceived. If we now carry our view towards the Iron Trade, a most gloomy picture is presented; and I may take the state of Birmingham as a fair symptom of this commerce in general, intimately connected as that great town is with the neighbouring counties in all the branches of their industry and commerce. In a population of 84,000 souls, about 27,500 receive parish relief. Of the work people, one third are wholly out of employ, and the rest are at half work. The poor's rates have risen to between fifty and sixty thousand pounds a year, a sum exceeding, as I am informed, what the inhabitants paid to the income tax. In 1812, when the House was so greatly touched by the state of this place, only a ninth part of the population were paupers, and the rates did not exceed 27,000*l.*, yet we then thought the public distresses had reached their utmost pitch. The people engaged in the Iron Trade may be divided into four great classes, with reference to my present purpose; the miners, and others employed in obtaining the raw material; the persons employed in manufacturing arms; the nailers; and the common artificers. The first of these classes, who in 1810 received from 18*s.* upwards as far as two guineas a week, get now from 10*s.* to 18*s.*; the second, who received still higher, I might say even exorbitant wages, from the demand occasioned by the war, now get only 7*s.* 6*d.*, when they are employed at all; the nailers, who are better off than most classes, yet earn no more than 8*s.* or 9*s.* instead of 12*s.* or 15*s.*; while the common artificers are working at a shilling a day. But in all these classes the women and children, who used to earn so much as nearly to double the gains of the able workmen, are now wholly unemployed. Sir, I do not wish to

mingle any allusions of a political nature with the description of these sad scenes; but I feel it due to the character and the sufferings of those unhappy persons to assert (and I do so upon the authority of men who differ with me in political sentiments,) that a more loyal, peaceful, tranquil set of people are not to be found within the limits of his Majesty's dominions. It is truly painful to think, that, severe as the distress is in those parts of the country, which I have been describing, a yet more melancholy picture presents itself when we turn to the great staple of the country, the Cotton Manufacture. This, as the House is well aware, consists of two branches, the spinning and weaving; but, from the introduction of machinery, the numbers employed in weaving are beyond all comparison greater than those employed in spinning. In Lancashire alone, and the borders of the adjoining counties, there are above half a million of persons who derive their support from the former. Taking the average gains of a thousand weavers, of all ages and classes, their rate of wages was 1*5s.* 3*d.* a week in May 1800. In 1802, the same persons received the still higher sum of 1*5s.* 10*d.* In 1806, it had fallen to 10*s.* 6*d.*; and in 1808, after it had pleased the wisdom of government to "retaliate," as they phrased it, "upon the enemy the evils of his own injustice," and to inflict upon ourselves (as the event proved to such as had not the sense to perceive it) the evils of our own impolicy—when we had succeeded in quarrelling with our best customers—those wages fell as low as 6*s.* 7*d.* In 1812, when the whole virtues of our system had been called into action, and had bestowed the full measure of its beneficence upon our trade, the wages fell to 6*s.* 4*d.* In 1816, the third year of peace, and while we were slowly moving through that transition of which we have heard (though it seems something of rather a permanent than a passing nature,) wages were as low as 5*s.* 2*d.* This was in the month of May; and in January last they had reached the fearful point of depression at which they now stand, of 4*s.* 3½*d.*; from which, when the usual expenses paid by the work people for the loom are deducted, there remains no more than 3*s.* 3*d.* to support human life for seven days. By another calculation it appears, that 437 persons have to provide for themselves, and as many more out of 5*s.* a week; making for the whole subsistence and expenditure of each individual, less than 4½*d.* a day. When I paused over this scene of misery, unequalled in the history of civilized times, I felt naturally impelled to demand, how it was possible to sustain existence in such circumstances, and whether it were not practicable to administer charitable aid? To the first question I received for answer the painful intelligence, that those miserable beings could barely purchase with their hard and scanty earnings, half a pound of oatmeal daily, which, mixed with a little salt and water, constituted their whole food. My other inquiry had been anti-

cipated by that well-known spirit of kindness, not more humane than politic, by which the demeanour of the master manufacturers in this country has ever been regulated towards their workmen in the seasons of their common distress. Projects for affording them relief had been canvassed; but it was found, that to distribute only a slender increase of nourishment, an addition of a little milk, or beer, or a morsel of meat, to the oatmeal and water, no less a sum than 20,000*l.* a week was required, and at a time when the masters were hardly receiving any profits from their trade. To talk of charity, then, is entirely out of the question; the case lies far beyond the reach of private beneficence; and, if it admits of a remedy at all, must look to other sources of relief. Now what is the consequence of all this, and whither does it inevitably lead? These wretched creatures are compelled first to part for their sustenance with all their trifling property, piecemeal, from the little furniture of their cottages to the very bedding and clothes that used to cover them from the weather. They struggle on with hunger, and go to sleep at night-fall, upon the calculation, that, if they worked an hour or two later, they might indeed earn three halfpence more, one of which must be paid for a candle, but then the clear gain of a penny would be too dearly bought, and leave them less able to work the next day. To such a frightful nicety of reckoning are human beings reduced, treating themselves like mere machines, and balancing the produce against the tear and wear, so as to obtain the maximum that their physical powers can be made to yield! At length, however, they must succumb; the workhouse closes their dismal prospect; or, with a reluctance that makes their lot a thousand times more pitiable, they submit to take parish relief; and, to sustain life, part with the independent spirit, the best birthright of an English peasant. If from these details we ascend to considerations of a more general nature, and observe certain symptoms, which, though less striking in themselves, are perhaps the safest guides in such an inquiry, we shall find, that nothing is happening around us on any side, which is not indicated by these signs of the times. The first of the symptoms to which I shall refer is the great diminution that has taken place in the consumption of luxuries all over the country. This is attested by the undeniable fact, that there has been a material and increasing defalcation in the produce of the Customs and Excise, especially of the latter, during the last twelve months. It is well known, too, that those districts suffered first, and most severely, which depended upon the manufacture of luxurious articles. Every one is familiar with the case of Spitalfields. The poor of that neighbourhood, after having exhausted the whole rates, have received from voluntary contributions, reflecting the highest honour upon the charitable and liberal character of the metropolis at large, sums, which, added to the rates,

exceed the whole income of the parish at rack-rent. In like manner the levies of Coventry and its neighbourhood have increased beyond all former example. It appeared, when the petition from thence was presented, that one estate of 300 acres paid 400*l.* in rates. A singular instance, illustrative of the same position, with respect to the county generally, was stated by my honourable friend the member for that city (Mr. P. Moore,) and, through his courtesy, I have this evening seen a more minute account of it than he then gave. A person belonging to the place has been accustomed for many years to travel over a great part of England, selling watches. He visits, in his circuits, 283 cities and towns, and he used commonly to dispose of about 600 watches. Last year, making precisely the same round as usual, he only found purchasers for 43. Perhaps, when we consider the variety of classes who use watches, and the extent of the space over which this diminution operated, it would be difficult to imagine stronger symptom of the decrease in demand for luxuries. The watch trade in London has suffered in an equal degree. The statements recently published shew, that there are now 3000 journeymen out of employment: that those who are in work have been earning for the last three months one fourth of their usual gains; and during the last month only one sixth; while their property has been pledged to the amount of 1600*l.* in three quarters of a year. If I am not misinformed, other trades in the metropolis suffer in a like proportion. It is said that 2000 of the 18,000 journeymen tailors in Westminster are wholly destitute of work. I take the great discontent excited throughout the country by the introduction of new machinery to be another symptom, and a most unerring one, of the present distress. Formerly, when the invention of any piece of mechanism for abridging manual labour occasioned an alarm among the working people, it was partial and transient. Those who were thrown out of employment speedily found other channels of profitable occupation, the population disengaged by the new machine were absorbed, with their industry; and in a short time the traces of the change disappeared, except that its beneficial effects upon the capital of the country soon created a greater demand for labour than existed before the invention. But now the case is widely different. The petitions, which night after night are presented to us by thousands and tens of thousands, complaining of machinery, testify, that when workmen are flung out of one employment they can no longer find others ready to receive them; and that the capital saved by the abridgment of labour no longer produces its former healing effect. When Sir R. Arkwright invented the apparatus, which has proved of such benefit to this country, though it deprived many thousands of their livelihood for the moment, yet no particular discontent was excited. I have obtained from two of the greatest cotton spin-

ners, in both parts of this island, an estimate of the saving in manual labour effected by that machinery; and as both concurred in stating, unknown to each other, that by means of it one man can do the work of a hundred, I may assume the calculation as pretty near the truth. So considerable a shock to the labouring population produced scarcely any discontent. The case is so different now, when the smallest improvement is made in the means of economising human power, that I hardly know whether to rejoice or be sorry at any such change. There has of late been a considerable accession of mechanical power in the weaving trade; and though it cannot operate like the spinning mills, it yet bids fair to throw numbers out of work, and destroy even the scanty pittance at present gained by a great number of those wretched individuals, whose hardships I have been describing to-night—I allude to what is called the *Power Loom*, by which one child is enabled to do the work of two or three men. But the House will hear with surprise and vexation, that mechanical improvement has, as it were, reached its limit; an unexpected impediment has started up to check its farther progress. It is now found, for the first time in the history of mankind, so low are wages fallen, so great is the pressure of distress, that manual labour is making reprisals on machinery, standing a successful competition with it, beating it out of the market, and precluding the use of an engine, far from costly in itself, which saves three labourers in four. The farther introduction of the power loom is actually stopped by the low rate of weavers' wages! There are, however, other branches of industry, as the printing and lace trades, which have been lately threatened, if I may so speak, with the competition of new mechanism, and of such powers as not even the miserable wages of the day can be expected to resist. The last symptom of distress which I shall mention is the state of the money-market. I am aware that there are some, who view this subject in a very different light. I know not if the right honourable gentleman opposite (the Chancellor of the Exchequer) concurs in the opinion recently delivered from high authority in another place, no less than that of the first minister of the country, and the person at the head of its finances. That noble lord is reported to have drawn the most favourable augury from the late rise of the funds, which he ascribed, by some process of reasoning not very easily followed, to the suspension of the Habeas Corpus Act. However injurious this measure may prove to the Constitution, it seems we are to regard it as highly favourable to trade. Now suppose I were minded to turn the tables upon the noble lord, and bid him look at the still greater rise of the stocks after the Report of the Committee appointed to examine the contents of the *Green Bag*. That famous document first unfolded the existence of the Spencean plan, and was calculated directly to bear upon the

funds; because, according to the true faith of that great sect, though the landholder is bad and fit to be despoiled, the fundholder is "a monster and must be hunted down." So says the Report; yet the funds rose upon its appearance: from whence I might argue, if I chose to adopt the ground of the first minister of finance, that the fundholders, one and all disbelieved in the existence of the plot. I will not, however, take this advantage of the noble lord, by following his own example. I am satisfied with drawing, from the state of the stocks and the money-market generally, inferences more naturally connected with the subject, and in favour of the view I have already taken of public affairs. It is well known, that there exists at present a facility of obtaining discounts at four and four and a half *per cent.* on bills of short dates, which even a year ago were not to be procured at a much higher premium: Stocks, too, have risen; they are ten *per cent.* higher on the nominal capital than they were a few months since. Exchequer bills, after two several reductions of interest, leaving the income upon them at only three and a half *per cent.*, still bear a premium. What does all this prove? If I saw that there was any proportionate facility in obtaining loans upon land at five *per cent.*, that is, upon the best security our law affords, I might be inclined to pause before I ascribed the state of the money-market to a glut of unemployed capital. But hitherto none of this capital has overflowed upon the land; and the fact is unquestionable, that there is much money in the market of stocks, floating debt, and discounts, only because there is little or no employment for it in trade, and because no capitalist chooses to put his money beyond his reach for more than a few months, in the expectation that commerce will revive. The want of employment at home has a tendency to drive capital abroad; and signs of this emigration have already manifested themselves in the negotiation of loans with foreign powers. One transaction of this nature has already been concluded with France; and undoubtedly the greater part of the money to be advanced in the course of it will come from the capitalists of this country. America is said to have two speculations of a similar description going on at the present moment in the city. Respecting one of them I have heard some particulars: and it resolves itself into a stock operation, the object of which is the application of British capital to the support of the American funds. How indeed is it to be supposed, that capital should not find its way abroad, when, on the other side of the channel, it fetches in the public stocks, nearly double the interest given by our funds, and much more than double the interest paid by our floating debt? The state of foreign exchanges with this country, I shall at present only glance at cursorily, because I venture to assure the House, that before I sit down, if I do not altogether fail in stating the views I entertain of another branch of the

subject, I shall be able to demonstrate the necessary connection between what is called a favourable rate of exchange, and the depression of foreign commerce. That rate is, in fact, only another proof of the unnatural state of our trade; it is the immediate result of forced exportations, with scarcely any importation in return. Thus it happens, that, when goods have been sent to any part of the continent, from whence nothing can be brought back, in order to remit the produce of the sales, there is a demand for bills; but there being no transactions ending in this country, and no real bills, fictitious drawing is resorted to, until the pound sterling is raised to a height above par, very favourable indeed to those who spend money abroad, but wholly useless to traders, who can buy nothing there to sell again in this country: a height, too, which it cannot retain as long as there is bullion to send over; and which, when properly understood, indicates the existence of a traffic unnatural and necessarily short-lived—exportation without imports. Sir, when such is the unparalleled state of embarrassment under which two of the great branches of national industry, commerce and manufactures, labour, it would be in vain to expect, that any material or permanent improvement should take place in that, which is the ultimate source of all wealth and prosperity, and is intimately connected with every other employment—I mean our agriculture. If we hear less at the present moment of the distresses of the landed interest, it can only be because the consumption of the foreign grain, which last year oppressed the markets, and the measures adopted by the Legislature to shut out this competition, have been aided by a scanty crop, and have raised the price of corn. Those districts, where the harvest has been tolerable, are therefore comparatively well off; whereas last year the suffering was universal; but wherever the crop has been a failing one, that is, in the greater part of the country, the high price is by no means a compensation for the deficiency and the poor's rates. I have therefore no manner of doubt, that the land is, generally speaking, worse off than before. It is indeed a vain and idle thing to take distinctions between the different orders of the country, and to speak of the agricultural and mercantile classes, as if they had opposite or even independent interests. They are all intimately and inseparably connected by the eternal nature of things; they must for ever run together the same course, whether of progress or decline. I will give you, on this matter, the words of a man, who, having, by his honest industry become the greatest ornament of the one order, made himself, by the fruits of his honourable gains, a distinguished member of the other, and afterwards rose, by his sagacity and experience, to adorn also the literature of his age. "Trade and land," says Mr. Child, "are knit each to other, and must wax and wane together; so that it shall never be well with land but trade

must feel it, nor ill with trade but land must fall." The House will feel how much less difficult it is to describe the extent and intensity of the prevailing distresses, than to trace the various causes which have concurred in producing them, and to separate those portions of the evil, which arise out of temporary circumstances, from those which have gone on increasing with a slower growth, deeply rooted in the system of policy that has been established amongst us, or at the least closely interwoven with it. But I should not deal fairly with the House, if I did not thus early state my opinion as to the nature of those causes generally: it is founded upon the universal extent and the great variety of the distresses which I have been describing; and my principal reason for entering so largely into that description was, not certainly because it required any such evidence to prove the miserable condition of the country, but because, from the universality in which the pressure prevails, I deemed the inference to be unavoidable, that it springs from causes of no temporary nature. It is quite true, that a transition from war to peace must always affect several branches of public wealth, some connected with foreign, but a greater proportion with domestic trade. Thus two departments of industry have suffered severely by the cessation of hostilities; the provision trade of Ireland; through it also, the cattle market of this country, and the manufacture of arms at Birmingham. The distress arising from the peace in those branches of commerce may be temporary; if all the other channels of trade, unconnected with the war, were open, it certainly would be temporary.—But when we find the depression general in all lines of employment, as well in those uninfluenced by the war-demand, as in those wholly dependent upon it; when we see that hands thrown out of work in one quarter can no longer be absorbed into the other parts of the system; when there plainly appears to be a choking up of all the channels of industry, and an equal exhaustion in all the sources of wealth—we are driven to the conclusion, that the return of peace accounts at the utmost only for a portion of the sad change we everywhere witness, and that even that portion may become permanent from the prevalence of the evil in quarters not liable to be affected by the termination of the war. I have shewn you, that the Cotton Trade, wholly unconnected with the war, is more depressed than the Iron Trade in general, and to the full as much depressed as the very gun manufactory at Birmingham. I am entitled to conclude, first, that the transition from war to peace has not produced all the mischief; and next, that the mischief which it has produced might have been got over, as in former times, if it had been the only one which oppressed us. Sir, we must once for all look our situation in the face, and firmly take a view of the extent of our disease. It is

not of a partial description; it is of general prevalence; it is of a searching nature; there is no channel of our whole circulation into which it has not worked its way: no fibre or filament of our whole æconomical system that does not feel its deadening influence; not one limb has been hurt, but the whole body is impaired in the exercise of all its functions. Can we expect it all to heal and revive of itself, and in a short time? I need hardly remind you, that we are now approaching the fourth year of "transition," and still no relief, no mitigation; on the contrary, we experience an increase of our calamity; whilst every one knows, that in less than half the time, from the end of all former wars, a complete recovery was effected. I shall therefore endeavour to describe what, after all the attention that I have been able to give the subject, appear to me the real causes of the unnatural state in which every man must admit the country is placed. I must treat the House impartially to fix their eye upon the line of policy, which for many years past has been adopted by the public councils of the country. In referring to it, I shall as much as possible avoid the more debatable grounds of the commencement and continuance of war, and keep to points upon which I believe a very little explanation will preclude the possibility of any considerable difference in opinion. It should seem that those who style themselves the *practical politicians* of this country (because they are the dupes of a theory as visionary as it is absurd) have long been surrounded by a class of men, who, blending with what is termed true mercantile knowledge, much narrow-minded, violent, national, prejudice, or, as they call it, genuine British feeling, assume to themselves the style and title of the *Sound Statesmen*, and certainly do in good earnest exert a real and practical influence over the affairs of the nation. With these sage instructors of almost every administration (and they are generally found united in place with their pupils, and knit to them by the endearing reciprocity of good offices) it is a maxim equally sacred and profound, that too much can hardly be done to discourage importations of all kinds and from all countries. The old mercantile system has long been exploded; but these wise personages, having been born and bred up in it, seem to have caught hold of its last plank, to which they still cling with all their might, perpetually conning over its grand motto—"All trade and no barter; all selling and no buying: all for money and nothing for goods." To support the remnants of a doctrine, universally abandoned in every enlightened country, all means are resorted to, fair and foul; for, in defence of their favourite creed, these sound advisers betray a morality far from rigid or scrupulous. The theory itself is repudiated, and its very name disowned by all who have received a liberal education. No man is to be found hardy enough, no one so careless

of his reputation for common sense, as even to use its language. How long is it since the *soundest* politician among us has ventured to speak, in public at least, the jargon of the balance of trade! Yet, marvellous to relate, the practical results of this extirpated heresy are interwoven with our whole commercial policy; and, though the nonsense, and even the dialect of its tenets are rejected of all men, they are disguised in legal phraseology, embodied in efficient regulations, and may be traced in broad characters through every volume of the statute book down to the last. Year after year we have proceeded under the auspices of our wholesome, practical, sound, national statesmen, until we now find ourselves, as might naturally be expected, deprived of most of the great staples of foreign commerce. In mentioning a few instances of our obligations to these sagacious counsellors, I must say a single word upon the Corn Bill, which, strictly speaking, comes within the class of measures I am alluding to. To the opinion which I originally entertained upon that law, I still adhere. I feel now, as I did then, that its first effects are injurious, by cutting off a great article of foreign trade; but I look for an ample compensation of that injury in advantages of a higher nature; the ensuring a regular, a safe, and ultimately a cheap supply of the great necessary of life, which no change of foreign policy, no caprice of hostile governments, can impede or disturb. It may also be admitted by those who disapproved of the measure as a permanent branch of our policy, that the circumstances of the times justified its adoption as a temporary resource. At any rate we resorted to it, not as the only prohibitory law in our commercial code, but while almost every branch of trade was struggling in the fetters of the restrictive system. We approved of it for special reasons, many of them temporary in their nature; and regarded it as an exception justified by those reasons, and by the unnatural state of our whole polity. The doctors of the mercantile school jumped at it as a part of their scheme, and as coinciding with the numberless trammels which they had devised for commerce in all its departments, and the removal of which might very possibly alter our whole opinion upon the Corn Bill. Let us only cast our eye over a few of those regulations. I shall first request the attention of the House to the exploits of these sages in the Baltic trade. That branch of commerce has always been deemed highly important, both to our shipping and our mercantile interest; both with a view to defence and to gain. Its short voyages make it an excellent nursery for seamen; its quick returns are highly favourable to profit. Circumstances, which I need not enumerate, render it a peculiarly secure and steady kind of traffic. Yet, of the four great staples of the Baltic trade, two, including the greatest of the whole, have been cut off. We still receive hemp and tallow; but we have prohibited the importation of

iron and timber. And to what views have we sacrificed this important market for our own goods? To encourage ruinous speculations in this country, we imposed a duty upon foreign iron amounting to a prohibition; while, to force the importation of inferior timber from our North American colonies, that is, to gratify the Canada and shipping interests, always highly favoured by the school of the practical and right hon. gentleman opposite (Mr. Rose), we excluded the greatest staple of the Baltic. Instead of leaving the adventurers in mines to their fate, suffering them to thrive if they could by their natural resources, we encouraged them, by extraordinary stimulants, in a pursuit which sound policy would rather have discouraged; a precarious, gambling, and upon the whole a losing concern to the country. Mark the consequences of this system. We used to export 4 or 500,000*l.* of our manufactures annually to Norway; that vent, I understand, has now ceased; Norway having no other means of making payment but the iron and the timber, which our modern practitioners of antiquated wisdom have seen good to exclude altogether. Canada, for whose sake the sacrifice was partly made, no doubt still remains ours, in spite of all the pains we took to lose it; but there is no part of this country at present so distressed as the mining districts of Wales. A similar prohibition of foreign copper has cut us off from one of the principal articles of South American produce. It is not many days since some conversation took place respecting an act of last session, which imposed protecting duties on foreign butter and cheese. I then expressed my repugnance to any extension of that protection; and I will now mention a fact within my knowledge, both to shew how dangerous this sort of legislative interference is in a vast, complicated, and delicate commercial system, and also to demonstrate how little a high rate of exchange indicates a thriving trade. The instant that those duties were imposed, as true as the pulse keeps time with the stroke of the heart, foreign exchange rose, as it is called, in our favour 2 or 3 per cent. A branch of our importation was lopped off; it became more difficult to remit from abroad, in the first instance, and consequently must have become proportionably more difficult to send goods thither immediately after; our whole foreign trade was sensibly diminished, and by the very operation which raised the exchange, and in exact proportion to its rise. So much for the quick effects of the operations in which these sound personages delight; so much for the accuracy of the symptoms which they consult as infallible in pronouncing upon the state of commerce! The same perverse views have long regulated our commercial intercourse with France. Partly from mercantile views, partly from feelings of a political, and almost a religious nature, there are many amongst us who have laid it down as a principle, from whence they hold it nearly impious to depart,

that as little wine as possible must be taken from France. Although that fine country is our nearest market, and ought to be our best customer; although the vine is its chief produce, and its wines are allowed by all to be the best, by some considered as the only ones drinkable; yet their importation is to be avoided because France is our natural enemy, and Portugal our dear, and indeed costly friend. In the true spirit of this creed, the Chancellor of the Exchequer some time ago laid a new duty upon claret, not with any view to revenue, but, as he himself declared, in the technical language of his sect, with the hopes of discouraging the use of French wines, upon principles of a political nature. It may, for any thing I know, be, in the contemplation of this class of statesmen, a mark of comprehensive policy in a manufacturing country to refuse those articles, which it wants the most and likes the best, and which alone enable a trade with its best customer to be kept up. But if I may be allowed to speak as a trader, availing myself of the flattering compliment bestowed upon me last night by the worthy alderman (Mr. Alderman Atkins), and to proceed on the suggestions of common sense, I should regard such conduct, not as the result of sound policy, or of any policy at all, but as dictated by prejudices bordering on insanity. But it is somewhat melancholy to think, that worse blunders remain untold. The conduct pursued with regard to the linen trade very considerably surpasses all that I have mentioned; for it has been as directly in hostility to the favourite principles of the mercantile school as to the interests of the country. That school has always patronized the carrying trade in an especial manner; and I believe I may assert, that no branch of it was ever more productive than the transit of foreign linens; yet upon this we began, and never stopped until we had imposed a duty of 15 per cent. upon all linens imported and re-exported. If I am asked to explain why we did so, I cannot; for here the wit of man would in vain search for any thing like a reason. But I can tell what the Ministers thought they were doing all the while. The fact is, that many nations prefer foreign linens to our own: and they used to buy those linens here. We saw this, and said they should not have them: so to legislate we went; resolved, that an Act of Parliament should pass the two Houses, and should then receive the royal assent, as requisite to make it binding upon the taste of foreign countries, which we expected would be changed to please us the instant that the solemnities of legislation were completed, and the accustomed words from the Crown pronounced. What has been the consequence? Those nations, who formerly repaired to British markets, laid in their investment of foreign linens, and at the same time completed their assortment in British goods (the foreign linen operating as a kind of decoy, from the convenience of finding all their cargo in the same place), all at once ceased to

visit our ports. They were unmannerly enough to disregard our law, although it had been passed with every one of the accustomed formalities; they took their course to Hamburg, Amsterdam, and Copenhagen, where they could get the foreign linens somewhat cheaper than we ever sold them. This latter advantage they had always disregarded, considering the opportunity of conveniently completing their assortments of British articles as a compensation for it; but the transit duty was much greater than the trade could bear; it proved, as indeed it was meant, a prohibition; only that the contrivers of it, who did not mean to drive the purchaser to a foreign market, forgot that they had no means of keeping him in one where they would not sell him what he wanted. They forgot too that his departure not only destroyed the transit trade, but the trade in British goods connected with it, and now transferred to foreign countries. The House, no doubt, must be prepared to hear, that this scheme of perverse and short-sighted folly, is not of yesterday. It betokens so low a state of information, so gross an ignorance of the subject, so senseless a disregard of the most obvious principles, that every one will readily conjecture its origin to be lost in antiquity. At all events, it must have been invented prior to the date of the mercantile system, itself now exploded; for nothing can more clash with the doctrine of promoting the carrying trade. Then what will the House say, if it is less than a century and a half since this notable law passed? What if, after ages of experience, after the full knowledge imparted by the multiplicity of events and changes crowded into the last twenty years; what if this statute was deliberately passed not longer ago than the year 1810, under the auspices of the present Ministers! What if, no farther back than last year, Parliament was induced by them to decline revising this piece of nonsense, and expunging it from the book! Sir, these are indeed things which it requires the evidence of all our senses to make us believe. But if such be the groundwork of our commercial system, there can be little difficulty in comprehending the mischiefs, that must sooner or later flow from it. There are numberless other instances of the same policy, which I might detail to the House. I might speak of the duty upon the exportation of coal, amounting, at ordinary prices, to 70 per cent.; but for which that article might find a ready market in France, provided we agreed to take French goods in return. Here indeed we may be said to act consistently; for, when we refuse to receive the produce of a country, it seems natural enough, though perhaps it is superfluous, to prevent ours from going thither. We are not, however, so consistent in all the branches of this system. While we protect agriculture in some respects, we allow the importation and prohibit the export of wool. This deviation from the general rule is professedly to encourage manufactures, by deny-

ing to foreigners the use of the raw produce, yet cotton twist is allowed to go abroad, though it is in the first stage of manufacture; and one should think it full as easy for the continent to grow long wool as to erect spinning-mills. The arrangement of the silk duties affords matter of similar observation; but I abstain from leading the House into farther details. I think I may venture to assert, that, taking all things into the account, the time is now arrived, when the circumstances of our situation imperiously demand a full and unsparing review of the whole commercial policy of this country: and not only the branch of legislation which bears a more immediate reference to trade, but the navigation law itself requires the same prompt and accurate revision. Whether I consider that system with a view to national defence, or to commercial wealth, I feel persuaded, that no time should be lost in at least relaxing the rigour of its provisions. Many speculative writers have maintained, that it was from the first a sacrifice of wealth to security; but I am disposed to admit, that it was originally calculated to promote both these objects. I think it may fairly be allowed to have hastened, by half a century, an event which must sooner or later have happened, the transference from the United Provinces to this country of a large portion of trade, which, though naturally belonging to us, had been attracted by the peculiar advantages which enabled the Hollanders to possess themselves of the commerce of all other nations. But whatever may have been the good policy of the navigation law, I am quite clear that we have adhered to its strict enactments a century after the circumstances which alone justified its adoption had ceased to exist. What is now passing in the colonies affords a striking illustration of its impolicy in the present times. Whether in consequence of orders from home, or of the views entertained by the local governments, the navigation law is enforced, it seems, with unusual strictness, a stop being put to the licences granted under the intercourse act for importing provisions in foreign bottoms. What course does America pursue to meet this protecting measure? She says, as you will not suffer us to supply your settlements, in any vessels but your own, with those articles of which they stand so much in need, that they may starve for want of them; "we, retaliating on your head the mischiefs of your own policy," forthwith shut our ports against all vessels coming from ports from whence you exclude ours. This is the substance of a bill lately before congress, now passed into a law. I have in my hand a copy of it, which has just arrived; and I know that the greatest alarm has been excited by it in our West Indian colonies, as well as among all who are connected with our North American fisheries. Here is a striking specimen of that obstinate, perverse system, that refuses to vary with the alteration of circumstances; that will not accommodate itself to the progress

of events, or follow the course of times and seasons, but clings superstitiously to what is now inapplicable, though it may once have been important; as if time were standing still, and history were not the record of unceasing change. Surveying, then, the derangement which pervades every branch of the public economy; seeing how our trade is cramped by the shortsighted operations of an unenlightened and senseless policy; finding what trifling relief, and that little accompanied with serious obstructions, it has derived from the prosperous condition of our foreign affairs; we may assuredly affirm, that there never was a period in the vicissitudes of our fortunes when British commerce might, with so much truth, be said to labour for its existence. Casting our eye over every point of the compass, and scarce able to descry any from which a solitary ray of comfort or of hope breaks in, it is natural for this House, to whose hands the sum of affairs is committed—for our unfortunate brethren, suffering under distresses that baffle description, after bearing us, by their industry and their patience, through the late eventful struggle—for the whole population of the empire, exhausted by the drains of a protracted warfare, weighed down by the pressure of the intolerable public burthens which it has accumulated, and now cut off from the temporary relief which the unnatural monopoly of that war afforded;—it is, I will say, but natural and reasonable for us all to direct our expectations towards any untried resources, any new opening that may present itself to the industry of the community. There can be no field of enterprise so magnificent in promise, so well calculated to raise sanguine hopes, so congenial to the most generous sympathies, so consistent with the best and the highest interests of England, as the vast continent of South America. He must indeed be more than temperate, he must be a cold reasoner, who can glance at those regions and not grow warm. The illustrious historian (Robertson), who has described the course of their rude invaders, relates, if I mistake not, that when, after unparalleled dangers, amid privations almost insupportable, through a struggle with sufferings beyond endurance—wary, hungry, exhausted with the toil, scared at the perils of their march, they reached at length the lofty summit so long the object of their anxious enterprise, they stood at once motionless, in gratitude for their success, in silent amazement at the boundless ocean stretched out before them, and the immeasurable dominion spread beneath their feet, the scene of all their fond expectations. And now the people of this country, after their long and dreary pilgrimage, after all the dangers they have braved, the difficulties they have overcome, the hardships they have survived, in something like the same state of suffering and exhaustion, have that very prospect opened to their view! If any sense of justice towards them, any regard for the dictates of sound policy, any reverence for the real wh-

dom of past ages, has influence over our councils, they must be enabled and invited to approach that hemisphere, and partake in the numberless benefits which flow from such an intercourse. Upon our good pleasure it depends to command the virgin resources of that mighty expanse of territory—variegated with every species of soil—exposed to all the gradations of climate—rich from the fallow of centuries—sufficiently peopled to raise every variety of the produce we want, yet too thinly inhabited to threaten our own industry with any rivalry—watered in all directions by seas rather than rivers—studded with harbours through which to distribute its wealth over the old world—and the native country of that wherewith the sect of *practical politicians* are best pleased, and their patron saint propitiated, gold and silver mines, already fruitful, but capable of yielding infinitely larger returns under the management of European skill. Such is the prospect which those vast regions unfold; a prospect sufficient to compensate every loss you have sustained; an adequate outlet for your mercantile enterprise, though Europe were once more hermetically sealed against you; though Buonaparte were restored, and his continental system (as indeed it is) revived; even though Europe itself were, for commercial purposes, blotted from the map of the world. Nor let any man suppose, that all this is the indulgence of a heated fancy. I rest my expectations upon a careful examination of facts, derived from authority altogether unquestionable. Some of these I shall state, for the guidance of the hon. gentlemen opposite; because I know that some folks will listen to nothing which does not come in the shape of a detail. The exports of Spanish America cannot amount to less than 18 millions sterling in yearly value. Humboldt, the justly celebrated traveller, states them at 13 millions and a half, from the Custom-house returns in Old Spain: he reckons the exports of Buenos Ayres at 800,000*l.* of that sum; whereas, on the spot, they are reckoned at 1,150,000*l.*: we may therefore assume, that there is a similar deficiency in the other sums indicated by those documents, which would make the whole exportation worth 18 millions, and one-third of it is from Mexico. It appears from official returns, indeed, that Cadiz imported from South America, in the year 1802, to the amount of 18 millions and a quarter, of which 12 millions and a quarter were in bullion, a trade pleasing even to the gentlemen opposite; though I must confess the remaining 6 millions were only composed of goods, and I therefore ought to mention this sum with considerable diffidence. Before the late troubles the annual coinage of Spanish America was nine millions and a half sterling, and it had trebled in half a century. The population of the country is about 17 millions, including all classes; and it is estimated, that only one person in three wears foreign manufactures. This is probably considerably

above the truth; for of the seven millions, who inhabit Mexico, only one is understood to wear those goods; the rest using a wretched stuff of home manufacture, only recommended by its cheapness; for, according to the remark of a native writer, England is there held to have taught them by her wars how to make their own clothes. What an opening does such a country afford for our goods! There exists no want of means to buy them, if the trade is so far facilitated as to afford them at reasonable prices; and if any proof were wanting how far the taste for using them might be introduced by opening the ports, the speculation at Buenos Ayres abundantly supplies it; for, though injurious to the projectors, that traffic has certainly had the effect of diffusing among the natives an inclination to use British manufactures. If the southern continent generally were opened, it would infallibly take, not only a larger quantity of them than has ever yet been sent thither, but a swiftly and regularly increasing quantity which would in a short time leave the imagination behind that should try to calculate it. With scenes such as these inviting our approach; with all the prepossessions of the natives in our favour; calling upon us to sacrifice no principle or propriety of conduct, but only to bless them with commerce and with the light of our superior civilization, in return for the treasures which they are ready to pour into our lap; whence comes it to pass, that, in a season of such pressure in all other quarters, this splendid theatre of exertion has been overlooked or avoided? It is the new-fangled, the execrable doctrine of *legitimacy*, the love of Ferdinand the Seventh, that has cut England off from her natural connection with South America. In the hour of our greatest need we have sacrificed the certainty of relief, nay the brightest prospects of new prosperity, to the antiquated prejudice against colonial independence, the political caprice of making common cause with the mother country in her endeavours to extinguish the new born liberties of settlements, now, thank God, in spite of Old Spain and of ourselves, almost severed from her tyrannical dominion. But for these humours, so senselessly gratified, our flag might have floated in every part of that immense continent. We have chosen to be supplanted by a nearer power, a power as active and skilful in speculations as ourselves, and wholly free from the incumbrance of those political attachments and antipathies, which so lamentably fetter our commercial enterprise. Only see the course into which these doctrines, or prejudices, have driven us. In 1809 we concluded what is commonly termed Admiral Apodaca's Treaty, acknowledging the dominion of Spain over the Indies, in terms which seem even to imply a guarantee of her dominion. An article was added, which bound the parties, as speedily as possible, to conclude a treaty of commerce; but nothing whatever has since been done towards the ful-

filment of this stipulation. In 1814, after the conduct of Ferdinand had called forth, not certainly the applause of all enlightened minds in all countries, it pleased our government to make a convention with him, binding this country to every thing short of guarantee, and expressive of deep anxiety for the subjugation of those, whom I call the independents, but whom the treaty stigmatised as *revolted subjects* of our dear ally. In vain have the various provinces of South America, successively, as they threw off the yoke of Spain, courted our notice, and offered us the highest commercial advantages in return. As often as the popular party obtained the advantage in any place, the ports were thrown open to our trade, the residence of Englishmen protected, all intercourse with them cherished. If ever the patriots were unhappily defeated, if the "anxious wishes" were gratified, which the convention expresses, on the part of this country, for the restoration of the legitimate tyranny, straightway the ports were shut against us, and our countrymen could no longer trade, or remain under the dominion of our favourite ally. We were offered by the *revolted*, as we call them, in Venezuela and New Granada, an exclusive trade for twenty years; and their congress, believing (I use their own words), "that it is the characteristic disposition of Great Britain to protect and assist oppressed people, for the sake of justice and humanity," vainly fancied their cause might be favourably viewed by us. The legitimate lieutenant of the crown, Montalvo, subdued them for a while, and instantly proclaimed what he called "the wise and salutary regulations of the council of the Indies," recited the services rendered by the Philippine company to trade (of all things), and restored its exclusive monopoly, to be enforced with additional rigour. In 1816, General Bolívar made offers of the most advantageous nature, when on his way to battle for the independence of the Caraccas, which I trust in God he has before this time achieved. All such propositions were rejected; seldom honoured with an answer; always treated with contempt or aversion. We were for the party of the oppressor—we wished ill to freedom for its own sake, and out of the love we bore its enemy, notwithstanding the advantages we might reap from doing our duty, and helping its struggles. But even this bad policy has been pursued in a wavering, irresolute, and inconsistent manner. We have sent a consul to Buenos Ayres, where he did not present his credentials until the patriots had succeeded; he now resides in his public capacity, transacting business with the independent government. But no one other commercial or diplomatic agent has been sent to any part of Spanish America; and even at Buenos Ayres the blockade imposed by the royalists of Monte Video a few years ago, was enforced by a British man of war. The long established contraband trade with the Main is still encouraged, at least protected in Jamaica. In Trinidad every

impediment is thrown in its way; the councils of the government are influenced by an assessor, who retired thither after the massacre of the independents in Caraccas, where he had been a principal adviser; proclamations are issued, prohibiting, under the highest penalties, the sending, not only of arms but of money to the continent; and severe measures have been adopted towards the refugees of the independent party. These measures have produced their natural effect; and I understand, that the principal articles of importation from the Spanish Main have almost doubled in price. I intreat the House farther to recollect, that the same treaty, which bound our Government to prevent all succour from being given to the patriots, bound Ferdinand to abolish the Slave Trade. We have more than performed our part of the compact—he neither has taken nor has the slightest intention of taking any one step towards fulfilling his part. I do not contend, that we ought to make war upon him for the failure; but I think we have some right to have it explained; and I am clear, that if he persists in his departure from the stipulation, we are set free from our part of the contract. That we should ever desire to recede from it is more than I can expect; for hitherto we have done much more than we bargained in his behalf and against the patriots. So bigotted are we to his cause, that I have read a memorial presented to his Majesty's Government by three respectable merchants, who, having come to this country from Buenos Ayres upon commercial business, and having finished their arrangements, were ready to sail on their return homeward, when they were stopped by an order from one of the under secretaries of state, refusing them leave to proceed, until they should also obtain the Spanish ambassador's leave! Here is one of the fruits of that blessed measure the Alien Act; and a striking proof how soundly those reasoned against it, who urged, that it would be used as a political engine for gratifying the caprices of foreign courts. The treaty, you will observe, only binds us to give no assistance to the patriots in warlike stores: the Trinidad proclamation threatens with banishment, confiscation, and imprisonment, all who shall send money. The direct stipulations only engage for neutrality: the preamble expresses the warmest good wishes for the success of the tyrant, while it insults the patriots with the name of revolvers. But, as if we were resolved to go beyond both the spirit and the letter of this convention, to testify by every possible means our hostility to the cause of the Spanish colonies, and our anxiety to extinguish their rising liberties, the British Minister to the United States has been charged, in congress, with a formal interference to prevent American citizens from sending arms and ammunition to the patriots; and no denial whatever has been given to the statement. I ask the Commons of England, if they are prepared to patronise

councils, so repugnant at once to the character and the interests of their country as those which, having excluded our trade from the marts of the Old World, deny it a vent in the New, for fear such an intercourse might aid the cause of human freedom, and give umbrage to the contemptible tyrant of Spain? It has often been said, and I have hitherto assumed it as unquestionable, that the excessive load of taxation is one chief cause of the depression under which our commerce now labours. The House, I am persuaded, will give me credit for entertaining no disposition to mix this question with popular clamour against burdens which must be borne. But I wish to remove some misconceptions of an opposite nature, which have too frequently influenced such discussions; and to shew in what manner relief might be given to the public without material injury to the revenue. Some persons, whose general opinions I profess to hold in great respect, have lately supported a position, which I take leave to think a mere fallacy; they have maintained, that the amount of the imposts laid upon goods, or upon whatever affects the price of goods, destined for the foreign market, can be no obstacle to their sale; and they attempt to prove this strange paradox by the consideration, that, as we are enabled to give a proportionably higher price for those commodities which we take in return, it comes to the same thing whether the foreigner buys cheap or dear of us. A single word overthrows this reasoning at once. Admitting for a moment that prices are thus regulated; the foreigner who has goods to buy will go to those who sell cheaper than we can do; and the foreigner who has goods to sell will come to us who can give the best prices. To suppose, that those who cannot afford to sell as cheap as others will have the power of regulating the market for their own commodities, is as absurd as to suppose, that those who can afford to buy dearer than others will pay higher than is necessary. There is another fallacy, much more prevalent, as to the effects of taxation within the country. The money thus raised, we are told, is spent by the government; and the same consumption is maintained as if it were expended by the individuals who paid it. Thus, to take the principal example, it is contended, that if we raise 44 millions to pay the interest and charges of the debt, that sum is spent in the country by the stockholders, instead of being spent by the payers of taxes. But first of all it should be recollected, that those sums are levied in one part of the system and generally expended in another; so that the expenditure affords no relief in the quarter where the levy of the impost was principally felt. Thus when the duty on sugar was raised in the course of a few years from 14s. to 27s. a cwt., that sum was neither returned to the planter nor the consumer; it neither went to create a new demand for the article enhanced, nor to aid those who paid

dearer for it: it went to support other industry than that of the grower, and other resources than those of the consumer. Next we must bear in mind, that the revenue paid to the stockholder represents capital, which has been sunk and in great part destroyed by war: capital, which has been taken away from profitable to unprofitable employment. Nor is there any fairness in the argument, that the community is not injured by a mere transference of wealth, though none should disappear; for the taking from one class to bestow upon another injures the one more than it benefits the other, even if we had any right to strike such unjust balances; and how much more does this apply to the case of taking from an existing class to supply one which we create, or at least augment for the purpose of impoverishing the other! But the truth is, that all taxes go to support, either those whose labour is so much dead loss to the community, or much less productive than it might have been; whose numbers therefore ought never to exceed the lowest possible amount. The immense sums now raised either feed those employed thus unproductively, or pay those whose capital has been spent in the same way; they are a constant drain upon the fund destined to support productive labour; they not only prevent accumulation, but create a destruction of capital; they necessarily diminish, in exact proportion to their enormous amount, the fund which creates the effective demand for all articles of consumption. The operation, too, of taxes in diving abroad various branches of industry is unquestionable. They give advantages to foreigners in many points of view. Take for instance our duties on silk. The raw pays 5s. 6d., the organised 15s. the pound; while in France there is but one duty on both, and that only 2s. 6d. The French silk weaver, then, gets the article in the first stage of manufacture for less than half what ours pays for the raw material, as far as duty is concerned. Sometimes foreigners are discontented by a tax beyond its mere amount; the increase of, I think, only half a crown upon the Policy stamp, drove them away from Lloyd's, and created several insurance offices at Hamburg and in America. Sometimes a branch of trade is irretrievably destroyed by an injudicious tax, or receives a shock from which, even after the repeal of the duty, it never recovers. I am informed, that this has been the case with the watch trade; and the present appearances are quite consistent with this supposition. I propose now to illustrate what I have said of the effects which taxation produces upon consumption, by a reference to facts; and I shall, at the same time, have an opportunity of shewing, that the revenue does not gain all the trade loses. On the contrary, I suspect we have been in many instances killing the goose that laid the golden eggs; and I greatly deceive myself if the right hon. gentleman opposite (the Chancellor of the Exchequer), will not soon be aware, how much

truth there is in Dean Swift's remark, that "in the arithmetic of the customs two and two do not always make four." I shall begin with the duties on sugar, one of the widest fields of modern finance. They were in a short time raised from 14s. to 27s.; and if the price reaches 40s. then to 30s. the cwt. In three years, from 1803 to 1806, the former duties were increased about 50 per cent. Now the average produce of the old duties for three years before that rise was 2,778,000*l.* The produce of 1804, after they had been raised 90 per cent., was not 3,330,000*l.*, as they ought to have been had the consumption remained the same, but only 2,537,000*l.*; and the average produce of 1806 and 1807, after the whole 50 per cent. was added, only gave 3,133,000*l.*, instead of 4,167,000*l.*, which they should have yielded had the consumption not fallen off since the first rise of duty began; or 3,805,000*l.*, which they should have yielded had there been no falling off since 1804. Thus both trade and revenue suffered by the great increase of duty in 1803: and trade suffered severely by the subsequent augmentations, while revenue gained in a very small proportion. The duties on glass were nearly doubled in ten years: the produce of those duties has not sensibly increased at all. Here then, is a destruction of the glass trade, to the amount of one half its whole bulk, without any direct gain to the revenue, and with a very certain loss to it in other branches connected with the diminished consumption. In this case two and two were not found to make four. We have recently had before us (see page 305.) the history of the wine trade, in a very excellent petition presented by my hon. friend below me (Mr. Sharpe). The duties on wine have been tied since 1792; the deficiency in the port of London alone was 338,329*l.* last year, as compared with 1815. The average consumption of three years, ending 1814, was above 3,000 pipes less than the average of three years ending 1808. In 1804 the duty on port wine was increased one ninth; the produce of the duty that year fell off nearly one fourth, instead of increasing a ninth; and in 1805 it had by no means increased a ninth above its amount before the rise. Here then was a diminution of trade, an abridgment of the comforts of the people, and an injury to the revenue, first directly and afterwards indirectly. It is not so easy to illustrate by example the converse of the proposition; for, unhappily, the instances are rare in which taxes have been taken off or diminished: yet all the cases where this policy has been pursued demonstrate the truth of the doctrines for which I contend. When Mr. Pitt, by a wise and politic measure, in the year 1784, lowered the duty on Tea from 56 to 12 per cent., the revenue rose considerably. The consumption could hardly have been increased sixfold, but smuggling was prevented to an extent which, with the increased consumption, made the revenue upon the whole a gainer.

When in 1787 the duty on wine and spirits was lowered 50 per cent., the revenue was improved; the trade must therefore have doubled, the comforts of the people been materially increased, and the other sources of revenue have benefited in the same proportion. But the progress of the duties and revenue upon ~~code~~ illustrates every part of the question in a manner peculiarly striking. In 1805 they were raised one third, and that year their produce fell off an eighth, instead of increasing a third; in 1806 they had increased, but only a sixteenth; so that the consumption had diminished above a fourth. But it was at length found, that this tax had been overdone, and it was lowered from 2*l.* to 7*d.* the cwt. Mark the immediate effects of this step. The average produce of the high duty, for the three years before it was altered, was 166,000*l.*; the average of the low duty, for three years after the alteration, was 195,000*l.*; so that, as addition has the effect sometimes of diminishing, subtraction seems to increase the sum, in the arithmetic of finance. The augmentation here shewed an increase of consumption between four and fivefold; and in Scotland, I find, that it increased tenfold. It is not, then, on mere speculative grounds that I recommend the Finance Ministers to retrace their steps, and to turn their attention from devising ways of augmenting the taxes (an object by the bye, which they may pore over as long as they please and will never be able to accomplish), to discover the best means of lessening the public burthens. I have shewn from facts, that taxes may be repealed with positive and immediate benefit to the revenue; I think no man will be hardy enough to deny, that the diminution would contribute mainly towards restoring our commerce to its healthy state, and re-establishing general comfort and prosperity. The very collection of our present enormous revenue occasions evils of a serious nature to every class of the people. All of us are acquainted with the inconveniences of ordinary occurrence; but few are aware how severely they press upon trade. To the difficulties of collecting such a revenue are principally owing the monopolies of the Dock Companies, by which the whole of the West Indian commerce, and several of the other great branches of trade are subjected to heavy duties, and irksome delays. Our merchants complain of much dilatory and troublesome proceeding at the Custom House; they must wait for a person who has more to do than he can manage; they must, on every trifling difference, apply to the Board; a variety of annoying steps must be gone through; bonds, with all the costs incident to them, are needlessly multiplied; and, in short, every thing begins in plague and ends in expense. It is very true, that better arrangement might remove some portion of these hardships, but the greater part of them are essential to the system. You cannot multiply indefinitely Officers and Boards, in whom so large a confidence is of

necessity reposed; you cannot, in a word, collect such a revenue as ours without infinite vexation and delay, beyond the actual burthen of the impost. Such prodigious levies, with their direct effects, hamper and distress our trade in various ways, which it would be impossible to estimate in money. Sir, I have trespassed beyond all bounds, I fear, upon the patience of the House: but I cannot prevail on myself to sit down without soliciting your attention to that part of the subject which I have as yet only glanced at slightly. The House, I doubt not, have already perceived that I refer to the entire abandonment of all care for the commercial interests of this country in the administration of our foreign affairs. After a war of unexampled suffering and exertion has been crowned with success far beyond the most sanguine expectation, and lifted the name and the influence of the nation to a height without any parallel in the proudest eras of its past history, we naturally ask, how it comes to pass, that the glorious peace which our efforts have purchased comes without restoring foreign trade; that we are still shut out from most parts of the continent as if war was still waged against our commerce; and that day after day fresh obstacles spring up to it in the quarters where it ought to meet the kindest encouragement? It is not in France merely, where we have long been accustomed to expect a return of jealousy, that our intercourse enjoys no facilities. In what corner of Europe does it possess them? Is it not plain, that with those very allies for whom we have fought and conquered—for whose cause we have been lavish of our treasure and prodigal of our best blood—from whom neither dominion nor indemnity have ever been asked in return—even with those allies we have never had influence enough to obtain the advantage or the convenience of one single Custom House regulation in our favour? Has any thing been done by these men, with all their influence over the councils of Europe? Has any thing been attempted by them? I am aware, that Russia has reduced her tariff in many articles since the termination of the war;—but I also know, that, generally speaking, our commerce labours under duties so nearly amounting to a prohibition, as to throw it into the hands of contraband traders, and exclude the fair and honourable dealing of the British merchant. I know, that, from Memel to the southernmost part of Poland, along the whole line of the Russian frontier, the traffic is driven by means of Jews and other smugglers, as it used to be under Buonaparte's continental system; that now, as formerly, they have their great entrepôt at Brody, and were the purchasers of almost all the bills drawn last summer for the sales of wheat exported through Odessa to the Mediterranean. Russia, however, is more favourable to our commerce than any of our other allies, and some improvement might be hoped for in that

quarter, were we not exactly in that quarter met most adversely by the other branch of our policy, of which I have already said so much, the prohibitory scheme of our own laws, by which we are prevented from taking in exchange most of the articles of Russian produce. But Prussia, with whom we made common cause—who owes to our efforts, next to those of her gallant people, the restoration of her independence—almost directly excludes us from all intercourse with her dominions. Duties amounting to a prohibition are laid upon the importation of our goods; and for such as are carried through the territory to be sold elsewhere there are only two ports of landing assigned, and a transit payment of 8 and a half per cent. imposed. How then does the matter stand in Spain—in that country which our gigantic exertions have saved—whose defence, in money alone, besides subsidies, and beside expenses incurred elsewhere, has left a sum of accounts still unaudited, amounting, as we heard the other day, to above fifty millions? Why, in return for this it appears, that with the cabinet of Madrid we possess just no interest whatsoever, either commercial or political! This is a picture of ingratitude on the one hand, and imbecility on the other, disgusting as it regards Spain—humiliating to our own government—provoking to the country. The sense of the Spanish nation was, with more or less correctness, represented by the Cortes; while its authority continued, a free intercourse with us was studiously promoted. The Cortes was put down, freedom extinguished, and the beloved usurper restored. Instantly old monopolies were revived and enforced, and enlarged with new powers, all strictly hostile to British interests. Additional obstruction was given to our trade, notwithstanding Apodaca's treaty had, on our part, almost guaranteed the integrity of the Spanish dominions, and, on theirs, promised a speedy commercial arrangement. Nay, after our Ministers had, in support of Ferdinand, gone farther than was lawful for the rulers of a free and honourable nation like England; after they had been guilty of the most indecent subserviency to his criminal views, abandoned the high tone they used to assume with France while fighting his battle, looked on with perfect indifference at his iniquities, stooped to become the parasites of his caprices, and pander for him the degradation of his country and the slavery of his unfortunate subjects, our own gallant companions in arms—how were they requited for those labours in the humiliation of the English name?—In “a little month” after the signature of the second treaty, an edict was issued, extending the monopoly of the Philippine company, so as to exclude all British cottons; and we had hardly sent out the order of the garter to our ally, when, in return for the courtesy, this decree was backed and enforced by new regulations; and the commercial privileges of Biscay, so favourable to all

foreign trade, were, by an act of mere violence upon its ancient constitution, annulled! Beside the rigorous prohibition of cottons, woollens pay 26 and 43 per cent. for the two finer qualities, and as high as 130 for the second, a burthen which the fair trader cannot bear. It thus happens, that our commerce with Spain is in a worse condition than with almost any other foreign state, and consigned, in a very great measure, to contraband traders. Not fifteen parts in the hundred of our goods consumed in that country are calculated to pay the duties imposed; the remaining seventy-five parts are smuggled; and about 200,000*l.* are paid yearly to Portugal for duties upon the goods sent thither in order to be covertly introduced into Spain. If we turn our attention to Austria, again we meet with nothing but prohibition. Since the peace, which we fought for side by side with her, and conquered more for her than ourselves, she has either excluded, or loaded almost to the point of exclusion, all the articles in which we can trade with her fine dominions. Our manufactures generally are forbidden; so are cotton yarns below a certain fineness; and it is not much above half a year since the duties upon all finer yarns were suddenly doubled. It should seem as if, from all our exertions to serve the continental powers, whether looking after honour or profit, we were fated to reap nothing but loss and disgrace. I would now call the attention of the noble lord in the blue ribbon (Lord Castlereagh) to some things, which, though within his department, it is very possible he may not be aware of; because it is quite possible, that those military gentlemen, whom he has planted as Ministers and Consuls in different places, how skilled soever in their own profession, may have failed to make any reports upon commercial arrangements, as things very much out of their line, if not below their notice. Does the noble lord now hear for the first time, and if he does I am sure it should make a deep impression on his mind, that punishment has so swiftly followed guilt? Does he for the first time hear, that the fruits have already been gathered of the two worst acts in that system of wicked policy, of which the noble lord is the advocate in this House, as he was the adviser elsewhere—that the very persons, in whose behalf those deeds were done, have even now set themselves in direct hostility to the interests of this country? If he has not before heard this, it may prove a useful lesson to him, and at all events I trust it will not be thrown away upon public men generally, if I make known how those very individuals, for whose sake the noble lord sacrificed the honour of his country, and abandoned its soundest policy towards foreign states; those with whom, after pulling down the usurper, he plunged into the deepest of all the public crimes that stained his course, and gave the ground for resisting him; that they now execrate or condemn the man who made himself the accomplice of their infamous

projects? I suspect the noble lord's conscience already whispers to what I allude. I guess he is aware, that I am going to name Ragusa and Genoa—Ragusa and Genoa! where the name of England received a stain; that all the victories of Lord Wellington cannot wipe away, nor the services of the longest life of the greatest Minister that ever lived could atone for. I will speak of Ragusa first: it is the smaller state, and for that reason I dwell upon it the most; because, if there be such a thing as political morality, and political justice, if those words have any sense, they can only mean, that the rights and the liberties of the weaker states are to be protected by the more powerful; because, in the nature of things, public crime, the offence of one nation against another, must always consist of the strong trampling down the feeble. Therefore, if the spot in question were San Marino instead of Ragusa, I should the rather cite the example, and deem the oppression of that smaller community a still more flagrant outrage upon justice—a baser dereliction of public principle. Ragusa had flourished for centuries under the protection of the Ottoman Porte, and nominally, at least, under its dominion. The Porte was the ally of England. Often had we blazoned Buonaparte's attack upon Egypt as among the worst of his atrocities, because France was in amity with the Turk, and there could be no motive for the enterprise but the love of gain or the lust of power. Nay, his sending Sebastiani to Egypt after the peace of Amiens was one of the principal grounds alleged by us for so suddenly renewing the war. Then I demand, were *we* at war with the Ottoman Porte during the black transactions of Vienna? Were we not in friendship and alliance with it? Did we once consult it about the cession of Ragusa to Austria? What is more important, did we ever consult the Ragusans upon that cession? Have we not, without the least regard to the rights of a free people, parcelled out their country at our own discretion; and, from the liberty they were enjoying, and the independence they were proud of, delivered them over to what they deemed subjugation and tyranny? Had they, the Ragusans, the people of Ragusa, the smallest share in the deliberations of the famous congress? They had no Minister there, they had made no communication to the assembled negotiators, they had received none from thence. Their existence was hardly known, except by the gallant example they had set of shaking off, without any aid, the hated empire of France. And how did we requite them for this noble effort, nay, this brilliant service in what we cantingly termed "the common cause of nations?" We, who had sounded to the uttermost corners of the earth the alarm of Buonaparte's ambition; we, who could never be satiated with invective against his despotism and injustice; we, who in the name of freedom and independence, called on the people of the whole globe, and the Ragusans among the rest, and they at le

had answered the summons, to rise up against him and overthrow his usurped dominion; we required them by handing them over, in the way of barter, as slaves to a power of which they detested the yoke! But let the noble lord, and let this House, and let the world mark the retribution which has followed this flagitious act. Austria, extending her commercial regulations to all her new acquisitions, has absolutely shut our trade out of that very Ragusa, which we had betrayed into her hands; and thus has the noble lord received his punishment upon the spot on which he had so shamefully sacrificed the honour of his country! Sir, if any page in the history of the late Congress be blacker than another, it is that which records the deeds of the noble lord against Genoa. When I approach this subject, and reflect on the powerful oratory, the force of argument as well as of language, backed by the high authority of virtue, a sanction ever deeply felt in this House, once displayed in the cause of that ill-fated Republic, by tongues now silent, but which used to be ever eloquent where public justice was to be asserted, or useful truth fearlessly inculcated, I feel hardly capable of going on. My lasting sorrow for the loss we have sustained is made deeper by the regret, that those lamented friends (Messrs. Whitbread and Horner) live not to witness the punishment of that foul conduct which they solemnly denounced. The petty tyrant, to whom the noble lord delivered over that ancient and gallant people, almost as soon as they had at his call joined the standard of national independence, has since subjected them to the most rigorous provisions of his absurd code; a code directed especially against the commerce of this country, and actually less unfavourable to France. Thus, then, it appears, that after all, in public as well as in private, in state affairs as in the concerns of the most humble individuals, the old maxim cannot safely be forgotten, that "honesty is the best policy." In vain did the noble lord flatter himself, that his subserviency to the unrighteous system of the Congress would secure him the adherence of the courts whom he made his idols. If he had abandoned that false foreign system—if he had acted upon the principles of the nation whom he represented, and stood forward as the advocate of the rights of the people—the people would have been grateful. He preferred the interests and the wishes of the courts, and by the courts he is treated with their wonted neglect. To his crimes against the people all over Europe—to his invariable surrender of their cause—to his steady refusal of the protection, which they had a right to expect, and which they did expect from the manly and generous character of England—it is owing, that if, at this moment, you traverse the continent in any direction whatever, you may trace the noble lord's career in the curses of the nations whom he has betrayed, and the mockery of the courts who have inveigled him to be their dupe. It is in vain we attempt to deceive ourselves. No truth can be more evi-

dent than this, that if, instead of patronizing abuse, tyranny, and plunder, we had exhibited a noble, gallant, English spirit in behalf of popular rights and national independence; if, instead of chiming in with and aping their narrow, wretched principles, we had done our utmost to enlighten the policy of foreign courts—we should have had to treat with a number of constitutional governments, directed by sound views of policy, and disposed to adopt arrangements generally beneficial, instead of the capricious and spiteful regulations, which now annoy us in every quarter. Only compare the conduct of America towards us with that of the King of Sardinia, of the Austrian Emperor, of Ferdinand of Spain. From America we had no right to expect peculiar favour. Her struggle for independence we had treated as a rebellion. It was successful; and we never altogether forgave it, but entertained towards her feelings approaching sometimes to contempt, sometimes to hatred. I am very far from thinking the Americans untainted by similar prejudices. They have perhaps been foolish enough to cherish a little spite in return for ours. Nor do I give their government credit for being wholly above the influence of this animosity; but experience has shewn, that, in all popular governments, the true interest of the community must in the main be consulted, and in the great bulk of cases supersede every lesser consideration. Now, we can never, as a trading nation, desire more than that all other countries should adopt the line of commercial policy best suited to the interests of the body of the people in each. The American Government has, not from regard for us, but for the sake of its own subjects, pursued a course favourable to the mutual intercourse of the two states. It is allowing the manufactories created by our absurd system gradually to decline, because industry can there be more beneficially employed in other pursuits. With a few very trifling exceptions, the market of the United States will, in a few months, again be completely restored to us, as far as the competition of the American manufacture is concerned, and it is plainly the only considerable relief which we can expect for a long time to come. In France we might have obtained something like the same advantages. There was a time when the feelings of the people ran strongly in our favour; but, instead of cultivating such dispositions, we have adopted a policy destructive of every kindly impression, and calculated to alienate the affections of all who retain the slightest regard for national honour. I may appeal to any one who has been in France since the war, I will even ask the gentlemen opposite, if they have not observed a most intimate connexion between the commercial and the political prejudices, which now prevail against us. Talk to them of a commercial treaty, or generally of trade with us, and their answer is, nor can we marvel at it, "While you keep 130,000 men in arms quartered upon our territory, we will not treat with you at all. While

you rule us with a rod of iron, you shall get no gold from us by trading. While you exact tribute directly at the point of the bayonet, you must not hope to obtain it circuitously through the channels of traffic." These feelings are not peculiar to France; depend upon it, as long as the same fatal policy is pursued, British commerce will be excluded from the continent, excluded more effectually than by Buonaparte's decrees and his armies, because now, for the first time, its ports are sealed against us by the governments, with the cordial assent of the people. I hope and trust, that this country may, before it is too late, retrace the steps, which it has been taking towards destruction, under the guidance of the noble lord. I pray that we may live to see England once more holding her steady course in the direction of a liberal, a manly, an honest, an English policy. May the salutary change be wrought, because our honour and fame demands it; but, if no higher considerations can influence our councils—if all worthier motives have lost their force—may we at the least consult our safety: adhere to that which is right, because it is shewn to be beneficial; and abandon the path of dishonour, because it is leading us to ruin.—I move you, Sir, to resolve:

1. That the trade and manufactures of the country are reduced to a state of such unexampled difficulty as demands the most serious attention of this House.

2. That those difficulties are materially increased by the policy pursued with respect to our foreign commerce, and that a revision of this system ought forthwith to be undertaken by the House.

3. That the continuance of these difficulties is in a great degree owing to the severe pressure of taxation under which the country labours, and which ought, by every practicable means, to be lightened.

4. That the system of foreign policy pursued by his Majesty's Ministers has not been such as to obtain for the people of this country those commercial advantages, which the influence of Great Britain in foreign courts fairly entitled them to expect.

Mr. F. Robinson in rising to oppose the motion adverted to a speech made by the hon. and learned gentleman on subjects closely connected with the present, last session. He had come to the House, with the conviction, that the hon. and learned member intended to pursue a similar career of moderation and candour: and in the greater part of his speech his expectations had not been disappointed. He readily admitted to him most of his arguments, as practical subjects, which were the most easy for the House to decide upon; but he must express his unfeigned surprise and regret at the latter part of the speech. Nobody who heard that, could avoid supposing that the whole was intended as an instrument of condemnation of the conduct of Government. If the learned

member wished the House to look difficulties and embarrassments fairly in the face, he would not have adopted that course which rendered it impossible for all to agree to his conclusions. Though he much lamented the introduction of such extraneous topics, he did not feel himself called upon to enter into them. All the points introduced for the object of criminating the Government, had been already sufficiently provided against by distinct votes of Parliament; which, though they might not convince some of the propriety of the measures of Ministers, yet formed a sufficient reason for the House not agreeing to mix them up with the present question. He should therefore avoid any observations on those subjects. It would in himself be ridiculous presumption to attempt then to follow minutely the vast variety of interesting details into which the learned member had gone at such length. In many things he quite concurred with him; particularly as to our own restrictions, and prohibitory regulations for trade and commerce; but, perhaps, upon particular circumstances, he felt more strongly than the learned gentleman might be enabled to feel, the great difficulties that stood in the way of even salutary alterations on a large scale. It was not the question now to go back to history, and to trace the errors of Ministers of a century ago; but whether we could now entirely escape from their consequences. He had expressed his own opinions last year; but never had been able to find the practicability of applying those opinions to the case. He was even ready to admit, that the system respecting trade and commerce so long acted upon, had a tendency to produce the distresses complained of. It prevented the beneficial effects of commercial arrangements which might be entered into with foreign countries. The hon. and learned gentleman thought, that after the conclusion of the war, for the successful prosecution of which we had advanced such vast supplies, we should have made some sort of compacts favourable to our trade, commerce, and manufactures; but no such commercial arrangements could possibly have been permanent. It was not to be supposed, that in their views of their own interests, foreign nations were dissimilar to ourselves. Good God! could the learned gentleman believe that Holland, with her extended territories in the Netherlands, would long remain quiet, under arrangements exclusively beneficial to us; and while it would be useless to us to attempt to persuade our own manufacturers to a measure which gave facilities to foreign trade? Such conditions could only provoke jealousies, heartburnings and wars. Our language to other nations was, that we fought and gave supplies for the common interest and advantage, and not merely for our gain: but, on the learned gentleman's ideas, we must have declared it to be for our own benefit; and that state of things could not have lasted. As to France, the case would have been still worse. The result of our exertions had

been to reduce the resources, to humble the pride, and to strip off the emblems of glory gained through conquests, of that nation. If we had added to this, commercial evils, what hopes could then have existed of the continuance of peace? It was not to be expected that France could have borne it. We should have been driven from the system sooner or later. He was intimately convinced that we never could have availed ourselves of it long; especially while such deep-rooted prejudices prevailed here against the granting of commercial facilities to other countries. He had some doubts, generally, as to the benefits derived from commercial treaties: at all events, they were never likely to prove beneficial, unless when reciprocal. Acknowledging the ill effects of restrictive policy, yet he must look at the difficulties in the way of removing it. There was nothing in the shape of trade, commerce, or manufactures, that he had not been repeatedly urged to protect by high duties: and in some instances he had been driven to adopt some of the recommendations. He considered the Corn Bill as standing upon peculiar grounds of great and overwhelming necessity, which set all general principles at defiance. However, it was not to be wondered at that other branches of trade demanded similar protection. The member for Essex, whose indisposition unfortunately prevented his attendance there (Mr. Western,) proposed to extend the protecting system to every thing connected with agriculture; and by the means he suggested (of which he, Mr. R., did not approve entirely) hides and tallow would have been affected. Had such measures been adopted, he must observe, that there would have been an end to all the learned gentleman's magnificent speculations concerning South America; since such articles might constitute the means whereby they were to repay our manufactures. He agreed with the hon. gentleman, in the existence of great immediate distress, but disagreed with him as to its cause. The hon. and learned gentleman had admitted, that the distresses in the woollen and iron trade had been considerably occasioned by the change from war to peace: but he weakened the effect of his admission by contending that at the end of former wars, this consequence did not immediately follow. It was said, that at the end of other wars such great evils did not occur. But then, consider the duration of the late wars, and their great expense, and the vast amount of population and capital employed in materials necessary to a state of war; and then the withdrawing of the demand in consequence of the return of peace. It would be absurd, after all, to argue that war was desirable. The fair inference was, that war was to be avoided, if possible, when we saw that it tended to create an unnatural species of prosperity; and when we saw the revulsion occasioned at its cessation. This ought to be a most powerful argument against war. So, with respect to what was said

about South America, it was not policy to act so as to provoke a war, the calamities of which might go to an extent we could not know. The learned gentleman spoke contemptuously of the conduct of Government in not shewing itself more friendly towards the South American provinces. We might recollect what was thought of the conduct of France and Spain respecting the states of North America. Would not the same things be said of us now, as then of them? Their conduct excited here universal indignation. So it was viewed by Mr. Fox and Mr. Burke, who were opposers of the American war on what he (Mr. R.) conceived wise principles. What would our interference now be called? The learned gentleman attempted to describe the conduct of Government as proceeding from love of tyranny. He was certainly extremely ingenious, and apt to find out the worst motives; but his being so, was certainly no reason for the House necessarily to adopt his opinions. He should advert to a few more other subjects. The learned gentleman, to heighten a melancholy picture, had dwelt on the condition of the miners and the ironworkers of Staffordshire. No doubt there were alarming distresses among them; but they would not have been so great except through the circumstances of the war and the transition to peace. They would not have happened in the natural course of things. He must admit, that in these cases the evils were not temporary; but such as a state of war, perhaps, could only remove by the revival of a demand for their manufactures. There were some points of minor importance, such as the state of the watch trade, which he did not see how the House could greatly improve. There were great facilities found in peace for smuggling such articles of manufacture, which did not exist in time of war; and he believed that better and cheaper watches of some kinds could be made on the Continent. These were now smuggled very much; not by the ordinary smugglers, but by ladies and gentlemen who visited France for their pleasure. Nor could legislation provide for the great number of tailors, said to be out of employment; though that was certainly a proof of distress. Consider, however, the deduction of persons so employed by the great reduction of demand for clothing the army. Agreeing with much of the forcible argument of the learned gentleman, yet it would be found extremely difficult to get persons concerned in manufactures to listen even to any plan of alteration. It was not Government that was to blame respecting the present system. He firmly believed that Government could not overturn it. With respect to foreign commerce, he had been strongly recommended to propose high prohibitory duties upon foreign articles imported. As to the linen duty, he had himself been burnt in effigy in several parts of the north of Ireland for a plan he had proposed. The committee of inquiry proposed by Mr. Finlay last year, was refused. The existence of the system, if wrong, must not be charged on Govern-

ment. All the manufacturers would be in arms at a proposal to reduce the prohibitory duty on coals. Recollect, the bill of last year to diminish the export duty on the smaller sorts of coal alarmed the glass manufacturers and others, who represented it as pregnant with ruin, by tending to set up rival foreign manufactories. In France and Holland there were high import duties, and particularly in Holland, to protect its own coals. In France the import duty on coals was nearly equal to our export duty; and both France and Holland would pursue the system calculated to preserve their own interests. He wished we had never adopted the restrictive system, though he differed from the learned gentleman as to the extent of alteration to which he would go. Whoever thought we could now replace our continental commerce on the same extraordinary footing in which it had stood for a few years, would find himself mistaken. Then we had in our possession all the valuable foreign colonies, and supplied the nations of Europe with even necessities of life. By referring to the official accounts of exports, it would be seen that the greatest deficiencies were in sugar, coffee, &c. of which, in one year, it was said, we exported eight millions. The magnificent and enviable colony of Java was now returned to Holland. The continental manufactures were, therefore, now liable to improvement from capital, industry, and ingenuity. There was nothing very mysterious in the machinery we used, though at present we might work it better than foreign nations could; but if peace lasted long (and God grant it might!) he could see no clear reason why foreigners might not rival us in many articles; at least in the markets of their own countries. There were hundreds and thousands employed in France in the manufacture of cloth and silk; and cotton too had become there a great object of attention and interest. So he might go on to say of Saxony, of Prussia, and of Austria. The improvements were likely to proceed in every country while peace afforded the means of capital. He should leave the question of duties on our trade to be discussed by others. Had the learned gentleman concluded his speech as he might have easily done, he might have found difficulty in meeting the question with so decided an opinion. He had hoped that the conclusion would have been of a practical nature, but the learned gentleman had quite changed the question. He therefore moved the other orders of the day.

Mr. *Brougham* explained. He only alluded to the watch trade, and the tailors, as marks of general distress.

Mr. *Robinson* explained.

Mr. *Baring* thought the conclusion of Mr. *Robinson's* speech more surprising than that of Mr. *Brougham's*: for he had admitted the leading facts of the great distresses of the principal branches of trade, yet would not agree to the motion because Mr. B. had not ended his speech with all the good temper he wished for. He

even admitted the necessity of a radical Reform for these branches of our trade: yet proposed to pass to the orders of the day, proposing nothing, after hearing a speech of such various and great information. This was only because Genoa and Ragusa had been spoken of. If the vice-president of the board of trade admitted the evils of the system, and spoke of the influence of bodies who prevented beneficial changes, ought not Ministers to apply to Parliament on a subject so important; that they might consider who they were that beset the Treasury and the public offices in this manner? The vice-president's speech was confirmatory of his learned friend's. It would be then a waste of time to get into details; but for his part, he could wish that a great deal of the machinery now used had never existed. He would rather have seen cotton spinning only at the cottage doors. But the system arose out of the progress of improvement and invention: and the only result of throwing impediments in their way now would be the setting up the same things on the opposite coasts. The poor deluded people at Nottingham thought they were doing something beneficial to their trade by destroying machinery; but such outrages tended only to drive the manufactory to other places. Distress, in some degree, had followed every extended war. Facts respecting such matters were not always easily got at. Some light was shed on the subject by the recent publication of Dr. *Franklin's* letters. Distress was occasioned by the length and expense of wars, and the revulsion at peace; but at present there was another peculiar circumstance, arising from the paper currency, which had occasioned, he believed, in its results some little alteration in the value of landed property. The return from war to peace was spoken of as the cause of distress; but the cause was, that all property had been depreciated, which had affected all classes in the country; landed, commercial, or any others; and which was naturally succeeded by a stagnation of trade. The time was now arrived when it became the duty of the House to interpose, more especially as Ministers avowed their intention of attempting nothing for the relief of the country. With respect to a commercial treaty, he would be the last man to recommend any thing like low cunning or artifice in its formation: as, in the dealings between man and man, the best way of doing business was to deal fairly and openly; so, in the great arrangements between nation and nation, it was for the advantage of each party to avoid every thing that bore even the appearance of fraud or deception. The old maxim, so often repeated in questions of this kind, ought never to be deserted, viz. to give the utmost freedom to trade by the removal of every impediment. He wished to say a few words upon the present rate of interest for money. There was no doubt that the present high price of the funds was to be attributed to the employment of capital there which could be applied to no other purpose: though

of late it had not accumulated so rapidly as formerly, yet it had accumulated, and it had not yet reached the pockets of those who were desirous of raising money upon land. Why it had not done so was clearly to be traced to the present rate of interest; for while a man could legally obtain more than 5 per cent. in the funds, he would not be satisfied with that interest upon land. If, as he hoped he should witness in a short time, the rate of interest were set free, a regular market for the mortgage of land, as for other things, would be established, and landholders would no longer be driven into the fangs of Jews and money-lenders, who extorted from them the most disadvantageous terms. The law, as it at present stood, produced not a single benefit, and was the real source of considerable distress. He trusted that the House would agree to the motion of his hon. friend, in order to convince the country that it was not altogether forgetful of its duty, however negligent Ministers might be of theirs.

Mr. Rose contended, that the resolutions proposed on the other side could not be adopted until some evidence had been adduced to shew that the statements were true: assertions were made, but nothing was proved; and though many arguments had been employed to shew that all the distresses were imputable to Ministers, the arguments were as destitute of foundation as the assertions. The present was the first occasion within his memory when not a single account had been required from the public offices on which a motion of such importance was to be grounded. The account of tonnage produced by the honourable and learned gentleman proved nothing, unless he could also shew in what way that tonnage was employed, with what goods the ships were laden, or how many of them were in ballast. With respect to the iron trade, it appeared from authentic accounts to be in the following proportions:—in 1814, it was 2,176,000; in 1815, 2,639,000; and in 1816, 3,081,000; so that in the last year the quantity was greater than the average of the two preceding years. No doubt the manufacturers of Birmingham felt a great depression, because they did not depend solely upon exports, and the home demand had been very much diminished. The hon. gent. had said a great deal upon the propriety of forcing a trade to South America; but all persons better acquainted with the subject knew that the project was impracticable. The diminution of the demand for the luxuries of life was principally to be attributed to the temporary emigration of many families to the Continent. The remarks made upon machinery seemed inapplicable to this question. Session after session, during the war, acts were repealed that restricted the use of machinery; and if a different course of policy were now pursued, what would become of the cotton-manufactures of the kingdom? the difference of the circulation now and at a former period might be considered one cause of the present distresses. When

the restriction was put upon the cash payments of the Bank of England, no less than 44 millions sterling, in gold, were in circulation: Bank paper at that time did not exceed 18 millions; it had since risen to 27 millions, and the paper of country banks had amounted to 9 or 10 millions; so that, in the whole, the circulation of late had been only 36 millions instead of 44 millions, as in 1797; which of itself would produce much inconvenience. At the same time he was decidedly opposed to a precipitate resumption of cash payments. The poverty of the continent was another great source of distress in this country; but in that respect rapid improvements were making. The hon. and learned gentleman had contended, that the prosperity of the country was not to be calculated from the present state of the exchanges; but in his (Mr. Rose's) opinion, those exchanges and the price of gold afforded the most flattering prospect. It had also been argued, that we had constantly treated France as an inveterate enemy, instead of conciliating her friendship. The fact, however, was otherwise; for after the American war many duties were lowered, and several prohibitions removed; the impost upon French wines was reduced one-half, while that upon the wines of Portugal was only reduced one-third. Mr. Rose then proceeded to notice what had been said by Mr. Brougham upon the different manufactures, but he addressed himself principally to his friends on his right and left, and in so inaudible a voice that his remarks did not reach the gallery. He gave his hearty concurrence to what had fallen from Mr. Baring on the subject of a commercial treaty; and concluded by contending, that though distresses prevailed, he saw no cause for despondency, convinced as he was, that in a short time all things would come round, and prosperity would be restored to all classes.

Sir John Newport denied that no evidence had been produced in support of the resolutions: what were the petitions with which the table was daily crowded, but convincing proofs of the general distress that pervaded the nation? The right hon. gent. who spoke last had uttered, no doubt, the sentiments of his friends; and he sat down with admitting the distresses, but refusing to look them in the face: Ministers were for waiting until things came round, as they expressed it; and to them might be applied the well-known line of Horace—*Rusticus expectat dum defluat amnis*; and unless some measures were adopted, it might be added, of the tide of distress that overflowed the country, *Labitur et labitur in omne volubilis ævum*. Would the House follow the same pernicious example? The right hon. gent. had spoken of no remedies; one indeed he had hinted at, by the way, in the restoration of cash payments by the Bank; but, as if aware of what he had done, he had immediately contradicted himself, and had insisted that specie should not be too rapidly restored to circulation. (*Hear.*) On the other side, nothing but hopes founded upon nothing but fears,

the fears of Ministers to contemplate the difficulties they had to encounter, had been talked of; but a system of delusion would afford no remedy, and it was not only the consequences of the termination of a war, but the enormous burden of taxation that pressed upon the people. The right hon. gent. had called the emigrations temporary: but he would find them continue until the country was restored to such a state that a gentleman of family could live in the style to which he had been born. He had said also that poverty was coming round: it had come round, and having travelled over the continent, it had centered itself in Great Britain, where it was likely to remain stationary for any exertions Ministers were disposed to make. (*Hear, hear.*) The rise in the funds was itself a proof of distress. Capitalists could find no other employment for their money; all other sources of profit were destroyed: on this account the funds were so high: and not, as was pretended on the other side, because the Habeas Corpus Act had been suspended, and the people had such confidence in the protection Ministers would afford them from a few insignificant rioters. He concluded by some remarks upon the sinking fund, maintaining that it could not be of any benefit to the stockholder, unless it were a surplus remedy.

Mr. C. Grant objected to the resolutions, not because they referred to distresses of the country, but because they were intended as criminalations of Ministers: and because the tendency of them was to produce through the country regret for the past, and hopelessness for the future. Three principal causes might be assigned for the admitted distresses: 1. the exhausted state of the continent; 2. the glut of foreign markets with British goods; 3. the destruction of the home market. The last was the most important; but they were all temporary, and would ere long effectually cure themselves. The destruction of the home market was mainly to be assigned to the low price of agricultural produce. A few years ago the agricultural produce of the country sold for 216 millions annually; now, scarcely half that sum was obtained: and the farmers, and all persons connected with the tillage of the soil, were consequently unable to purchase articles which before obtained a ready sale. In 1809 and 1810 the continent was closed against us, but the goods that were returned were disposed of in the home market, and the distress was consequently much less than at present, when neither a home nor a foreign market existed. It was fair, however, to look at the other side of the question; and he entertained very sanguine hopes that all the evils at present complained of would be speedily removed. He was happy to say that, from all the information he had been able to obtain, the state of the country was rapidly ameliorating. Among the woolen-manufacturers the opinion was, that a very considerable improvement might soon be expected; and the same favourable prospect, he

was assured, prevailed with respect to the cotton-trade. Orders for our manufactures were daily falling in from various quarters; and it was worthy of remark, that they did not come from markets which might be considered as speculative, but appeared to proceed from a solid source of demand. What was most advisable to be done was to give an impulse to that which communicated its impulse to every thing else—he meant our agricultural system. That had in some degree been done by the last Corn Bill, and the corn districts were now reaping the benefit of that measure. The hon. and learned gent. had spoken of the relaxation of our commercial system; and he agreed with him in thinking, that such relaxation would be highly advantageous to the country; but how was it to be brought about? The hon. and learned gent. could not but be aware, that the opinion of the country was decidedly against any relaxation, and nothing could be more unstatesmanlike than to attempt to legislate against public opinion. Many seemed to suppose, that there was some magical secret in the system which had elevated this country to its high pitch of commercial greatness: but if there was any secret, he was sure it was not wrapped up in the paragraphs of these restrictive statutes, but was to be found in the industrious spirit and skill of the people of this country. But he was convinced that the difficulties which our trade had experienced were about to be overcome. With regard to foreign trade, the Mediterranean and American markets were fully open to us. When gentlemen considered the resources the country possesses, the high state of its cultivation, the extent of our empire, our political ascendancy and superiority in arts and in arms, could they believe the predictions they had heard? Were they to believe, that this great nation was now ruined past all hope of recovery? In answering these questions, he should not inquire what markets we had for our manufactures; he would appeal to a higher ground. He relied for our security and prosperity on the energy and strength of character possessed by the people of this country, on the ascendancy of the national genius, which, having carried us with glory through the war, he was confident would procure for us happiness in peace.

Mr. Sharp said, some observations had fallen from the two right hon. gentlemen who had spoken on the other side, to which he thought short but conclusive answers might be given. One of these right hon. gentlemen had attributed the recent rise in the funds to an increasing confidence in his Majesty's Ministers. He did not indeed go so far as a noble person was said to have done in another place, and assert, that the suspension of the Habeas Corpus Act had occasioned the rise, but still he was equally distant from the mark. He would tell the right hon. gent. what the real cause was: it was a very judicious measure adopted by the Chancel-

lor of the Exchequer, namely, the lowering the rate of interest on Exchequer Bills; that interest, which was lately 5 per cent., is now reduced to three-and-a-half, and this difference sufficiently accounted for the preference given by monied men to the funds. The right hon. gent. had made a comparison between the state of the funds at the close of the American war, when there was a fall, and the rise which had taken place now. The cause of that difference he would also explain. At the end of the American war, there was an immediate opening for the commercial enterprise of the country, and that opening produced a transfer of money from the funds to trade; but for such transfer there was now no temptation. In reply to what his hon. and learned friend had said on the impolicy of commercial restrictions, the right hon. gent. who first attempted to answer him said, that Ministers had been obliged to yield to the demands of the manufacturers in imposing these restrictions. Now, this was no answer to his hon. and learned friend's argument, though it was a very candid confession of the deplorable weakness of the Government.

Mr. Thornton said, that he felt obliged to the learned gent. for bringing forward the discussion; and although he did not feel the necessity to change our whole policy of foreign commerce, he still was induced to recommend his Majesty's Ministers to revise many branches of it; and in particular those that had been mentioned, of the duties on foreign timber, especially from Norway and the Baltic; also the high duty on foreign linens, which was the occasion of the transit and profits on them being lost to the country, together with the other articles that might compose an assorted cargo with the linens. He adverted to Mr. Rose's statement, that the circulation of the country was greatly diminished, and his observations on the Bank of England. He said the Directors had a delicate and arduous duty to fulfil. There were persons in that House ready to censure any increased issue of bank-notes; and, on the other hand, the right hon. gent. was of opinion their issue was too small. The Directors ever had, and would continue to fulfil the trust and confidence placed in them in a prudent and considerate manner. The right hon. gent. had stated, that a circulation of 40 millions of gold had existed before the war, and had said so in a pamphlet. He (Mr. Thornton) thought it extremely difficult to say what had been the circulation of gold; and he was certain that the amount coined did not constitute data from which it could be taken. During the American war our troops had been maintained in that country by guineas sent from hence, and 20 years after a large portion of those guineas had returned to this country. The amount of country bank-notes might be diminished, but with returning confidence they would be revived. He approved of the policy, that this country should not interfere in the dispute between Spain and

her colonies; but should the trade to them be opened, he hoped active and early measures would be adopted to secure a share of it to Great Britain.

Mr. Finlay did not agree with those who supposed the distress of the country proceeded from a diminished demand for our manufactures. The goods brought to market by the manufacturers were disposed of, but the evil lay in the low state of wages. This, he believed, was an evil experienced over all Europe. An hon. baronet, in a former debate, had represented the situation of this country as worse than any other in Europe; but that he was confident was not the case. In France, in Switzerland, in Austria, Saxony, and every part of Germany, the greatest distress was felt. This state of things, he thought, was occasioned almost solely by the change from war to peace, which sent back to their homes great numbers of men who had been engaged in military pursuits. When the prices of labour became thus reduced, the workman found it necessary to work a greater number of hours to enable him to maintain his family; and this additional work threw a new quantity of labour into the market, and aggravated the distress. An improvement, however, had taken place in all the manufacturing districts; and when that improvement should advance a little farther, the situation of the cotton manufacturers would no longer be a subject of complaint. He objected to the resolutions, but he wished to see some other way of disposing of them resorted to than that of passing to the order of the day.

Mr. Brougham, in reply to an observation which had fallen from a right hon. gent. (Mr. Rose) explained, that he had not stated any thing against the use of machinery; on the contrary, he had observed that the low price of labour had the effect of leading to a competition with machinery.

Lord Castlereagh was happy to think that any impression which could have been made by the tone of gloomy despondency which pervaded the close of the hon. and learned gentleman's speech, must have been long since removed by the facts which had been stated by gentlemen well informed of the real state of the country. To the latter part of the hon. gentleman's speech he certainly did not feel himself called upon to reply, because there was nothing in it really applicable to the question before the House. He could not refrain, however, from observing, that the discussion of a nature similar to the present, which took place last session, had been conducted in a better manner and spirit. On the present occasion it seemed to have been more the aim of the hon. and learned gentleman to wound the Government, than to mend the situation of the country. But with respect to what the hon. and learned gentleman had said of the course of policy which his Majesty's Minister had pursued at the close of the late war, he should only observe, that every point of that great question

had, after full deliberation, been approved of by the House. Having obtained the sanction of Parliament, he apprehended that the conduct of Ministers could not now be made the subject of inquiry. He was certainly ready to acknowledge that, as fallible men, they might have committed mistakes; but he was willing to leave to the present generation, and posterity, to judge whether in those great transactions, in the adjustment of which they had to participate, they had not done their best for the interests of their country and of mankind. He, for his part, should never regret that he had been no party in the framing of such treaties as the hon. and learned gentleman thought ought to have been the result of the late peace. Nothing, he thought, could be more criminal than exercising a power over other men, in order to compel them to contribute to our interests. Such a system almost always turned against the country which resorted to it. Where was the country with which there could be any hope of maintaining a treaty imposed upon it contrary to its interests? In what sort of a situation would this country have been placed, had we been obliged after peace to remain armed for the purpose of compelling other nations to submit to treaties which they might think it their interest to break. With regard to the question of distress, he was not disposed to deny its existence to a very considerable extent; but he was well assured that the state of the country was improving. A member from an important district, who spoke last, had acknowledged this improvement; and had farther borne testimony, that the distress did not arise from the smallness of the demand of our manufactures, but from the decreased price of labour. What had passed last session, relative to another branch of public industry, was calculated to afford much consolation in the consideration of the present subject. The House would recollect, that the state of agriculture was then as depressed as that of manufactures is now. In the speech which the member for Essex with great ability addressed to the House, on submitting his resolutions for the advantage of agriculture, he, with all his knowledge of the subject, fell into a manifest error. He regarded the depression of agriculture as permanent. The committee of that House, which took the subject into consideration, on the contrary considered the distress to proceed from temporary causes, capable of removal; and the event proved their opinion to have been well-founded. There was often a strong similarity between the circumstances which tended to depress agriculture and those which operated in the same way on manufactures. An expectation of the introduction of foreign corn, for instance, always produced a rapid decline in the value of agricultural produce. It was much the same with manufactures, when, after a war, a great mass of population was thrown back on the country to seek for civil employments. This could not fail to

cause a depression in the price of labour, and, combined with the low price of corn, had the effect of making all descriptions of persons seek to indemnify themselves by a seduced consumption, and other measures of economy. There were some accounts on the table to which he should advert as evidence of the present state of our foreign commerce. They would amply prove that our trade had not suffered in consequence of no commercial treaties having been concluded. Of such treaties it ought always to be remembered, that the Powers of the continent retained the greatest jealousy, and could not now be persuaded to adopt a system which would throw their commerce into one channel for a given series of years. To so great a height was that jealousy carried, that though this country should not have common justice in a commercial convention, it would be thought on the continent that the bargain was entirely to our advantage. The House would, however, see from the accounts he should read, that our trade did not need the assistance of such treaties. The exports of our manufactures for the year 1816, according to the statement of their official value, which the House knew was the fittest for a comparison of this kind, amounted to 36,700,000*l.* and this was the highest value they had ever reached, except in the preceding year, when the amount was 44,000,000*l.* In the year 1814, they amounted to 36,000,000*l.* Upon every fair principle of reasoning, it might be concluded, that the unnatural amount of the exports of 1815 had contributed to the present distress. It was well known, that much speculation had previously taken place, and that very great efforts were made to meet the expected demand of peace. Very considerable exports had been made to America; where, in consequence of a distress similar to that which prevailed in Europe, the power of purchasing had diminished, and our manufactures, after lying for a time in warehouses, were re-exported to this country. This produced a glut in the home market, and a consequent depression of prices. He would shew by the state of our exports that there had not been much falling off. Last year we exported cotton goods to a higher amount than we ever did on any former year, except the preceding. In 1816, the exports of cotton were to the value of 16,300,000*l.*; in 1815, 21,000,000*l.*; in 1814, 16,000,000*l.* Our woollen and linen manufactures were exported in a similar proportion compared with preceding years. In no part of our export trade was there any indication of a great decline. Looking at our intercourse with the continent we should be sensible that it was now greater than at any former period; and from this there was every hope that a revival of our commerce would ensue. Our home consumption of manufactures had certainly been exceedingly diminished in consequence of the great falling off in Government demand; this would be seen by a comparison of the demand of the ordnance, of

the navy, and the commissariat, for manufactured articles and produce during the last and preceding years. He had not the Ordnance accounts before him, but it would be seen what difference existed between the war and peace demand of the navy board and the commissariat from the following statement:—In the year 1812, the navy purchases were to the amount of 2,300,000*l.*; in 1813, 2,800,000*l.*; in 1814, 1,400,000*l.*; in 1815, 505,000*l.*; in 1816, 317,000*l.* The commissariat demand in 1814 was 280,000*l.*; in 1815, 553,000*l.*; and in 1816, 195,000*l.* The withdrawing of this great demand from the home market was the cause of the diminished consumption of manufactures, and of a portion of the distress of the manufacturing interest. The improvement of the exchange, too, which might be advantageous to the country, operated against the merchant who exported our commodities, and tended to diminish his trade. When the exchange was high, the merchant could afford to export articles, and sell them in a foreign country for a small rise, or even for a less price than he bought them, and still be a gainer by the profit on the exchange in making his returns. Now how much must the exchange discourage exports, when, instead of being 25 or 30 per cent. against us, it was 8 per cent. the other way. Even with this disadvantage, our manufactures would, however, find their way to the continent. Notwithstanding the obstructions formerly thrown in the way of a free intercourse with the continent, our manufactures and produce were exported for the supply of our neighbours: and it could not be supposed that greater facilities of intercourse would diminish this tendency. When there was every reason to hope for a beneficial change in the circumstances of the trading and manufacturing interest, he could not help expressing his disapprobation of any thing that tended to inspire gloom and distrust. Nothing could be more cruel than to add to the pressure of distress foreboding predictions of its continuance, and to take away from suffering the prospect of amelioration. There might soon be a demand for the labour and industry of the country, as great nearly as formerly. Wages would in consequence rise; but he did not think they would rise so high as formerly, nor did he believe that such a rise would be desirable. The excessively high rate of wages during some of the flourishing periods of our manufacturing industry, he was convinced neither contributed to the morals, the health, or the happiness of the people. They were apt to engender habits of extravagance, to produce irregularity, and to operate against temperance and economy. If the present calamity did nothing else but correct the disposition thus fostered and strengthened, it would effect an ultimate benefit. He came now to the question, whether the resolutions ought to be supported; and here he concurred cordially with his right hon. friend who had moved the amendment. The hon. and learned

gentleman seemed desirous, from the way in which he introduced the subject, and the nature of the resolutions with which he concluded his speech, to leave his Majesty's Ministers no other alternative than to move the orders of the day. The political hostility of the hon. and learned gentleman was so mixed up with his commercial propositions, that he could not expect from Ministers their concurrence in his resolutions. His object seemed to be to attack Ministers, and thus to leave him no other course but to concur in the motion of his right hon. friend for passing to the orders of the day, with whatever reluctance he did it, and however willing he would have been to have entered into the discussion of the commercial question had it not been studiously mixed up with politics.

Lord *Cochrane* rose amid loud cries of question; and made a few observations on the impossibility of raising the wages of labour, without imposing such a high price on our manufactures as to disable us from entering into competition with foreigners. The great cause of our present distresses and commercial difficulties was taxation. If our taxes were reduced, the people would not only be relieved from their burdens, but we should be enabled to undersell other nations. It had been said that all classes of the community had suffered, and he allowed this proposition to its full extent. The only class that did not suffer was that which lived upon the taxes, and which prospered in the exact ratio of the pressure of public distress. The measure pursued for our relief must have no relation to the issuing of more paper, or a change in the circulation. He did not think, however, that there could be a return to cash payments if the present system of taxes were continued: such a return to cash payments would ruin the agricultural interest, and produce no effect except that of enriching the fundholder. [Here the cries of question became so loud, that the noble lord could be heard no longer.]

Mr. Alderman *Atkins* could neither support the resolutions or the amendment. He did not concur in the resolutions; but though they did not meet entirely his views, he could not agree to put off the consideration of so important a subject by passing to the orders of the day. He expected that the hon. and learned gentleman would have brought forward propositions in which he could have concurred. He expected that he would have moved for a committee of inquiry, and not have embodied gloom and despondency with a set of resolutions that could have no practical result. At the same time he thought that the amendment was highly objectionable. The right hon. gentleman who moved it, allowed that there were conflicting interests in the way of an improved system of commerce; these conflicting interests should be inquired into, and adjusted. This could only be done by a committee.

Mr. *Brougham* replied. He had detained the

House too long already to think himself entitled to much farther indulgence at this late hour of the night, and therefore would only trespass for a very few minutes on their patience. He would not have risen to have made any remarks on what had passed, had he not been desirous of briefly answering two hon. gentlemen opposite (Mr. Finlay and Alderman Atkins), who seemed to have mistaken his object, and a noble lord (Castlereagh), who replied to some of his statements. The two hon. gentlemen objected to his resolutions, and said, that if he had moved for a committee, they would have supported it. They had entirely mistaken what was the usual course or the meaning of his resolutions. The second resolution distinctly pledged the House to inquiry. It required a revision of our commercial system. How was this inquiry to take place, but in a committee? He did not mean that the House should bring in a bill for altering this or that regulation of trade without inquiry; and how was this inquiry to take place except in a committee? There was nothing more regular and usual than such a course. There was a standing committee of trade and commerce, to which the resolutions would be referred if they were carried; or if this was not thought proper, a special committee might be appointed. With respect to what had fallen from the noble lord, he felt that little reply was necessary. He would not follow the noble lord into all the topics of his speech, short as it was. His few arguments could easily be answered. The noble lord, in shewing the state of our exports, and comparing those of last year with the exports of preceding years, had only stated an argument which he (Mr. B.) anticipated. The prices were taken from the official returns. Although greater last year than on any former year, except 1815, they did not, as the noble lord intended they should, shew a flourishing state of our commerce. He was prepared to prove, that these prices were never realized; that they were invoice prices; that 50 per cent. of those prices was not paid. He would put the question to the hon. gentlemen acquainted with the state of our commerce—Were not the foreign markets glutted with our goods? Could any returns be obtained? And had not the exchange, in consequence of this state of things, risen in an extraordinary manner? His hon. friend, the member for Glasgow (if he would allow him to call him so), had truly stated that our exports were great, that great quantities of goods were sent out of the country by the manufacturers; but these goods were not sold; or, if sold, they brought no price that would repay their expenses. The hon. member knew that he was obliged to export his cotton webs at no profit, and sell them at a price that would not enable him to support his labourers. The noble lord had accounted for the present embarrassments of the trading and manufacturing interests from the diminution of Government demand, in consequence of the peace. The com-

missariat, and the navy, had formerly consisted to a great amount; and this demand had now been annihilated: but how could that happen? Was not the money in the country, and was not to be employed in promoting our national commerce? Did the noble lord mean to say, we could not use the money in our pockets except we allowed the longer arm of the Chancellor of the Exchequer to be put in along with our own hands to take it out. (*Hear, and a laugh.*) Could we not, if the Chancellor of the Exchequer allowed us to keep our money, purchase and consume the goods which the Government purchased and consumed? (*Hear, hear.*) He (Mr. B.) did not remember any other argument the noble lord had used. He had indeed alluded to other parts of his (Mr. B.'s) speech, but he must have misunderstood it. The noble lord proceeded on the supposition that he (Mr. B.) had urged the necessity or propriety of interfering in foreign politics for commercial purposes; of planting governments for the interests of our trade; and of doing what was in itself wrong or unjust for the sake of securing commercial advantages to which we were not entitled. (*Hear.*) He (Mr. B.) had never advanced such propositions. The tenour of his speech was diametrically opposite. He had said, do what is right in itself, pursue measures dictated by justice and a regard to the rights of mankind, and you will at the same time forward your commercial interest, and support your national character. (*Hear, hear.*) His (Mr. B.'s) policy was opposite to that of the noble lord. He deprecated the making of England a party to the support of fraud and superstition; an accomplice in national plunder and spoliation; and the ally of despotism and oppression wherever they were to be found, as had been done by the noble lord (*cries of hear*): not only because such conduct was against our character but our interest; not only because it made us suffer in reputation, but made us incur losses in money. (*Hear, hear.*) The people who had shared in the success of our injustice laughed at the distresses to which we had exposed ourselves in promoting their views, without shewing us any gratitude by commercial regulations in our favour: while those who suffered and were degraded execrated us for our disastrous exertions. (*Hear.*) The noble lord supposed that he advocated commercial treaties: he did no such thing generally; but he thought that we ought to have used our just influence to promote amicable intercourse, and mutual commercial advantage. Instead of doing this, instead of concluding a commercial treaty with France, for instance, for supporting the Government of that country, we had pursued a system hostile to the feelings of that people, and laid the foundation of a lasting commercial jealousy, and an inveterate political animosity. With respect to South America, he was not for going to war to obtain commercial advantages in that country, but he wished our relations with the

states on that continent to be placed on some intelligible footing. At present we could not understand how we stood, and there could, of course, be no mutual confidence. We had : consul at one port, and not at another; one governor was hostile, and another friendly; and the whole line of our policy seemed to be inconsistent and uncertain. In wishing, therefore, that there should be some method introduced some explanation made, he was merely following the high authority of the noble lord, who, while he sat on the Opposition benches, in an able speech reprobated the conduct of the then Ministers for leaving our American relations undefined; and called upon them either to do one thing or another: that call he (Mr. B.) now made on the noble lord. The amendment proposed by the right hon. gentleman excited his astonishment and regret. To tell the people suffering under such distress, that they could have no inquiry into its cause, nor any hopes of redress, was alarming; especially when the right hon. gentleman had confessed, that Ministers were not capable of the duties of their office (*hear*); that they could not settle conflicting interests; that they were not strong enough for adjusting opposing claims. The wood trade, the iron trade, and every different branch of our commerce, were opposing each other; and Ministers could not controul their demands, or place them under regulations for the public welfare. When a Government by its own avowal has been reduced to such a state of deplorable weakness that it cannot perform its functions—when it had not only been reduced to a number of clerks in office, but could not answer the woodmen and ironmen that came to oppose one another in the trade office (*hear, hear*)—it was high time for Parliament to step in and rescue the country from their hands, and inquire into the best means of redressing the grievances which it suffered from the Administration. He had, on a former night, given offence to a right hon. gentleman (the master of the Mint) by mentioning the opinions of an eminent master of the Mint of a former reign. He might now be excused for going a little farther back, and quoting the advice given by a great statesman, who, as he was a cabinet minister, and a lord chancellor, might expect a more favourable hearing. The great Lord Chancellor Bacon, in speaking of a state of things which might suggest the present times, had said, "that the best means of checking disturbance was to seek into the cause of the distress, which had arisen out of excessive taxation, diminution of trade, strangers in the land, customs and privileges, disbanded soldiers, and whatever tended to knit the discontented together." But he gave a warning against putting down discontent by turning the humours back upon the people, and causing a bleeding inward. (*Hear.*) He prayed Ministers not to turn back the humours upon the people, and increase the irritation that might be fatal. (*Cries of hear.*)

The House then divided:—

For the resolutions 69

Against them 118

—55

The House adjourned at one o'clock.

A LIST OF THE MINORITY.

Anson, Sir George	Lyttleton, Hon. W. H.
Atherley, Arthur	Mackintosh, Sir J.
Aubrey, Sir John	Madocks, W. A.
Babington, Tho.	Maitland, Hon. A.
Butterworth, Joseph	Martin, Henry
Bennet, Hon. H. G.	Martin, John
Baillie, James E.	Molyneux, H. H.
Baring, Sir Thomas	Monck, Sir Charles
Baring, Alexander	Morpeth, Viscount
Barnett, James	Moore, Peter
Brand, Hon. Thos.	Newport, Sir John
Brougham, Henry	North, Dudley
Calcraft, John	Ord, William
Calvert, Charles	Osborne, Lord F.
Carter, John	Ossulston, Lord
Cavendish, Lord G.	Ponsonby, Rt. Hon. G.
Cochrane, Lord	Prittie, Hon. F. A.
Duncannon, Viscount	Ridley, Sir M. W.
Ebrington, Viscount	Romilly, Sir Samuel
Fazakerley, J. N.	Rowley, Sir W.
Fergusson, Sir R. C.	Russell, R. G.
Fitzroy, Lord John	Sebright, Sir John
Folkstone, Viscount	Sefton, Earl of
Glenfell, Pascoe	Smith, John
Gosse, Sir W.	Smith, Samuel
Hammerley, H.	Smith, Wm.
Hill, Lord Arthur	Smyth, J. H.
Hughes, W. L.	Stanley, Lord
Hornby, Ed.	Teed, John
Lamb, Hon. W.	Vernon, Gran.
Langton, W. G.	Waldgrave, Hon. W.
Lemon, Sir W.	Wilkins, Walter

TELLERS—Macdonald James—Sharp, Richard

HOUSE OF LORDS.

Friday, March 14.

The Treason Bill, and Army and Navy Seduction Bill, were returned from the Commons with the amendments agreed to.

IRISH DISTILLERIES.] Earl Darnley presented a Petition from Belfast in Ireland, stating the distressed state of parts of that county, the scarcity of grain, and praying the stoppage of the distilleries. He should, perhaps, call the attention of the House to the subject, and specially with reference to the responsibility of Ministers for not having stopped the distilleries before this time. If he should submit any motion, it would probably be to call for the information upon which the Ministers had acted.

The Earl of Liverpool would be ready, when the subject came regularly before them, to explain the reasons which had actuated the conduct of Ministers; but he must now beg leave distinctly to deny the responsibility which the noble earl seemed to imagine attached to the Government, in relation to this subject. The corn trade ought to be free, if possible: that could not well be in the present circumstances

of the country; and if it could not be entirely free, it ought to be regulated by wise laws. Nothing could be more pernicious than the policy of calling upon Ministers to examine into the particulars of every harvest, and to act according to their discretion with regard to the distilleries, or to any other branch of business immediately connected with the corn trade. About three years ago, on a bill brought in by a noble lord (not now in the House,) these principles were stated, and in these he perfectly concurred. The legislature had enacted, that when the price of corn rose to a certain pitch, importation was to be permitted. Let the legislature, if it thought proper, adopt some such regulation with reference to the distilleries: but the interference of Ministers on a principle of discretion would most infallibly do more harm than good. Were they, at the close of every harvest, to occupy themselves in calling for communications, and listening to accounts from various quarters, stating, that in the north the crop had been defective; in the east good; and in the south and west indifferent; and then to act according to their own discretion, upon their responsibility? That could never be a good system. At the same time he did not say that a case might not arise in which it would be the duty of Ministers to interfere; but the propriety or necessity of such interference ought first to be very clear. So much as to the principle. If the subject were to be brought forward, he should be ready to state the reasons why Ministers had not interfered on this occasion.

After a few words from Earl *Darnley*, the petition was laid on the table.

HOUSE OF COMMONS.

Friday, March 14.

Lord *W. Russell* presented the report of the Wotton-Basset election committee. The return of the sitting member was confirmed.

NAVY ESTIMATES.] The House having resolved itself into a Committee of Supply,

Sir *C. Warrender* proposed, that the sum of 1,140,000*l.* be granted to his Majesty for the ordinary service of the Navy, for six lunar months, from the 1st of January, 1817.

Sir *M. Ridley* had some objections to granting money on account, as sometimes larger sums might be voted away, without examination, than was intended. He would not, however, oppose the present resolution. The estimates were to be referred to the Finance Committee. He would wait to see what that committee would do with regard to the offices in the Board of Admiralty, to which he had formerly called the attention of the House. If the committee did not abolish them, he would then oppose the supplies on this head. He had risen at present to say a few words about the hardships suffered by those who had been acting pursers of the navy, some of whom had re-

quested him to represent their case to Parliament. They had memorialized Government in 1816, without obtaining any redress. Their case constituted one of great hardship; and deserve the consideration of those connected with the naval administration.

Admiral *Hope* mentioned, that it was an old established custom in the navy to have only as many pursers as ships. In consequence of the reduction of our naval establishments, more than 400 ships were broken up. This, therefore, created a great number of supernumerary warrant officers of this class. The Government had taken their case into consideration, and allowed half-pay instead of a shilling a day, which was formerly given: but all could not be put on half-pay who had formerly been acting pursers. The persons to whom the hon. baronet alluded, were generally clerks who had been appointed pursers, for performing the duty on certain occasions. It did not follow that their temporary rank or emoluments should be confirmed to them after the specific service was accomplished, any more than that of other officers who held temporary appointments. He could assure the hon. baronet that the case of these persons had been under the serious consideration of the Admiralty, and that if nothing had been done for them it was from no want of inclination in that board.

Sir *C. Pole* bore testimony to the liberal disposition of the Admiralty, which he heard praised by all who had transactions with it. There were some parts of the estimates which would admit of reduction. He complained of the unequal distribution of pensions to the two services of the army and navy. The pensions to officers' widows in the navy had not been raised since 1794, although last year regulations allowing an increase of pension to the army had been made. *Mrs. Harvey*, the widow of Captain *Harvey*, had only 100*l.*, although her husband had died in 1794. In the army the case was otherwise. Last year, officers who had suffered loss of limbs or wounds at York-town, under General Cornwallis, had received the increased allowance. These regulations should be adopted in the navy. Salaries and retired allowances were very unequally distributed, some retiring in affluence, and others scarcely with subsistence. There were other parts of the naval estimates too much curtailed, and by that means, useful works interrupted, or slowly carried forward. He alluded to the small sum proposed for carrying on that great national work, the breakwater at Plymouth. Many unemployed hands might now be got to this work at very low wages, and to carry it forward with vigour would be both politic and economical.

Mr. *Croker* rose to answer a few of the observations of the hon. bart. The hon. bart. wished to see the offices reduced to the scale of 1792. He (Mr. C.) had no objections to this scale, and would argue the estimates down when they should be laid before the House.

The hon. bart. had said, that the paymaster of widows' pensions was a new office. This was a mistake: the office was a century old; although this officer being formerly paid from the sale of old stores, his salary did not come annually under the view of Parliament, and therefore might not be noticed by those unacquainted with his mode of payment. The hon. bart. had complained of the unequal distribution of pensions created by the different regulations in the army and naval service. At the proper time he (Mr. C.) would be prepared to shew that the two services were on the same footing. With respect to the breakwater at Plymouth, he could only say that the Admiralty were as anxious to complete that work as those who had the highest ideas of its importance. It could hardly be suspected that the same Board with which the plan originated, which had hitherto encouraged the execution, and had always held out the vast benefit that would result from its completion, would now needlessly obstruct its progress or impair its efficacy.

Mr. Lyttelton wished to make a remark on the liberality to the navy, as that had been eulogized. He could not concur in those praises, when he saw that officers of the navy on half-pay had to take an oath that they held no office. This was not the case with officers of the army. (*Yes, from the Treasury benches.*) Then he would say, that it was a regulation which should continue in neither service.

The resolution, that 1,140,000*l.* be voted for the ordinary service of the navy for six months, was then agreed to.

Sir G. Warrender rose to propose a resolution for a grant for the extraordinary service of the navy. He concurred with the hon. bart. (Sir C. Pole) on the importance of the breakwater at Plymouth, and the desirableness of bringing that great work to as speedy a termination as possible. The Admiralty encouraged and carried it forward with as much vigour and expedition as was consistent with a due regard to other undertakings and heads of service, which could not be neglected. When we were reducing our establishments and expenditure in every branch, it alone was not to be exempted from a proportionate reduction. The works at Sheerness were not supported on their former scale, any more than those at Plymouth. The most urgent head of expense was that connected with the repairs of ships, which could not be delayed without great loss. The proportional reduction of the sums expended on the breakwater was not greater than that in other branches. The hon. baronet concluded by proposing a resolution, that 780,715*l.* be granted to his Majesty for the extraordinary service of the navy.

Sir C. Pole repeated his former opinion about the breakwater at Plymouth, and professed himself unsatisfied with the explanations and arguments that had been stated on the subject. Eighty thousand pounds should have been proposed for that work.

Admiral Hope suggested, that more work

would be done for 40,000*l.* this year, than on any former year since the commencement of this undertaking.

Sir C. Pole explained. He had heard that applications had been made for a more vigorous execution of the work.

Sir J. Newport thought no saving should be made by interrupting so great a national undertaking as the breakwater, and thus suspending the benefits which its completion was calculated to afford: only 20 or 30,000*l.* would be saved, and for this small saving the execution of a work which was to be of such consequence to our navy was to be neglected. It had been already of great service in a late storm. If only one vessel could be saved by it, we had a motive for hastening its completion.

Sir G. Warrender explained.

The resolution was then put, and carried.

A resolution then passed for 142,500*l.* for the transport service.

GAME LAWS.] The House went into a Committee on the game preservation bill.

Sir E. Knatchbull, in the Committee, proposed a clause to make the bill applicable to Scotland.

Sir C. Monck never heard that there was any difficulty in executing the act of last session. The present bill did not include any clause repealing former acts, which the act of last session had repealed. It was not well drawn up.

Sir E. Knatchbull stated, that it was not his intention to press the final passing of the measure at this period.

The blanks of the bill were then filled up in the committee, and the report ordered to be received that day fortnight.

SEDITIONOUS MEETINGS BILL.] The *Solicitor-General* having moved the third reading of this bill,

Sir M. W. Ridley observed, that when the House was called upon to vest extraordinary powers in the hands of his Majesty's Ministers, strong and satisfactory reasons should be adduced for such a proceeding. It was to be expected, that the facts on which they relied should be fully set forth in the preamble of the bill, and that no doubt should exist as to their correctness and authenticity. The circumstances recited, however, on this occasion were untrue, and were a libel on the character of the people. He defied the hon. and learned gent. to prove the truth of these allegations. The preamble declared, that divers assemblies, under pretext of petitioning for a Reform of Parliament, had been converted to purposes of sedition, and had produced acts of violence and disorder. He now asked, in what instance, and in what part of the country, this had been the case. When he looked to the numerous meetings held for the purpose of petitioning, in every part of the kingdom, he saw that the utmost regularity uniformly prevailed, and every hon. member who, on either side of the House, had presented these petitions to Parliament, had borne testimony to the orderly and peaceable demeanour, as well as to the unanimity, of the petitioners. He

thought it too much, therefore, on account of one or two instances of riot, to pass this sweeping declaration of general disloyalty and disaffection. He did not mean to assert that there was no disaffection in the country; some instances of it had appeared; but he felt convinced that it proceeded from no other cause than the feeling of severe distress. He had heard, however, of only one case, with respect to which they had all heard a great deal, in which, under pretence of assembling to exercise the right of petition, the conduct of the meeting was disgraced by tumult and outrage—he alluded to the meeting in Spafelds. Even in that case, he rejoiced to observe, that the enforcement of the existing laws had proved sufficient to put down the evil. The present Lord Mayor of London and an hon. Alderman had, as it were, by their own personal exertions, stopped the career of riot, and dispersed the authors of the tumult. In so doing they had merited the praise and gratitude of their fellow-citizens, and had practically demonstrated the efficacy of the present laws when duly executed. The melancholy occurrence which took place only two days ago, and with reference to which it was natural to apprehend mischief from the temper of the populace, was an additional proof of that spirit of obedience to the law which he believed to prevail in the public mind. The punishment which was then inflicted would indeed, in his opinion, have been calculated to produce a more salutary effect if it had been sooner carried into effect. Delays of this kind were not only prejudicial to the ends of justice, but injurious to the feelings of humanity, inspiring, as they naturally must, unfounded hopes in the minds both of the prisoner and of his friends. Calling, however, as the spectacle then exhibited must have been to the feelings of the crowd assembled, nothing escaped them beyond the expression of those emotions which it was of a nature to excite. If he referred to the disturbances in the country, he saw no reason for imputing them to meetings professed to be called for the purpose of petitioning. Those which had taken place recently in Somersetshire, originated in distress, and had no other object than to obtain, however irregularly, some relief. When tumult and insurrection had broken out, the laws had afforded an adequate remedy, and rendered it utterly unnecessary to strengthen the hands of Government at the expense of the Constitution. He had heard of the mayor of Liverpool refusing to call a public meeting, notwithstanding a requisition most respectably signed, from an apprehension that disorder might take place: but if the rights of the subject could be already sacrificed to the unfounded opinions or irrational fears of a magistrate, what might not be expected to take place, when he should be armed with these new and extraordinary powers? (*Hear, hear, hear.*) In the hands of some it might be found a very convenient instrument for the gratification of private feeling, and the accomplishment of private purposes. It appeared to

him, that the doors of the House could not be too widely opened to the reception of petitions; and that, at a time of so much suffering, it was particularly unadvisable to throw any additional impediments in the way. Many of the clauses in this bill he thought highly objectionable; but he considered all attempts to modify or alter them hopeless, when he found that his hon. and learned friend (Mr. Brougham), after the full and incontrovertible statement which he had made on the preceding night, had not been able to carry his first resolution. He referred especially to the clause which applied to every meeting at which any matter respecting the Government should be propounded; a clause which appeared to him to be almost tantamount to the depriving people of the use of their faculties and tongues. He observed, too, that the bill was partly permanent and partly temporary: to him it seemed that it would have been better to have divided it into two distinct measures. To the clause respecting the Spenceans he had no objection; but he would take this opportunity of observing, that there was about 20 years ago a club, called the Philosophical Society at Newcastle, of which Mr. Spence was a member, and he there read his pamphlet previous to its publication. Little notice was then taken of it; but on its publication Mr. Spence was expelled from the society, and was subsequently induced to retire altogether from the town. He was desirous of stating these circumstances in consequence of some remarks in an anonymous work (the *Quarterly Review*), and in justice to a society now existing in the same town, and under the same name, but entirely distinct from that of which Mr. Spence had been a member. It was also proper to state, that their librarian had been dismissed from his situation, in consequence of having published a seditious parody. To return to the bill now before the House, he felt it his duty to oppose its passing into a law, containing, as it did, so many unjustifiable provisions, and so wholly uncalled for by the existing circumstances of the country. He had heard of the rise in the price of the funds being ascribed in another place, to the suspension of the Habeas Corpus Act, and he presumed that the improvement was expected to be promoted by the enactment of the present bill: but, even though this should be the fact, he should be sorry for it to take place at the expense of the liberties of the country. On these different grounds he should propose as an amendment, to leave out the word "now," and insert after the words "be read a third time" the words "this day six months."

Sir J. C. Hippisley declared his conviction that the disturbances in Somersetshire had arisen in a great measure from the dissemination of mischievous and wicked principles. The great body of the labourers, however, in that part of the kingdom, he believed to be sound; and that there was not, upon the whole, a more loyal county in England.

Mr. W. Smith contended, that the remedy provided by this bill went far beyond the ne-

cessity of the case. The reports of the two Houses he considered as the pillars upon which it rested, and as that of the Committee of the other House had been laid on their table, he might be allowed to refer to it. He observed, that it accused those persons who supported the principle of universal suffrage of a design to subvert the British Constitution. It appeared to him, that this was to charge these persons with a very heinous crime, and that it ought not, therefore, to have been advanced on slight grounds. He believed it to be an accusation, the truth of which it was impossible for the Committee to prove. Several different towns and cities were named, as places in which this design was supposed to be entertained; and amongst others, Norwich, the city which he had the honour to represent, was included. He felt it to be his duty to his constituents, and to the country at large, to repel assertions which were so well calculated to create alarm and confusion, coming as they did from such high authority. It was evident that pains had been taken to connect the two offences of blasphemy and sedition, and to represent them as disguised under the cause and principles of Reform. Upon this subject, therefore, he had a very singular letter in his possession, which he had received from a respectable individual at Norwich, and which might, perhaps, explain the reason of that town having engaged the attention of the Committee. Here the hon. member read the letter, which stated that a hand-bill had been sent to Lord Sidmouth from Norwich, containing a blasphemous parody on the Nicene creed. This parody had been, in point of fact, published 25 years ago, and issued from a jacobinical society, of which the person who sent a copy of it to Lord Sidmouth had been a member. (*Hear, hear.*) It had been recently republished by a starving printer, who was an old and well-known adherent of the Court party, (*hear, hear.*) and was hawked about by people in his employment, for the purpose of putting a little money in his pocket. This was the production which had been submitted to Government as a fair specimen of the political and religious state of the people of Norwich. He had stood several contested elections for that city, in which he had had the good fortune to be successful, and had succeeded upon what was called the opposition interest. Having examined the different poll-books since 1802, he had found the name of this printer regularly among the votes for the ministerial or court candidate. He would not give his name to the Attorney-General; but if he should be selected for prosecution, would be perfectly willing to declare, in mitigation of punishment, that he had always voted against him. He did not think it dishonourable for any man to change his early sentiments, when the change arose out of mature reflection, and appeared not be connected with any interested motives; but if there was one thing more disgusting and offensive than another, it was the heat and malignancy of a renegado. (*Hear, hear.*)

The hon. member then proceeded to read the following passage from the poem called "*Wat Tyler*:"

"My brethren,—these are truths, and weighty ones:
 "Ye are all equal; nature made you so.
 "Equality is your birth-right. When I gaze
 "On the proud palace, and behold one man,
 "In the blood purpled robes of royalty,
 "Feasting at ease, and lording over millions:
 "Then turn me to the hut of poverty,
 "And see the wretched labourer, worn with toil,
 "Divide his scanty morsel with his infants;
 "I sicken, and, indignant at the sight,
 "Blush for the patience of humanity."

No doubt the author of these lines was very sincere in the sentiments he had thus expressed: but when the House heard the following passages, which occur in the 11th article of the 31st number of the *Quarterly Review*, who could believe that they were written by the same hand? "When the man of free opinions commences professor of moral and political philosophy for the benefit of the public,—the fables of old credulity are then verified—his very breath becomes venomous, and every page which he sends abroad carries with it poison to the unsuspecting reader. We have shewn, on a former occasion, how men of this description are acting upon the public, and have explained in what manner a large part of the people have been prepared for the virus with which they inoculate them. The dangers arising from such a state of things are now fully apparent, and the designs of the incendiaries, which have for some years been proclaimed so plainly, that they ought, long ere this, to have been prevented, are now manifested by overt acts." He (Mr. Smith) could read many other passages from these works equally strong on both sides; but, if they were written by the same person, he should like to know, from the hon. gent. opposite, why no proceedings had been instituted against the author? The poem "*Wat Tyler*" appeared to him to be the most seditious book that was ever written: its author did not stop short of general anarchy: he vilified kings, priests, and nobles, and was for universal suffrage and perfect equality. The *Spencean* plan could not be compared with it: that miserable and ridiculous performance did not attempt to employ any arguments; but the author of "*Wat Tyler*" constantly appealed to the passions, and in a style which, at that time, he supposed to be eloquence. Why, then, had not those, who thought it necessary to suspend the Habeas Corpus Act taken notice of this poem? Why had not they discovered the author of that seditious publication, and visited him with the penalties of the law? (*Hear, hear.*) The work was not published secretly, it was not handed about in the darkness of night, but openly and publicly sold in the face of day. It was at this time to be purchased at almost every bookseller's shop in London: it was now exposed for sale in a bookseller's shop in Pall-mall, who pretended to be a bookseller to one or two

of the Royal Family. (*Hear, hear.*) He borrowed the copy, from which he had just read the extract, from an hon. friend of his, who bought it in the usual way; and, therefore, he supposed there could be no difficulty in finding out the party that wrote it. (*Hear.*) He had heard, that when a man of the name of Winterbottom was confined in Newgate, the manuscript had been sent to him, with liberty to print it for his own advantage, if he thought proper; but that man, it appeared, did not like to risk the publication; and, therefore, it was now first issued into the world. (*Hear.*) It must remain with the Government, and their legal advisers, to take what steps they deem most advisable to repress this seditious work, and punish its author: in bringing it under the notice of the House, he had merely spoken in defence of his constituents, who had been most grossly calumniated; and he thought that what he had said would go very far to exculpate them. (*Hear.*) But he wished to take this bull by the horns. (*A laugh.*) Much had been said on the existence of a Hampden Club in London; but what were the names of some of the persons who belonged to the Hampden Society? One of them was Major Cartwright; another was a very respectable man, an officer in his Majesty's Government, a very near neighbour of his in the country; another, who was also his neighbour, was descended from one of the oldest families in England, and possessed about 10,000*l.* a year landed property. (*Hear.*) This club, so constituted, was known to many of his Norwich constituents, who sent up two or three delegates to attend a meeting in London; but he had no hesitation in saying, that when those persons came up to the club, and did not find those gentlemen whom they knew and expected, they turned upon their heels and went home. This was the only ground upon which his constituents at Norwich had been mentioned in the Report; and he would now ask the House, whether they had not been most unjustly dealt with? (*Hear.*) The penalties of this bill were wholly disproportionate to the offences its authors wished to prevent. He had the authority of his hon. and learned friend who sat near him (Mr. Ponsonby) for saying, that all he saw in the Committee did not warrant the measure before the House; and, therefore, he should vote for his hon. friend's motion, for postponing the further consideration of the Bill. (*Hear.*)

Mr. C. W. Wynn was surprised that the hon. gent. had thought fit to amuse the House with a criticism on two anonymous works. Whether the article in the Quarterly Review, and the poem, were the productions of the same author, he did not know; but what had they to do with the question, or with the hon. gentleman's constituents at Norwich? He had heard, that the poem was written when the author was very young; and should he be bound all his life to hold the same opinions? If his arguments were wrong, they might be met by arguments on the

other side; and the controversy would be carried on with better advantage out of doors, than by personal reflections in a place where the author could make no answer.

Mr. W. Smith said, he did not wish any man to be blamed for a change of opinions: what he complained of was, that a man, after he had changed his opinions, should use the most violent and scurrilous language against those who now entertained the same opinions. (*Hear, hear.*)

Lord W. Russell could not refrain from expressing his astonishment, that his hon. friend below him (Mr. Wynn) should say, that the arguments of his hon. friend (Mr. W. Smith) did not bear upon the question. That hon. friend had very properly argued from the state of the country, and from the grounds which the promoters of the bill had advanced. As for himself, he was not ready to surrender to any man, not even to the dearest friend he ever had, the liberties of the people of England. (*Hear, hear.*) The Report had been framed upon *ex-parte* evidence; it was unsupported by any documents whatever; it by no means justified the introduction of this bill; and could not fail to excite the greatest dissatisfaction in all classes of the people. He was not a young member of Parliament; he had sat in that House many years; and he felt great pleasure in declaring, that he had never before seen so desperate a remedy applied to the wretchedness and distress of this country. (*Hear, hear.*) Where would the framers of this measure—where would those who promoted the suspension of the Habeas Corpus Act, wish to drive us? Despotic power was now to prevail, and the rights of the people, for whom alone all government existed, were extinguished. (*Hear, hear.*) "Sir, we are now in such a condition, that we cannot part with any more liberty. Let us look to the circumstances under which, at any former time, the Habeas Corpus Act, and that glorious privilege of Englishmen, the trial by jury, have been suspended: and then let us ask, whether the adoption of similar measures are warranted by the present state of England?" (*Hear, hear.*) The noble lord then proceeded to review the circumstances of the country in 1689, 1715, 1745, and 1793, and asked, whether any man in his senses, could compare them to the existing state of things? The Lord Advocate had stated, on a former night, that a seditious oath had been taken by several persons at Glasgow. Why, then, had not Parliament been called together sooner? Why did Ministers wait till they could work up a sort of plot? He had heard it stated, that the police officers would sometimes neglect to do their duty, under the expectation of being able to increase their fees: and Ministers, no doubt, had been influenced by a feeling, that, in attempting to call the House together, they should be able to shelter themselves from the irritation which their measures had produced. (*Hear, hear.*) but their criminal negligence and arro-

rance (*hear, hear*) ought not to pass unnoticed; and, least of all, should the representatives of the people consent to surrender the liberties of the country. (*Hear.*)

Mr. Finlay said, that the meetings in different parts of the country had produced great mischief; and might, if suffered to be assembled as before, be extremely dangerous to the peace of the community. It was better, he thought, that a part of our liberties should be surrendered for a time, in order that we might guard the whole; and he would rather trust his Majesty's Ministers with this suspension, than those who were endeavouring to set the country in a flame. (*Hear, from the Opposition.*) He certainly did not agree with the Lord Advocate, that there were any respectable persons concerned in the proceedings at Glasgow; they were the lowest possible characters; and, therefore, what the learned lord had stated, could not have been from good authority. As to a magistrate refusing to call a public meeting, it was a wise and proper part of his duty to do so, when he received information that a meeting would be attended with danger. In this bill, however, there was nothing to prevent meetings from being holden, provided certain regulations, which would operate as a security, were obeyed. He thought the measure wise and necessary, and should therefore give it his support.

Sir Samuel Romilly expected to have heard some gentleman on the other side state the grounds upon which they meant to support the bill; but he found they were content to have it passed in a House much thinner than any in which a measure of such importance ought to be discussed. He should not, however, be deterred by this circumstance, from stating his opinions. He considered the meetings of the people, as one of the most important parts of our Constitution. It was owing to these meetings that Englishmen possessed the high character they had acquired above all other people in the world. It was owing to this privilege that they entertained so warm an affection to the Government and Constitution of the country: and it was impossible to restrain the power of the expression of public opinion, without diminishing that attachment to the Constitution, and taking away that affection to the Government, which was one of the noblest characteristics of the people. These public meetings had often produced the greatest benefits to the country. What, he would ask, had prevented Ministers from renewing the property tax? If it had not been for the public expression without the doors of that House, that most oppressive and vexatious tax would have been superadded to the present great and almost intolerable burdens.—(*Hear.*) And what had obliged the King of France to discontinue the abominable African slave trade? It was the popular expression out of doors, which extended the laws of humanity to the farthest quarters of the globe. The House recall this glorious circum-

stance to their recollection: let them remember, that it was not the representatives of the people, but the people themselves, out of doors, who compelled the French Government to give up that odious traffic. (*Hear.*) The House was not then acting upon the confidence they reposed in the secret committee, whose report was said to be founded on secret evidence. The question before them was, what had been the evil of public meetings, what the danger of private societies; of oaths that had been administered, of writings that had been circulated? Now, in order to form an opinion on this question, they had all the same means of judging as the secret committee. Were not all the proceedings of these meetings published in all the journals, and circulated through the country? Had not every member, therefore, an opportunity of ascertaining what had passed at those meetings, and what resolutions the people had adopted? And what was the danger? Meetings had been held in every part of the country; but no where was there any disturbance, except, in one solitary instance, in the metropolis. It was true, that a disposition to tumult would always exist among the poorer classes whenever they were pressed with any great distress. Their situation was then so bad, that it could not be worse; and they were ignorant enough to think, that by tumult they might render it better. A disposition to tumult also often existed in the heats that were occasioned by misled religious enthusiasm. But though the present distress exceeded all bounds—though in many instances it had driven the sufferers to the commission of felonies, and other breaches of the laws, yet at none of the meetings that had been called had any tumult arisen. Whether this peaceable demeanour was a consequence of the general diffusion of knowledge, or of any other cause, he would not decide; but the fact was, that there had been no tumult at any of the meetings called on the subject of Parliamentary Reform, or other subjects. In the first assembly at Spafields, there had been some acts of violence, such as were often committed in a great metropolis: but it was very doubtful if they were connected with the object of that meeting. At the second meeting, it appeared, that there were persons desirous of exciting tumult, and who had absolutely reckoned on the possibility of disorder: but so falsely had they reasoned—so ill had they calculated, that though the greatest excitements were held out—though flags were displayed and leaders offered, they could only inveigle a few miserable wretches to follow them: and in vain attempted a general insurrection. He did not mean to say that meetings on those occasions were harmless, or that no restraint ought to be laid upon such assemblies; in fact, he thought, that obscure persons should not be permitted to call meetings for the purpose of taking the chance of whatever might result from them. He agreed with the bill in this respect, that seven householders at least

should be requisite to call a meeting; he might have thought, that even a greater number might have been named; and if farther it had been ordered, that these meetings should not be adjourned from time to time, to the terror of the peaceably disposed persons, he should have had no objection. But what did this bill effect in the main? Instead of calming, it seemed as if calculated to provoke and inflame the people. It provided, that if seven householders should call a meeting by notice, and inadvertently let it appear that they called it for the purpose of effecting a change in the Government, the magistrates were not to prevent such meeting; they were to suffer the people to come together, and then, after an hour had elapsed, the justice of peace, who before-hand had seen that it was an illegal meeting, was to disperse the assembly, and that with the terrible power of inflicting death, if the dissolution did not take place instantaneously. The second provision enacted, That any one magistrate should attend, and as soon as he heard any thing likely to excite hatred or discontent towards his Majesty's Government, (a learned sergeant had said, as soon as he believed there was an intention of that nature,) he might proceed to take into custody the individual that attracted his notice; and if that person, perhaps some infirmed and misguided individual, made any resistance, (not individual resistance, said Lord Castlereagh) individual resistance according to the words of the act; and if the people did not instantaneously disperse, they were to incur the fearful penalty of death. Now this, he maintained, was a deliberate cruelty, to permit a meeting of this nature, and after the parties were heated past the power of reflection, to consign to the punishment inflicted on the most atrocious and deliberate offences, individuals who were perhaps called together, and met in the vain but anxious hope of procuring by a petition, immediate relief from Parliament for all their distresses: "little thinking, perhaps, (said the learned gentleman) that we should pass on to the order of the day." The noble lord had said that this bill contained no more than what was the law already—that a justice of peace, if he heard any thing seditious uttered, might take the party offending into custody. If this was the law, he could only say, that a similar bill passed when some of the most distinguished men who ever sat in that House were present, Mr. Pitt, Mr. Fox, and lawyers of the highest eminence; and so extensive was the innovation then deemed, that it called forth the most anxious discussion; and was considered one of the most important measures that had ever passed through the House; and was very far from being regarded with the apathy which seemed to attend it at present. The bill itself was most curiously framed; there was one clause which pointed out what the duty of magistrates should be on these occasions, and never had there appeared such a master-piece of legislation! "Every justice of

peace is hereby authorized to do all that which he is authorized to do," all that which by law he was otherwise unable to do; so that the unfortunate magistrate who looked to this act for his instructions, would find them rather indefinite—"that he had power to do what he had power to do." It might be said, that a former act contained the same words; but if mischief ensued from this want of precision, it could be no justification that the same expression existed in an act passed 21 years ago. But it was because this act pointed out too clearly what magistrates were encouraged to do, that he rather altogether refuse it his support; for although persons assembled together above the number of 12, had been under former acts liable to severe punishment if they failed to disperse on a momentary summons, yet he could not esteem that any foundation on which the present measure could rest with propriety. It had been said on a former occasion, that this act was copied from the riot act, and the riot act had been held up as an established and constitutional law; it was possible that act might have produced good effects, though this was exceedingly doubtful; but the present act did not in any way proceed on the riot act, for that was directed against those who had been already criminal—who, after an actual breach of the peace, were still riotously assembled. That was an offence for which they might have been legally indicted before the act passed: he desired not to be understood as making an attack on the riot act. The Solicitor-General had stated, that that act had been found exceedingly useful, inasmuch as no person had ever been executed under it. Indeed, it might be considered to have had excellent effects, if it had ever prevented riots; but since that act, and as if in defiance of it, we had seen the most dangerous riots that ever had existed since the time of Charles I., and in which the act had been altogether insufficient. In the year 1788, the riot act was not even read—not from any apathy on the part of the magistrates, but because the riots were so formidable that it had been vain to attempt the reading, and even the terror of the act was absolutely null. Indeed, for the most part, people never knew whether the act was read or not, the reader being inaudible in the tumult, whenever the reading was rendered necessary; so that any established signal which could speak to the eyes would be in all cases more effectual.—Again, the riots at Birmingham, in 1793, lasted a fortnight or three weeks, in defiance of the riot act, and with unrestrained control. The reason, therefore, given by the Solicitor-General, to shew that the act had been useful, namely, that no person had been executed under it, was altogether fallacious; for he meant to infer thence, that the act had succeeded in preventing or dispersing meetings in time, and to the occurrence of violence, and the consequent necessity of punishment, which had notoriously not been the case. But, at all events, that act

was no authority for inflicting so severe and cruel a punishment on parties engaged in popular assemblies as was now proposed. Besides, the penalties inflicted by the riot act were worse than nugatory; for we knew, that unless juries were constituted very differently from what they were at present, and ferocious prosecutors arose such as never had existed, the punishments menaced would never be carried into execution. As far as the Spenceans were concerned, the bill was all in vain. The poorer orders of the people had, if possible, the greatest interest in the security and inequality of property. However they might partially and for a time be blinded to the knowledge of this incontrovertible truth, by ignorant and presumptuous enthusiasts, the certainty of it must, in the long run, be brought home to their conviction. But they could only be taught this by reason; and the more extensively they came to be educated, the more they would gain a chance of weighing the productions of enlightened men, against the unmeaning nonsense with which it was sometimes attempted to mislead their understanding; but if they did not arrive at the perception of this great truth by reason, they could be no more taught it by force, than a fortified town could be taken by syllogisms. He would say with the noble lord (Russell) whose ancestors had acquired immortal glory by the exertions and fortitude they had displayed in defending the Constitution of the country, that we had parted with enough of our liberties already; and there never was a time when those liberties were more valuable or more necessary. After the lives we had spent, the treasure we had exhausted, and the protracted sufferings we had endured—after we had attained all the objects for which it now appeared this *glorious* war had been commenced, we had relinquished personal security, in giving up our Habeas Corpus Act, and boasted trial by jury—we found our manufacturers starving, and our revenue unequal to our expenditure—we had forfeited our ancient character for hospitality in a peace alien bill, which subjected every foreigner who might visit the country, from motives of traffic or curiosity, to the caprice of a few individuals—and lastly, we were called on to stop the meetings of the people, and deprive them even of the consolation of complaint.

Mr. B. Bathurst, after enlarging on the circulation of blasphemous and revolutionary pamphlets, and on the danger which the country incurred from their probable effects, proceeded to answer some observations that had been thrown out by an hon. member, touching certain societies at Norwich. He considered the avowed objects of those societies (Universal Suffrage and Annual Parliaments) as extremely dangerous; but he had never imputed to them doctrines which they did not hold; nor had he or the committee involved them in the culpability of the blasphemous productions that had been forwarded to Ministers from Norwich. He then contended, that the Report was justified

in all its expressions, and that the members of the committee had not in any way been imposed on. It appeared to him, that gentlemen on the other side could not have read the Report. (*Loud cries of hear from the Opposition.*) He did not understand what the applause bestowed on him meant; but still thought, that at least the Report could not have been duly weighed on the other side. With respect to the bill, all meetings called by regularly constituted authorities, were left as free as ever, provided no tumult arose. As to the clause respecting the dangers from societies intending the total subversion of establishments, and the division of property, he must refer to the Report of the Committee. Gentlemen who came from parts of the country where such societies existed, might not know of the secret proceedings and objects, and therefore might think the Report false. He protested against that sort of counter argument. The mass of the people were sound, but there might be a sufficiently numerous class to be worked upon by designing men, and driven, through public distress, to most dangerous agitations. The measure was for the people's protection. The feelings of the respectable people at large were changed, in the sense of security of property, since Parliament had taken the case into their own hands. The principle of the measure was to deter offenders, when crimes involved multitudes in their consequences. Arguments from the riots of 1780 were not applicable. Many meetings lately had proceeded to no outrages; but that was, for the present, a part of the system; but they were to look to what was done by the assemblies in London. Why did the people at Manchester look for intelligence about the attacks on the Tower and the Bank? This gave a character to these meetings, and was a confirmation of the system. The power given to magistrates to resort to the meetings was the power of being present at them. They should, therefore, have power to fix on the individuals exciting disturbances; and they should have a law to back them, if the meeting remained too long, and was tumultuous. They had a full hour to consider that question. Suppose the Spenceans advertised a meeting for their dangerous objects, it was necessary magistrates should know it, and have power to stop it, even if commenced. The bill was not intended to incommode scientific societies; but it was right to know what was to be lectured upon, and not to open out the whole field of history and politics. Therefore, a licence had been rendered necessary. Universities, corporations, and chartered bodies, were all preserved in their rights; but the bill operated against societies practising certain oaths, and practising certain arts and means for forcible attendance, for the subversion of all property, which went to produce confusion, plunder and bloodshed. Something was called for, applicable to such dangers, from societies so pernicious, branching out into all the villages, and operating on those who were either inten-

tionally or unintentionally led to do wrong. To prevent this, the bill was brought in; and to protect others, who would be thankful to Parliament for it.

Sir *Samuel Romilly* explained, that he did not say the Report was unimportant, but that he alluded to this bill for preventing seditious meetings; on which the committee could have no evidence that was not before the world. As to the Spa-fields meeting, it appeared that, though attended by large numbers, the conspirators did not compose it; but that a conspiracy was formed, looking for daring leaders to avail themselves of that meeting; who were disappointed.

Mr. *B. Bathurst* explained.

Mr. *Ponsonby* said, that the declaration of Mr. Finlay, that the men implicated in the disturbances at Glasgow were none of them above the lowest order, gave him much satisfaction, as he had understood the Lord Advocate to intimate that persons above that class were concerned. He denied the opinion of the right hon. gentleman (Mr. *B. Bathurst*) that the committee had called for this measure. It was expressly and unanimously agreed in the committee to recommend no measure, but to leave it to the Executive Government. Parliament had agreed to three laws, one of which, he thought, ought never to take place but in a case of imminent hazard to the State. As to the nature of the conspiracy, he could not speak freely; for it was impossible, with any regard to public justice, to do so; but he conceived it to exist only among the lowest orders, worked upon through their great distress by some persons, and not participated in by the people at large. Such a conspiracy he believed no government could know of, particularly one so strong as the English Government, without possessing the means of immediately overthrowing it. It was not like one in which persons of power, education, and property were concerned; this was confined to the indigent and lowest. He believed it was desirable at the present moment to put some restraints on these public meetings, of which the greatest mischief arose from the abuse made of them. The chief argument was, that a few men could create the mischief; and it appeared right that those who called these public meetings should be known and responsible, and that the magistrates should be acquainted therewith; nor could he perceive any harm to the subject in preventing the adjournment of such meetings from time to time, and from place to place: nor did he say that magistrates should not have power to enforce the law: but he objected to the discretion given by the bill to one single magistrate. It was too much. It had been proposed to insert "two" for one magistrate, but this was refused. One magistrate's discretion could not be sufficient. It was highly objectionable to give to one magistrate the power of dispersing or of seizing on individuals, and thereby of construing what was

he bringing into contempt and hatred the Government and Constitution, and of afterwards acting on his own judgment. Reflect on the powers this would give to one magistrate. Suppose the subject of the meeting to be for Parliamentary Reform, or for dismissing the Ministers of the day, the magistrate of some borough in which he was peculiarly interested, and who was generally friendly to the existing administration, would have a power which he could direct to his own views, by which he could enforce the penal parts of the act. He admitted, that there could be no toleration for societies which administered unlawful or secret oaths: for what need had they to do so if they were proceeding fairly and honestly? To what related to that, he did not object. But indeed this bill should have been divided into two parts, or two bills, in each of which the sense of Parliament could have been distinctly taken; which would have been more advisable both for Parliament and for the country. These were his sentiments. Part of the bill he approved: and part of it he disapproved, particularly the power given to one single magistrate to enforce the penal parts of the law.

Mr. *Sergeant Best* observed, that the only apparent mode of preventing these mischiefs was to empower some person to do so. As to one magistrate having that power, it might be better that two should be requisite: but meetings might often be held in many places in the country where there would be the greatest difficulty in getting more than one on the immediate occasion. Therefore this provision appeared to be necessary. This power was conferred under peculiar circumstances, to repress or prevent measures tending to subvert the Government and Constitution. He contended that the clauses were not of the absurd nature represented by his hon. friend (Sir *S. Romilly*): the bill was not to give magistrates powers they before possessed: the difference between the law as it stood, and the law as it was now proposed to be, was, that it gave the magistrate power to attend at meetings where he suspected that seditious language would be employed. He held this to be a most important distinction, as it went to the very root of the recent disturbances; which could not have occurred, had any magistrates possessed the powers now about to be communicated.

Mr. *Calcraft* observed, that the assertion of the hon. gentleman who spoke last, that in corporate towns it might be very difficult to procure the attendance of two magistrates to prevent sedition, was very unfortunate, since it was precisely in such places, abounding in individuals in the commission of the peace, that their presence could be secured with the greatest facility. He could not consent to communicate these additional powers under any circumstances, but least of all would he leave it to the discretion of a single individual. Did the House forget, that the removal of a pauper or the

of a pot-house could not be effected without the signature of two magistrates? and would it consent that the most important right of the people of England should be placed at the mercy of only one? (*Hear, hear.*) He maintained, that the patience of the people under their severe deprivations deserved the highest eulogium, instead of being rewarded by a measure most odious in itself, and most repugnant to the spirit of the Constitution. What case had been made out to warrant such a proceeding? The meetings throughout the country had been more frequent and more numerously attended than at any former period, and the topics discussed were of the most irritating nature: but only in one or two instances had the slightest disturbances prevailed; and all gentlemen who had spoken had borne testimony to the tranquillity of their own vicinity: it was only when they indulged in conjectures as to situations of which they could know nothing but by report, that their fears seemed alarmed at the picture their own imagination had drawn. The meeting in Spafields, it was true, had ended in a riot; but its insignificance was proved by the facility with which it was suppressed. Ope flag had been hoisted, one waggon had been hired, and one man had summoned the Tower to surrender. Nay, it was even a disputed point whether the Tower had ever been summoned at all. He appealed to the good sense of the House, whether these proceedings warranted, not only the suspension of the Habeas Corpus, which Ministers had obtained, but the revival of the gagging bill? Surely the first was amply sufficient to meet the danger so much dreaded by Ministers, without the additional aggravation of the miseries of the people, to be told that they were not at liberty to complain. To some of the minor provisions of the bill before the House he did not object; but as Ministers refused to make any separation of the clauses, he should vote against the whole measure.

Mr. P. Moore protested against the bill on the part of the whole nation. He had lived long enough to see three green bags opened with the same pomp as that recently exhibited; and they had all ended in an abridgment of the liberties of the subject. He was proceeding to refer to the loyal conduct of the inhabitants of Coventry in the reign of Charles I., and to remark upon the ridiculous nature of the pretended conspiracy disclosed in the Report of the Committee, which he said was a libel upon the nation, when he was interrupted by the impatience of the House.

Mr. Canning.—Although the clearest exposition of the nature and purpose of the measure had been afforded on its introduction, and although every argument and objection had been refuted and removed as they had been started in the course of debate, he could not allow the question to be put without first explaining the grounds upon which he rested his determination

to give it his support. He did not vote in its favour, because it abridged or restrained that invaluable right of the people to petition, upon which one hon. and learned gentleman had pronounced so warm and so laboured a panegyric; on the contrary, it received his heart-felt concurrence, because it afforded the most important protection to that right; and for its legitimate purposes, preserved it from abuse and pollution. That hon. and learned gentleman (Sir S. Romilly) was not to be told that as, by some mysterious operation of Providence, evil was often productive of good: so, on the other hand, from the greatest good sometimes proceeded the most fearful and permanent evil. He had commenced by calling the attention of the House to the success with which the petitions against the property-tax were attended, in the last year, against the pre-existing disposition of Parliament: that, indeed, might fairly be adduced as an instance of the true and just employment of the subjects' right to influence the deliberations of their representatives, and in contradiction to the scandalous calumnies now afloat. It established, beyond question, the existence of a powerful sympathy between the members of that House and the great body of the people. (*Hear, hear.*) Yet, how had this reference touched the bill now in progress? Could he or any man shew that the process of legitimate remonstrance by the people was not as easy, after this measure should have received the sanction of the House as before it? Pass this bill, and let another subject arise on which the country could properly be required to express its sentiments, and it would be found that the people had not lost one particle of their influence; nor had the constitutional mode of exerting it been in the slightest degree infringed. Instances of possible abuse of this power might be stated, but it would be found much more difficult to prove them; for was it to be believed for a moment, that a magistrate, in the eyes of his neighbourhood and in the face of his country, watched by the most jealous observers, would dare to forsake his duty for the sake of serving a political party? The assertion, that this measure was adopted in order to deprive the nation of the little liberty left to it, had been repeated and refuted so often that the imputation became disgusting from its staleness: he (Mr. Canning) gave it his support on behalf of the people of England—to interpose a barrier between them and their deluders—to erect a temporary guard between them and their bitterest enemies—to check the progress of infection, and by drawing a line of demarkation, to stop the ravages of this most malignant pestilence. (*Hear, hear.*) Those who had hitherto employed themselves in disseminating poison would now find their purposes defeated, and the people of England, sound at heart, and with all the seeds of virtue and greatness within them, when the disguise was removed, would discover and abhor those, who, taking advantage of tem-

porary difficulties and warm feelings, had used every artifice to stir them up to tumult and rebellion. (*Hear, hear.*) He admitted, that the instances were few in which these deluders had succeeded; but he was not disposed to allow, that the evil consequences had been so slight, as to render farther precautions unnecessary. The hon. gentleman who spoke last differed from all his friends upon the subject of the Report of the Secret Committee: he was now for rejecting that altogether as a foul libel, which, on all previous occasions, had been deemed a fit basis for Parliamentary proceedings; while the hon. gentleman who preceded him thought that the House had already done so much, that it was unnecessary to do more. He had seemed to think that some advantage had been taken of the House, as it if had been led on step by step in ignorance of what was to succeed: but the House would not fail to recollect that due notice had been given; that all the four measures were proposed at once; and that, in the explanation of their nature and tendency, each was treated with its relations to, and bearings upon, the others. Thus the House had been treated with the utmost fairness; and as undoubtedly the Report did not recommend any particular measures, the choice of them was left to the judgment and responsibility of the Executive Government. Two out of the four bills proposed in consequence had received the general concurrence of both sides of the House, and the suspension of the Habeas Corpus had been carried by a large majority. Here, however, the noble lord (Lord W. Russell) was disposed to stop; contending, that having parted with so much liberty, no farther encroachments ought to be allowed; but the reply of the member for Glasgow was most satisfactory—that he placed a portion of his privileges in the hands of Ministers for a time, for the sake of preserving the whole for ever. Hon. gentlemen on the other side seemed to think that Ministers were anxious to take upon themselves this new burden of responsibility. Good God! was it possible for a moment to imagine that they asked it as a boon? Would any man covet such an arduous trust that could in any way avoid it? (*Hear.*) In the situations they held, their duties were already sufficiently onerous; and all they rested this and other measures upon was, the conviction that extraordinary evils could not be overcome but by extraordinary powers. It was true, that the suspension bill had been passed; but, unless the noble lord and his friends could prove that it was adequate to all the difficulties of the times, the argument against the bill now upon the table was good for nothing. It certainly enabled Government to check the growth of treason, perhaps to destroy it in its embryo; but did it contain any provisions against the abuse of public meetings, where sedition might be disseminated with impunity? Who, besides the noble lord and the hon. member who spoke last but one, had denied the existence of abuses

in public meetings? The hon. and learned gent. (Sir S. Romilly), and the right hon. gent. (Mr. Ponsonby), had fairly and candidly admitted, that they required restraint; whatever odium, therefore, could be thrown upon those who contended that the abuses of public meetings loudly called for regulation, let it be remembered, that in that odium were included the hon. and learned gent., and his right hon. leader. He did not mean to say that they would have applied the remedies now proposed; but in sentiment they avowed their entire concurrence with his Majesty's Ministers, and had even stated it more strongly than any gentleman who usually voted with Government. The rest was mere matter of detail, comparatively of little importance. With two or three exceptions, therefore, all agreed that popular assemblies required additional control; and he hoped that it would go forth to the country, that this opinion had been stated and supported chiefly by those who, on other occasions, were the open antagonists of Ministers, and the declared friends of the liberty of the subject. (*Hear, hear, hear.*) Why did public meetings require extraordinary control at the present moment?—because the individuals who attended them went with a previous determination to resist all the measures of the Executive?—because they went with a disposition to be led on to acts of outrage? No; but because, under the peculiar circumstances of the country, while the people were suffering under distresses, there was an unusual degree of inflammability in the public mind—because some designing individuals who did not feel any portion of the pressure of the times, who acted not from intemperate or mistaken zeal, but from the native virus in their malignant constitutions, took advantage of a state of things favourable to their purposes—because there were incendiaries abroad, who would avail themselves of the extraordinary inflammability of the public mind to light the fires of rebellion in every corner of the kingdom. This was the true reason why restraints ought to be put upon popular assemblies; and so far both sides of the House travelled together in harmony. To what a narrow point, therefore, was the question reduced—the mere regulations that ought to be adopted. All equally regretted the distresses of the country, and all equally reprobated the delusive and fantastic chimeras by which the people were misled by the artifices of their enemies. It was one of the curses of the times, that all that had been done of late years to enlighten the understandings, and to inform the minds, of the lower orders of the community had been worse than fruitless; it had been converted into a means of instilling and spreading the most baneful poisons. How much the press had contributed to this effect, the House was well able to judge: the acquirements which recently the higher orders had been anxious to share with their brethren in a lower sphere had

been grievously misapplied, and education, the greatest of all blessings in a State (because its safety depended upon the morals of its inhabitants, and those morals upon instruction), had been of late converted into one of the blackest curses that could afflict mankind. He knew of no crime of deeper dye than thus taking advantage of the dawn of moral and intellectual improvement for the most flagitious purposes; and it could be likened to nothing more aptly than to some of the stratagems of illegitimate and barbarous warfare, where, instead of employing the fair and acknowledged weapons of hostility, the savage enemy poisoned the very well-springs of life. (*Loud cheers.*) But in the opinion of the hon. and learned gentleman, the meeting of the 2d of December called for no such measures as had been adopted. That hon. and learned gentleman was not easily satisfied on the score of insurrection. To him it was not sufficient that the Tower had been summoned, it ought to have been taken; the metropolis should not have been merely agitated, but in flames. He was so difficult with regard to proof, that he would continue to doubt until all the certainty of mischief brought him to a conclusion. For his part, however, he was content to see the torch lighted, and did not wish to wait to see the mansion-house in flames. But was it to the metropolis only that the mischief was confined? Certainly not. If any thing in the Report laid before the House was more distinctly proved than another, it was the connexion and correspondence between the agitators in the metropolis and the country. This was demonstrated by that expectation which crouded the highways leading from certain towns to the metropolis, at the time the intelligence of the memorable 2d of December was expected to arrive: that there were ramifications no one who read the Report could doubt, unless distinguished by the most determined incredulity and hardened distrust. He did not oppose the right of petitioning, but he opposed what was not a legitimate use of that right. It was against the insidious course which was pursued, that it was necessary to guard against petitions, which said one thing and meant another, which came in the voice of Jacob from the hand of Esau. In all free countries it was indispensable that there should exist the power of resorting to some such measure as that of the suspension of the Habeas Corpus Act, and laws similar to that now proposed. It was thus that in Rome the dictatorship was sometimes added to the consulship. There must be granted to every State a means of conservation. It was in this sense only that he and his colleagues had asked for the suspension of the Habeas Corpus. It was in that sense only the House of Commons had granted, or ought to grant, such a power.

Mr. Brougham rose to avail himself of the opportunity the forms of the House would afford him of expressing his decided disappro-

bation of the bill under consideration; and he should have contented himself with merely protesting against that measure, had not some observations which had fallen from the last speaker rendered it necessary for him to say a few words, with the view of setting the House right as to some of the arguments used by the right hon. gent. He had said, that all who had spoken in opposition to the bill, with three exceptions, concurred in the necessity of some regulations for public meetings. All, however, that he and his hon. friends had admitted was, that the provision for seven householders signing a requisition for any meeting might be very properly enacted, in order to prevent persons not resident in the place from convening meetings for mischievous purposes. Such was the restriction, if such the right hon. gent. wished to call it, to which he was disposed to agree; but had that precautionary measure any thing in common with a regulation which gave the power of preventing a meeting to one magistrate, though as it had been well observed by his hon. friend (the member for Rochester), the authority of two magistrates was necessary even to pass a pauper? a regulation which enabled a magistrate to disperse a meeting at his pleasure, and arrest the persons who spoke. An hon. and learned friend of his had, it is true, asserted that magistrates already possessed the power of arresting, given by this bill: but that assertion, he must say, was founded on a mere quibble. They certainly possessed no such power by law. He could understand the power of the magistrate to arrest for a breach of the King's peace: or even, though on that point there were great doubts, for seditious words tending to an immediate breach of the peace; but these were cases totally distinct from the power which the present bill, by implication, gave of arresting upon words being spoken, tending, in his opinion, to bring the Constitution and the Government into disrepute. With all possible regard and veneration for the character of that respectable body, the justices of peace of the country, he could not, without regret and apprehension, see them invested with the power of torturing to interpretations which views of interest or subserviency might dictate, words spoken in the exercise of the right of petitioning, which the right hon. gentleman admitted to be a most sacred right. While this bill existed, it would depend on the pleasure of the justices whether any meeting should take place; and he well knew how the minds of even honest men might be influenced by a wish to please certain quarters, or to put down by force opinions which they themselves might disapprove. But the right hon. gentleman had that night spoken of the measures to which he and his colleagues had resorted, as alarming them, from the trouble and responsibility they had to encounter. He was glad to hear that such was the feeling of his Majesty's Ministers on the subject; and had only to hope, that their present alarm

would not prove as groundless as one they had raised for the purpose of originating these severe measures. He must own, he was not one of those who expected many arrests would take place under these bills; and to explain the ground of that opinion, he must take leave to state what he thought were the two purposes for which Ministers had given themselves all the trouble and anxiety under which the right hon. gentleman said they laboured. In the first place, it was their wish to increase under the sanction of Parliament, that general and active alarm which it was so much the interest of Ministers to propagate, because it diverted the attention of Parliament and the country from those measures of economy which had been so loudly called for by the public voice: they had now no longer to fear a defeat on a question of taxation, or that a victory would be gained on the part of Reform. In the next place, they had gained a complete triumph over the press, and public discussion out of doors. They had obtained their wish in placing every man who now attempted to give his opinions to the public, in such a situation that he must consider himself as witting with a halter about his neck. He must recollect every time he sat down to write, that if he proceeded on that day beyond a certain line, he could not be sure that he would be allowed to exercise his pen on the following day. Thus they have been relieved, not from any conspiracy against the State, but from all fear of any serious opposition to their measures. With regard to the opinions which the right hon. gentleman had pointed out as disapproved by himself (Mr. Brougham), and his right hon. friend, he should only observe, that if the Constitution was attacked in the persons of those who held those opinions, he must defend it. When he considered the great talents possessed by some of those persons, and the considerable portion of the people who participated in their opinions, as was seen by the numerous petitions which had been presented, he could not help regretting, that it was not thought fit to meet them fairly by argument, but by the loose and vague powers given by this bill. Had the measure for putting them down been one of force, the proceeding would at least have been plain and candid: but an indefinite line, which neither the Attorney-General nor the Cabinet could describe, was to be drawn around them. This was not a wholesome exercise of the law. It was unnecessary for the right hon. gentleman to resort to Rome, in order to shew that the British Constitution ought to possess the power of protecting itself. If it could be made out that the Constitution was in danger, he would willingly say, with his worthy friend, the member for Glasgow, that he would willingly give up a part for the preservation of the whole. But what had taken place with regard to former reports ought to render the House cautious as to the evidence on which the present alarm was founded. It might be recollected, that the re-

port of 1812 was like that lately laid before the House,—occupied with statements of conspiracies and affiliations: statements, too, which were founded on less questionable authority. There were, however, many things asserted in that report which subsequent information proved to have been erroneous; and on looking back to which, it was difficult now to comprehend how they could have been credited. It was stated, that in the extensive heaths which divide Lancashire and Yorkshire, men were trained to arms by torch-light, and that posts were established at certain distances, which kept up regular communications with each other. It was said, that men had been seen exercising in a field. When in that part of the country, he heard of information having been given on this subject to a magistrate; and, from the nature of it, he believed it came from the same source as that on which the assertions in the report were founded. A person, who had been riding during night, declared that he heard a sudden clank of metal resembling the sound made in drawing a number of sabres; and that, on turning round, he saw a whole regiment of cavalry performing evolutions. The magistrate to whom this information was communicated, being a man of sense, who was not easily frightened out of his understanding, it occurred to him that a regiment of dragoons had been exercising in the field where the informant said he had seen them, and that they must have left behind them some traces of their manœuvres. He accordingly sent persons to inspect, who, to their surprise, found that the grass in the field was standing erect, and ready to be mowed, precisely in the state in which it had been seen on the preceding day. (*A laugh.*) But what the Report stated respecting Mr. Horsfall's murder deserved the particular attention of the House. That murder took place about a month before the Report appeared, in which the whole population were charged as tainted with that crime. The Report states that the population flocked round him, when he was wounded, and insulted him; but he having had the honour to be employed as counsel in the case, he could assure the House that there was not one word of truth in what the Report contained on this subject. If any one doubted what he stated, he would refer them to the account of the trial, which had been published under the authority of his Majesty's Government. They would there find, that instead of insulting Mr. Horsfall, the populace, on the contrary, endeavoured to render him every service in their power. They assisted in putting him into a cart, conveyed him to a public-house, and sent for a surgeon to dress his wounds. Now, this was surely sufficient to warrant his doubting the accuracy of the present Report. He would impute no intention to deceive to any persons, but surely the consequence of receiving ex-parte evidence must be to open a wide door to deception. It created a temptation to busy, meddling persons, to come

forward with their tales; who, either because they were alarmed themselves, or wished to alarm others, had always some strange and dreadful story to tell. An honourable and learned friend of his, not now in his place, had lately read to the House an oath, said to have been taken in Scotland. It was stated, that this oath had been kept out of the Report, lest the parties concerned should be put on their guard, and escape; but what was his surprise on finding that every hint the parties could have obtained by the insertion of the oath was conveyed by the terms of the Report itself. The exhibition of the oath was therefore made at a time when the bringing of it forward was likely to have an effect on the decision of the House. In the Report of 1812, there was also an oath, which Mr. Perceval read to the House with something of the stage effect which had been given to the Glasgow oath; but he did not propose the suspension of the Habeas Corpus, nor any such measure as that before the House: all that he proposed was, to make the taking such oaths felony, and so the law still remains. To keep up the present alarm as much as possible the agents of Ministers at Edinburgh had made an application to the Court of Session, to remove the persons who had been arrested under the suspension of the Habeas Corpus acts to the Castle of Edinburgh. This was done with the view of producing an impression, as the Castle is the place of confinement for traitors. The Court, however, refused to place men apprehended on suspicion in that situation; and disdaining to have any thing to do with alarm, rejected the application. When he saw all these schemes resorted to for the purpose of taking away men's reason by alarm, he could not help withholding his assent to any measures connected with an object so unjustifiable. The right hon. gentleman had talked of the mischief arising from public instruction. (*Cries of no, no.*) He was glad to hear that he had misunderstood him, for he should regret much that any such opinion went abroad with the weight that was due to his authority. That public instruction was our bane might be the opinion of some, but he held it to be the antidote for most of the evils in our political situation. He was of opinion, with his right hon. friend, that the universal improvement which had taken place in education was the general cause of that patience and order which, in the midst of great distress, had been manifested by the people at all public meetings. On the suspension of the Habeas Corpus Act in 1795 we were at war with France, and it was stated that clubs here communicated with others in that country, and that the people had resolved not to apply to Parliament for redress, but to rely upon their own efforts only. On the contrary, at the present moment we are at peace with France; and the only idea of the people, amidst all their difficulties and distresses, is to look to Parliament for relief. Instead, however, of listening to their prayers, instead of

giving them relief, they revived bills to gag them.

Mr. Canning explained. He never stated any opinion unfavourable to the general diffusion of instruction.

Mr. Brougham was happy to hear a disavowal of such an opinion from the right honourable gentleman.

Lord Cochrane rose amid coughing and universal cries of question. He was sorry to see so much impatience to come to a decision on so important a subject. The passing of this bill was the last stab given to the Constitution. If this bill passed into a law, it would make every magistrate in the country a petty tyrant. He had received a letter from Glasgow, giving an account of two of the persons who were taken up there for high treason. One of them was a student of divinity, very different from the persons to whose conduct he alluded on a former evening: (*a laugh*) for no less than 80 of his fellow students signed a declaration expressive of their high sense of his character and good principles. His name was Mac Tair. He stated, that he was taken up on the 22d of February: that he was apprehended by an officer upon a warrant that had not the insertion of his christian name, that he was carried before the sheriff, and that, though nothing was substantiated against him, he was sent to prison, where he was put in a dreary cell, with a bed in it so damp that he could not with safety rest upon it. He was thus treated at the very time that he had just recovered from indisposition occasioned by an affection of the lungs—that the weather was tomy, and he felt its severity. He complained that, from malice, or some other cause, his food was supplied very irregularly and unseasonably; that his breakfast, though brought early in the morning, was not delivered to him till one or two o'clock in the afternoon, and his dinner was supplied in the same negligent manner. In short, he suffered the utmost degree of harshness and severity, without any thing to justify suspicion or to prove guilt. The other person, whose case was described, was of the name of Weir. He was put in a cell covered with water, without any thing to rest upon. Nothing was found against him; and after suffering for some days he was likewise discharged. (*Hear.*) Ought not responsibility to light somewhere? Ministers were so weak that they were obliged to throw it off themselves; but should not the House take care that the aggrieved should obtain redress, if not from them, at least from the instruments of their tyranny? The House ought to form a resolution against the passing of any bill to grant indemnity to persons who had abused their power, or to shut out those who had suffered from obtaining their legal remedy. These tyrannical acts would not be abrogated if they passed. They would be like the Bank restriction act, endless in their duration. He would prefer undisguised despotism to the condition of this country, deprived of the bulwark of its free-

dora, and exposed to the petty vexations of magistrates; and would think Algiers a good exchange for England. (*Cries of question.*)

Mr. Finlay was glad he could contradict the information of the noble lord; or at least assure the House, that it was a gross exaggeration. (*Hear.*) The person first alluded to had been well treated; he had been first put into one room of the gaol on the debtors' side, and then removed to another; but in both of them there was good accommodation. (*Hear.*) He could appeal to some members of the House acquainted with the Glasgow gaol, and one honourable member opposite who had been in it, whether it was not clean, healthy, and well-arranged. (*Hear.*) He (Mr. F.) could not speak to the case of the other person; but he was convinced, from the humanity of the magistrates, and his knowledge of the prison, that the statement of the noble lord was either totally unfounded, or grossly exaggerated. (*Hear, hear.*)

Mr. Bennet, as he had been alluded to by the honourable member, was ready to bear his testimony to the good state of the gaol; but if the bird was damp and wet, the prisoner might suffer nevertheless. The account given by the noble lord accorded with one that he (Mr. B.) had received; the character given of this person ought to have exempted him from such treatment, or even suspicion.

The House then divided, when the numbers were,

For the third reading 179

Against it 44

Majority 135

Sir J. Newport opposed a clause introduced by the Attorney-General, which enacted, that the provisions of the bill should not extend to Ireland. The hon. baronet said, that in Ireland there were societies called Orange Societies, which were in hostility to three-fourths of their fellow countrymen, and were bound together by secret oaths, and oaths of qualified allegiance; he therefore wished that the provisions of the bill respecting Illegal Societies should extend to Ireland.

Lord Castlereagh said, it had been already distinctly declared, that Ireland was in such a tranquil state as not to require any such unusual restraint; and also that it was quite unnecessary to extend to Ireland any enactment respecting the safety of the King's person. As to Orange Societies, he very much regretted their existence, and felt persuaded, that what was said on a former occasion, would prevent their further extension. On that occasion, it was not thought necessary for Parliament to interfere, and any interference now would only provoke resentment.

The question that it should not extend to Ireland was then put and carried.

Sir M. Ridley moved an amendment to the preamble of the bill, which was as follows:—

VOL. I.

"Whereas assemblies of diverse persons collected for the purpose of exercising their undoubted right of offering petitions, complaints, remonstrances, declarations, or other addresses to his Royal Highness the Prince Regent, or to both Houses, or to either House of Parliament, have of late taken place; and whereas they may be apprehended from large meetings of persons suffering under the pressure of distress at the present time."

This amendment was negatived.

Mr. Ponsonby moved, that instead of the words "one or more justice or justices," there should be inserted in the bill "two or more justices."—This motion was negatived.

Mr. Ponsonby then moved, that instead of the words "Constitution and Government," there should be inserted the word "Constitution" only, omitting the words "and Government."—This motion was also negatived.

The bill then passed.

LIST OF THE MINORITY

THAT VOTED AGAINST THE THIRD READING OF THE BILL.

Aubrey, Sir John	Mackintosh, Sir J.
Atherley, Arthur	Martin, Henry
Barnett, James	Martin, John
Bennet, Hon. H. G.	Monck, Sir Charles
Baillie, James F.	Moore, Peter
Bruid, H. J. Phos.	Newport, Sir John
Brougham, Henry	North, Dudley
Calcraft, John	Ord, William
Calvert, Charles	Osborne, Lord P.
Carter, John	Ossulston, Lord
Cochrane, Lord	Pearse, Henry
Curwen, J. C.	Ponsonby, Rt. Hon. G.
Duncannon, Viscount	Pryor, Hon. F. A.
Fazakerley, Nic.	Romilly, Sir Samuel
Fergusson, Sir R. C.	Rowley, Sir W.
Fitzgerald, Lord W.	Russell, Lord William
Fitzroy, Lord John	Russell, R. G.
Folkstone, Viscount	Sefon, Earl of
Hughes, W. L.	Smith, John
Hornby, Ed.	Smith, William
Jervois, G. P.	Waldegrave, Hon. W.
Leeson, Sir W.	Wilkins, Walter

FRIDAY.—Ridley, Sir M. W.—Sharp, R.

HOUSE OF LORDS.

Monday, March 17.

The royal assent was given, by commission, to the Treason Bill, the Soldiers' and Sailors' Seduction Bill, the King's Bench Proceedings Bill, and several private bills. Commissioners, the Lord Chancellor, Earl of Shaftesbury, and Lord Redesdale.

BAYLEY'S DIVORCE.] Witnesses were examined relative to the point, whether Mrs. Bayley's pregnancy was visible at the time when Colonel Bayley returned, with reference to the question, whether there was any reason to con-

clude that there had been a remission or condonation of the offence.

The evidence was ordered to be printed, and the consideration of the subject to be resumed on Monday next.

SEDITIONS MEETINGS.] The Seditious Meetings Bill was brought up from the Commons. On the motion of Lord *Sidmouth*, it was read a first time, and ordered to be printed and read a second time on Thursday, and the Lords to be summoned.

HOUSE OF COMMONS.

Monday, March 17.

LOTTERIES.] The Sheriffs of London presented a petition from the Lord Mayor, Aldermen, and Common Councilmen of London, praying that the House would not sanction, by their votes, the existence of State Lotteries in future.

After a few words from Mr. *Lyttleton*, expressive of the satisfaction he felt at the presentation of this petition, and of his hopes that it would be followed by similar ones from the other corporate towns of the kingdom, the petition was read, and ordered to lie upon the table; as was also a second, complaining of the evil consequences produced by mock auctions.

The Exchequer Court Bill was read a second time.

ORDNANCE ESTIMATES.] The House resolved itself into a Committee of Supply, to which the Ordinance Estimates were ordered to be referred.

Mr. *R. Ward* said, it was his intention to move a vote on account, as had been done with regard to the Army and Navy Estimates; and that no further supply should be granted at present for the service of the Ordinance Department, than for the six months ending on the 30th June, 1817. He trusted that the accounts were not likely to give rise to much opposition; and he deemed it right to state to the House what had been the extent of the different reductions in this branch of the public expenditure. The charge for the ordinary service was this year 538,000*l.*, which was less than the former estimate by the sum of 135,000*l.* The extraordinaries amounted to 211,000*l.*, leaving a reduction under this head of expense of 104,000*l.* The aggregate charge was 749,000*l.* Credit had been taken for 53,000*l.* from the sale of horses and old stores. Here the hon. gent. entered upon a statement of the reductions in Ireland; but this part of his statement was utterly indistinguishable in the gallery. The total amount of the whole ordnance expense for the year, for Great Britain and Ireland, would be, in round numbers, 948,000*l.* In time of war, the number of men employed was 31,600. In 1815, this number was reduced to the extent of 3,800 men; in 1816, to that of 15,000 more; and the present

establishment consisted only of 9,300. He should content himself at present with moving, "That a sum not exceeding 248,000*l.* be granted to his Majesty, for the service of the Ordinance Department, till the 30th of June, 1817."

Mr. *Bennet* considered, that it would be more advantageous to postpone the general discussion upon this subject till the whole of the estimates should be before the House. He rose at present chiefly for the purpose of expressing the surprise with which he had read an advertisement purporting to issue from the Ordinance Board, addressed to the map-sellers, forbidding them to make any use or publish any copies of the trigonometrical surveys of the country, which had been taken at the public expense, under the immediate direction of the Ordinance Board. This appeared to him to be acting in the spirit of a peddling trader, rather than of a public department. Many could not afford to purchase the original chart, and by this prohibition the general object of utility would be defeated. It was not upon this principle that foreign Governments acted. In Paris any one might go to the map-board, and see not only those which were, but those which were not published.

Mr. *Ward* said, he had not been apprised of the advertisement alluded to, but was nevertheless prepared to defend it. The charge for those surveys appeared neither in the ordinaries nor extraordinaries. It was intended that the sale of them should defray the expense, and in this instance, at least, he apprehended they were better stewards for the public than the hon. gent. with all his desire of public economy. The object of the advertisement was the prevention of piracy; and if that was only worthy the character of petty merchants, he must submit to the taunt, but it would effect a saving of 10,000*l.* annually.

Mr. *Bennet* observed, that he had been an advocate for abolishing articles of useless, not of useful, expense. The object of the survey was public, viz. the extending the knowledge of the country and its coasts, and it had been carried into effect by means of public money. The Board of Ordnance was in this respect acting on principles much more rigid than the map-sellers themselves, whom he had always found willing to make communications of their copies.

Sir *M. W. Ridley* was glad, however late, to see Ministers taking credit for economy: but he observed, that the first article in these estimates was the sum of 48,793*l.* to the master-general, principal officers, and others in this department. This was an increase to the heads of the department amounting to 10,000*l.* above the sum voted when the estimates were between three and four millions, although they were now less than one million. It was to a reduction of such salaries that the public looked for effectual retrenchment, and not to savings made by the sacrifice of works of national importance and utility.

Mr. *Ward* observed, that the hon. baronet was

mistaken; if he supposed that the increase on the leading article of the civil establishment was owing to any addition to the salaries of the heads of the department. It was distributed entirely among the subordinate clerks, whose number was 205, and who were employed in 11 different departments. Not one of the principal officers had received a shilling of increased salary since the Union.

Mr. *Calcraft* said, that even in a state of war, the present establishments would be great; but the House must now look to peace establishments. (*Hear, hear.*) If Ministers thought themselves obliged to keep up the ordnance, their estimates were extremely large. He admitted that very considerable efforts at reduction had been made, but they might be carried still farther in the army and ordnance. He should by no means press for any farther reductions in the navy: he did not know, indeed, whether the navy was not too much reduced already.

Mr. *Ward* said, if it should be found that any further reductions could be made, they certainly should be effected. (*Hear.*)

Mr. *Brougham* desired to express his approbation of the great reductions in the ordnance, and hoped it would be the model and scale on which other reductions would be made. Something, he hoped, would be proposed by the committee above stairs; but he anticipated, with great satisfaction, that after Easter the House would be able to resume some of those functions which appeared now to be too much in abeyance.

The following sums were then voted: 248,000*l.* for the ordnance of Great Britain, from the 30th December, 1816, to the 30th June, 1817; 25,000*l.* for the ordnance not provided for in 1815; 25,000*l.* for the ordnance not provided for in 1816; 24,000*l.* for reductions in the ordnance from January to June, 1817; 105,000*l.* for the charge of superannuated, retired, and half-pay officers, and pensions to widows, &c. from the 1st of January to the 30th of June, 1817; 25,031*l.* for the superannuated, &c. in 1816; 15,000*l.* for allowances, compensations, and emoluments, to superannuated civil officers, artificers, and labourers; 72,000*l.* for the ordnance of Ireland from the 1st of January to the 30th of June, 1817; 7,000*l.* for allowances to retired officers of the late Irish artillery, and engineers, and pensions to widows; 1,740*l.* for allowances to superannuated and half-pay civil officers, artificers, and labourers, and pensions to widows, from the 1st of January to the 30th of June, 1817.

The Mutiny Bill was read a third time, and passed.

POLICE COMMITTEE.] Mr. *Bennet* moved, that it be made an instruction to the Police Committee, to inquire, and report generally to the House, on the laws relative to granting licences to victuallers: which was agreed to.

HOUSE OF LORDS.

Tuesday, March 18.

The Mutiny Bill was brought up from the Commons and read a first time.

TREATMENT OF BUONAPARTE.] Lord *Howland* rose, pursuant to notice, to move for papers connected with the treatment of Napoleon Buonaparte at St. Helena. Humanity alone might justify such a motion; but the chief, if not the only, motive for bringing the subject before their lordships, was a regard to the character of the country, of Parliament, and of the Crown. He certainly felt, however, that it might be an injury to the subject itself to be brought forward by him, considering the general tenour of his opinions as to the foreign and domestic policy which had been adopted by the Executive Government. It was well known, that he had differed from the Ministers of Government as to the policy of the detention and exile of Napoleon; and he was aware that this circumstance might do injury to the subject of his motion. He felt it necessary, therefore, distinctly to disclaim all intention of bringing that policy under discussion at this time. However proper it might be on other occasions to have insisted on that topic, it was his wish that it should have no connexion with this motion. It was not with the vain hope that he could produce any alteration in the principles of policy on which Ministers had acted, with reference to the detention of Buonaparte, that he made this motion; and as little was it with any view ofculpating the conduct of a gallant general, with many of whose good qualities he had the good fortune to be acquainted. Though he still retained the opinions which he had before expressed upon that point, he was not such a coxcomb as to suppose, that after Parliament had sanctioned the policy of the Ministers, and the faith of the Crown and of the country was pledged to it—he was not such a coxcomb as to imagine that he could now induce them to alter it, more especially when he considered that the opinion of the country went along with Ministers upon that subject; and he admitted that it did. It was with no such intention that the motion was brought forward; and he disclaimed any such intention: not because there was any thing in it of which one ought to be ashamed, but for the reasons which he had stated. He trusted, that the character which he bore among their lordships would be a pledge for his motives; and if it were not, it would be in vain for him to think that his assertions would avail him. But he again declared, that the policy of detaining Buonaparte had no connexion with the object of the present motion; and any insinuations to his prejudice—if any such there should be, on a subject of which misrepresentation was so apt to go forth—he should treat such insinua-

tions with the contempt which, in his opinion, they merited. He had farther to state, that no hostility to Ministers—not using the word hostility in any invidious sense—but that fair political hostility against Ministers was the cause of his bringing this subject before their lordships. If he had concurred with them in the policy of detaining Buonaparte, instead of disapproving as he did of that policy, it would not only be consistent in him, but it would be the more incumbent on him on that account to bring forward this motion. Having said this much, to guard himself against misrepresentation, he would now proceed to state the relation in which Napoleon Buonaparte stood with respect to this country and the Government, and the ground of the measures adopted with respect to that personage, as Ministers themselves represented them at the time the act was passed, and as they were understood by the people. To use the language of the Legislature itself, then, Buonaparte was so detained, and so exiled, on the principle of necessity; because it was necessary for the tranquillity of Europe, and, through the repose of Europe, for the safety of this country. Owing, it was said, to the character of the man, and to the events which had passed in Europe, it was necessary that this extraordinary person should be restrained in this extraordinary manner; and an act of parliament was passed for the purpose. In justice to the Ministers themselves, and especially to the noble earl at the head of the colonial department, he must admit that they stated the proceeding as a measure of necessity. Then, if it were a measure of necessity, as the noble and learned lord on the woolsack had on another occasion well expressed it, necessity must limit the powers which necessity has created; and it was incumbent on Ministers to shew that the powers had been exercised only so far as necessity required their exertion. That was stated to be the ground of the detention, and the view with which Buonaparte was confined, with this farther observation, that the spot where he was to be detained was chosen for this, among other reasons—that there a greater degree of personal liberty might be allowed him. In other respects the place was ill chosen, as the expense to this country of keeping Buonaparte at St. Helena, amounted, he believed, to 150,000*l.* or 200,000*l.* He might be mistaken as to the sum, but certainly the expense was increased by the nature and distance of the place of detention. These, then, were the principles on which Napoleon Buonaparte was thus confined at all; and such was the particular reason why he was confined at St. Helena. But it ought to be kept in mind, that this was the act, not only of the Executive Government, but also of the Legislature. Parliament was a party to it, and it was the duty of Parliament to interfere, in case the personage so detained met with any harsh treatment in his confinement. And he contended, further, that

if rumours and reports were in circulation, attended with any degree of plausibility, and calculated to produce in this country, in Europe, and on the minds of posterity, the impression that unnecessarily harsh and cruel treatment had been used, it then became the duty of Parliament to investigate the facts, and to ascertain whether the reports were, or were not, well founded; in order that, if not true, they might be contradicted; and that, if true, measures might be resorted to, without a moment's delay, to apply the proper remedy: for if such reports and rumours were allowed to remain uncontradicted, when thus plausibly brought to public notice, the opinion of this country, of Europe, and of posterity, would be, that they were not without foundation, and a deep stain would rest on the character of the British nation. What, then, were these reports? And why had he not, till now, brought forward the subject? He admitted, that such reports had reached him in the course of the last three or four months from a variety of quarters. It was a matter of notoriety, that he had opposed the policy of detaining Buonaparte in this manner, and had recorded his opinion on that subject; and for these, and perhaps some personal reasons, it was natural that the report should have reached him sooner than they reached others. No doubt many communications on the subject had been made to him; and from whatever quarters they came, he did not think that in a matter where the justice and character of the country was concerned, he ought to have shut his ears against such communications; but as long as they appeared to him to be founded merely on speculation, without any plausible grounds, he did not think himself called upon to bring them in this way before their lordships. But when, in addition to these rumours, a paper fell into his hands, containing the same complaints, and purporting to have been written by General Count Montholon, and addressed by him to the Governor of St. Helena, by the order and direction of Buonaparte—a paper which, he had reason to believe, would be made public, and which had been since made public—he then thought that the complaints had assumed a shape which rendered it necessary to call their lordships' attention to the subject. He did not say that their lordships ought to give implicit credit to these statements, without due examination. God forbid they should be found to deserve implicit credit! He hoped that they would meet with the fullest and most complete contradiction: but they did appear to him to have assumed a shape which, if they remained uncontradicted, would, in the opinion of the people of this country, in the opinion of Europe, and in that of posterity, afford ground for believing that harsh, cruel, and unjust usage had been experienced by Napoleon Buonaparte in his confinement; and thus a deep and indelible stain might,

in history, be fixed upon the character of the British nation. He had now, therefore, brought the matter before their lordships, that such reports, if untrue, might be promptly contradicted; and, if true, that no time might be lost in correcting the abuse. He would now state what the reports were: and if the facts were as represented in these reports, he contended, that they did exceed the limits of that necessity upon which the Legislature was induced to pass the act. First, then, with respect to the liberty allowed to Buonaparte, as to the several parts of the island itself; the letter of Count Montholon stated, that a very considerable restriction had lately taken place. The climate of the island, as had been often asserted when the bill was in progress, was in general, he believed, good: but that was not the case with the higher grounds, to which Buonaparte was said to be confined; and the restriction lately resorted to was, in that respect, a severe hardship: for the hours fit for exercise in such a situation were those during which no ingress nor egress was permitted to or from the house at Longwood. One of two things must, therefore, follow—either that St. Helena was very ill chosen as the place of detention: or that Buonaparte was confined with unnecessary rigour. Another restriction, which was not in contemplation when the act passed, was stated in the letter of Count Montholon, namely, that Napoleon Buonaparte was not permitted to receive such books, journals, newspapers, and public prints, nor to subscribe for such publications, as he thought proper. This, to a person with the prospect of a long life, was a most cruel and unnecessary hardship; and if there had been no other complaint than this, it ought to be contradicted, or the proper remedy applied. Another more important complaint was, however, stated, and one in which the subjects of this country were deeply concerned, especially at the present period, when Ministers had been invested with such extraordinary powers, namely, the intercepting the communications by Buonaparte to the great and illustrious person at the head of the Government, acting in the name and on the behalf of his Majesty. In his view of this proceeding, it was an improper and illegal interference with the royal prerogative. He would not be considered as having any wish to extend the prerogative beyond its due limits; but the prerogative, within its just limits, was granted for the benefit of the public; and in this country, where imprisonment was regarded with such horror, that to a prisoner confined for life without trial, the law never contemplating the case, had afforded no remedy; a prisoner confined in this manner would surely be considered as entitled to every degree of humanity consistent with his situation; and no one had a right to withhold from the Crown any application for mercy or pardon. It might, however, be said, that some rule or point of etiquette was opposed to communications sealed up: but, as

to that matter, there was nothing to prevent the Sovereign from exercising his own judgment. If a person in Buonaparte's situation wished to apply to the Sovereign, it might be for the purpose of complaining of the individual under whose charge he was placed: and to say, that he should be compelled to send only an open paper, when the very person to transmit it might perhaps be the person complained of, would be monstrous and unjust: and it ought to be recollected, that the foundation of the detention was necessity and danger to this country. Now, where could be the danger to this country, or the necessity for the purposes of detention, in permitting a sealed letter to be conveyed to the Sovereign? If such were the rule—for it could not be law, that applications by sealed letters could not be made to the Throne—such a letter might, at least, be sent to the Secretary of State unopened and unexamined. This was a most important subject with reference to the subjects of this country. All were entitled to this indulgence, and in no quarter could they receive a more benevolent attention than from the illustrious personage now at the head of the Government. If, then, the Governor at St. Helena was instructed to permit no sealed communication to the Sovereign to pass through his hands, it was an infringement of the royal prerogative. He admitted, however, that an unrestrained and indiscriminate intercourse with other persons was not compatible with the safe custody of a person confined for the reasons given for the detention of Buonaparte: but it appeared to him, that even that principle was carried too far, if the report were true, especially as the restraint went to deprive Buonaparte of the gratification of reading such publications as he thought proper. It was a great hardship also, and one which was not contemplated at the time of passing the act, that Buonaparte was deprived of the means of communicating facts connected with his public life. If he were unrestrained in this respect, he might make communications which would shake some of the grounds on which the act was passed: and it was certainly a great hardship, that in a country where it had been much the fashion to load him with obloquy, he should be deprived of all remedy, and should not be allowed the means even of refuting calumny. This was not necessary for the tranquillity of Europe. He recollected that he recommended, when the bill was in progress, that Buonaparte should have the power of bringing a civil action, but the bill passed without giving him that advantage. If this restraint was intended to prevent his giving an account of the events of his extraordinary life, the restraint was an injury not merely to him, but to the public and to posterity; though, if it should be proved that the restraint was necessary for his safe custody, that inconvenience must be submitted to.—He now came to another subject of complaint, namely, the curtailing the expense of Buonaparte's establish-

meht. It might, perhaps, be said, "Do you, who have been preaching up economy and retrenchment, complain of the diminution of expense?" His answer was, that he did not wish that sixpence should be expended in this way. He disapproved of the detention in this way altogether. But the statement was, that the expense was 20,000*l.*, that this country could afford no more than 8,000*l.*, and that Buonaparte himself must find the other 12,000*l.* It might be said, that 8,000*l.* was amply sufficient; and so it probably would be in any other situation: but at St. Helena, if the report was correct, even 20,000*l.* was hardly enough. And here he could not help just remarking, though it was rather out of his way, that even while Buonaparte was at Elba, the question whether he ought not to be sent to St. Helena, was discussed at the Congress of Vienna. He believed, at least, that the point was there mentioned and discussed; and he knew that, out of the Congress, it was stated to have been there mentioned, and discussed even at that time. That, however, was beside his present purpose. But if an extraordinary expense was necessary, it should be kept in view, that it was owing to the place where Buonaparte was confined; and it was unworthy of a great country, first to say, "I will place you in a situation where a great expense is necessary;" and then to come like a beggar, and say, "You must yourself be at the greater part of that expense." He had been astonished when he saw this complaint, and had been inclined to discredit it, as he was now: but it came in such a shape, that it was necessary to mention it; and if it could be contradicted, that was a strong argument for his motion. In bringing these statements before their lordships, he did not mention them as facts within his knowledge, or even as statements which he believed to be true; but they had been laid before the public, and, if not true, it was proper that they should be contradicted; for any harshness of treatment, beyond what was necessary for the safe custody of the person, would be a stain on the character of the country. The best mode of proceeding would be to investigate the facts. When a clamour was raised in 1798 or 1799, respecting our treatment of prisoners of war, Mr. Pitt moved for a committee to investigate the facts, contradicted the statements, and extinguished that calumnious report throughout all Europe. This was what he now recommended. If the reports were untrue, let them be contradicted: if true, their lordships would express their disapprobation of the conduct which had been adopted, and apply the remedy. However they might now flatter themselves by aspersions on Napoleon, the judgment of posterity might not be the same on that subject. There could be no doubt that Mary Queen of Scots was in the time of Elizabeth most dangerous to the country; and yet, who that had a heart alive to the feelings of integrity and humanity did not wish to

obliterate from the page of history the cruel and harsh treatment of that queen? Who was there, with a just sense of the glory of the reign of the illustrious Elizabeth, that did not lament, not the unjust, but harsh and ungenerous treatment of Mary? It would not be considered by posterity whether Buonaparte had been justly punished for his crimes, but whether Great Britain had acted in that generous manner which became a great country. These were the views which they took of the past, and such would be the view which history would take of their conduct. Such, then, were the grounds of this motion. It was made for the purpose of ascertaining how the facts really stood—to give an opportunity for contradicting the rumours which had gone abroad, if they were unfounded; and for applying the proper remedy, if they were true. If their lordships would acquiesce in the motion, and the reports should be contradicted, he would rejoice for the sake of the House, for the sake of the country, of Parliament, and even of the noble lords opposite, particularly the noble earl at the head of the Treasury; for, however they might have differed on political questions, the sense of friendship was not by that circumstance so deadened in his breast, that he could see, without pain, an immoral character fixed upon any administration of which he was at the head. He ought to apologize for having taken up so much of their lordships' time; but he trusted that, in speaking upon a subject as to which misrepresentations were so likely to arise, it would not be considered as improper in him to have stated at some length the grounds of his proceedings, and the motives by which he was actuated. He concluded by moving an address to the Prince Regent, that he would be graciously pleased to order to be laid on their lordships' table—1*st.* Copies of all instructions to the Governor or Governors of St. Helena, as to the personal treatment of Napoleon Buonaparte. 2*d.* Extracts of all such parts of the correspondence as had passed between Napoleon Buonaparte and the Secretary of State, relative to the expenses of Buonaparte's establishment. 3*d.* Copies of such letters or applications of Buonaparte to the Governor or Governors of St. Helena, with the answers of the Governor, as had been received by the Secretary of State. 4*th.* Copies of all such dispatches as had been transmitted to the Secretary of State relative to the intercourse claimed by Napoleon Buonaparte to be allowed between his place of residence and other parts of the island, with any remarks by Napoleon on that subject. 5*th.* Copies of any dispatches to the Secretary of State relative to applications by Napoleon Buonaparte to the Prince Regent. Some of those who had chosen to follow the fortunes of Buonaparte had children; and it had been stated, that their parents had manifested an anxiety to have the means of religious instruction for these children, and there was no clergyman of their persuasion in the Island: and, therefore, he

moved, *ethly*, for copies of all dispatches from the Governor of St. Helena to the Secretary of State, respecting any applications by the persons in question, on the subject of religious instruction for themselves or their children.

Earl Bathurst gave full credit to the noble lord, for the motives which had induced him to bring forward the present question. He had justly stated the great principle upon which the exile of Napoleon Buonaparte stood, and which had never been departed from by his Majesty's Government. That it was necessary that some restrictions should be imposed on a person in his situation, could not be denied; and the restrictions applicable were already well understood, and had received the sanction of Parliament; but whether they were executed properly was certainly a matter of fair consideration.—That there had been no improper or unnecessary restriction imposed, and that the Governor had acted according to his instructions, he should shew before he sat down. He was happy to find, that it was not the intention of the noble lord to found any argument on a publication by a person named Santini, which came before the public in no authentic shape, and could in no way be regarded as evidence. He should, therefore, consider that man's statements as entirely given up, and that Montholon's only were relied on by the noble lord. To his letter to Sir Hudson Lowe, which certainly was an authentic document, he should, accordingly, chiefly confine himself; and he was confident he should prove, that all the complaints in that document were either unfounded, or gross misrepresentations of the restrictions, which were well understood by General Buonaparte to be the result of the instructions given to the Governor. The general regulations of the confinement of Buonaparte in St. Helena, on which the instructions to the Governor were founded, were no secret. It happened, soon after General Buonaparte's removal from this country, that a copy of the regulations, generally believed to be authentic, was published in a paper on the Continent. The universal opinion then was in this country and in Europe, that there was nothing improper in these regulations, as they were all founded on the principle laid down by the noble lord, that the prisoner should be subject to no greater restrictions than were necessary for the safe custody of his person; and upon that principle had his Majesty's Government acted up to the present moment.—There certainly had been no substantive alteration. Whatever modifications had taken place had all been made for the benefit of the person who now complained of their severity. He had, in fact, no reason to complain of the Governor, relative to correspondence, for the instructions on that head were fully communicated to him; and he well knew there was no authority on the island that could depart from them. The instructions required, that all letters addressed to General Buonaparte and his suite, must first be

delivered to the Governor. All written by him, or the persons attending him, were subject to the same regulation, and, as well as the former, must be open. No letters reaching the island, which may not have been regularly transmitted through the office of the Secretary of State, could be delivered. To impute it to the Governor, therefore, as an act of severity, that he was prevented from corresponding with his wife or his relations, was altogether unfounded; and the same observation applied to any complaint of impediments in the way of any representation he might choose to make respecting his situation or treatment. He had been given to understand, in the most distinct manner, that he was at full liberty to transmit to his Majesty's Government any representation or complaint he might think fit. It was true, it was required that the communication should be open; but the reason of that regulation was, that the Governor might have an opportunity of accompanying the representation with such remarks and explanations, as might be necessary for the information of his Majesty's Government. The rule in this case was one which was common to prisoners of war in general. The same rule applied to letters written to or received from the wives and children of such prisoners, and which formed one of the heads of complaint. If, therefore, General Buonaparte, and the persons in his suit, mean to say, that they cannot write letters without forwarding them open, that was perfectly true; but it was the general practice of all countries, to enforce such a regulation with respect to prisoners of war. General Buonaparte, therefore, knew that it was a rule to which he was liable, both from his particular situation, and from the instruction which had been given to the Governor; but if he said he could not write, that was not true; he only declined writing because he would not submit to the rule. In the same way, his relatives were at perfect liberty to communicate with him, by transmitting their letters through the office of the Secretary of State: but in point of fact, none of them had shewn any inclination to avail themselves of that opportunity, except his brother Joseph; from whom a letter arrived at the Secretary of State's office in October last; and, as it was open, it was transmitted without delay to St. Helena. The next subject of complaint he should notice was the assertion, that General Buonaparte was not allowed to transmit any letter to the Prince Regent. In point of fact, Sir Hudson Lowe had had no opportunity for refusing this permission. The circumstance, if it really could form a complaint at all, occurred during the command of Sir George Cockburn. General Buonaparte asked Sir George, whether, if a letter addressed to the Prince Regent were delivered to him, he would undertake to transmit it unopened. Sir George's reply was, what it was to be expected he would have said on such a proposition: he declared, that he could undertake no commission of the

kind: reminding Buonaparte, that, according to the instructions he had communicated to him, no letter whatever could be forwarded unless it was open. Thus it was plain, that the information on which the noble lord rested his argument on this point, was totally unfounded. On this only occasion then, in which Buonaparte expressed a wish to forward a communication respecting his situation, his attention was particularly directed to that part of the instructions which required that any complaint or representation he might have to make, should be immediately forwarded, leaving the Governor no discretion as to withholding it, but requiring that it should be delivered to him open. This rule was proper, as on the one hand it gave the Governor the opportunity of vindicating himself, and if there really was any serious complaint, would afford the Government here the means of forming some judgment of its truth, without waiting to send back to St. Helena for explanation, before any decision whatever could be adopted. The noble earl having read the passage in the instructions which required the Governor to transmit to the Secretary of State, whatever representation any of the persons in custody might deliver to him, observed, that if either Sir George Cockburn or Sir Hudson Lowe had forwarded a sealed letter, addressed to the Prince Regent, he certainly would have opened it before he presented it to his Royal Highness. In this country, where Ministers were responsible, he should regard this course to be his duty. One complaint related to the difficulty of obtaining books. He could assure their lordships, that no improper impediment in that respect had been created. There was no disposition to refuse any reasonable request on this subject; but there had been only one instance of an application for books, and then every thing had been done to obtain those which were required. As they could not be all procured in this country, some were obtained from Paris. A bookseller was also permitted to forward some books which were afterwards required. No notice had hitherto been taken of this by Government; but when so much indulgence had been shewn, it was astonishing that the difficulty of obtaining books should be made matter of complaint. If, however, the noble lord went so far as to say, that General Buonaparte should be at liberty to receive every journal he pleased, he must say, that he could not agree with him. He must object to so extended an indulgence; because he knew that attempts had been made to correspond through the medium of newspapers. It was said that General Buonaparte was not permitted to open a correspondence with a bookseller or a banker. This was untrue; he was, at perfect liberty to carry on such correspondence, only the communications must be open. It was doubtless a great restriction, a very severe tax on correspondence between friends and relatives, to subject it to such a condition;

but what effusions of the heart, which required to be carefully sealed up, were likely to be addressed to a bookseller or a banker? No peculiarly tender or delicate communications were likely to be made to them. The next subject of complaint he should notice, was that of letters to Buonaparte, or the persons attending him, being liable to be read by subaltern officers. This was as groundless as the rest. Sir Hudson Lowe was most careful in preventing any letter which he might receive from being seen, even by those nearest him in office or authority. Immediately on receiving any letter, he never failed to forward it according to the address, or to return it to this country addressed to the Secretary of State, if it had arrived on the island unopened. In some instances the Governor had been very ill required for his civility to the persons in custody. Las Casas had addressed a letter to a lady for some things which he wanted, and sent his son to get the letter forwarded. The letter was sealed, and Sir Hudson Lowe, after opening it, sent it according to the address. The articles applied for were received by Las Casas, the father; who, instead of thanking Sir Hudson Lowe for the trouble he had taken, wrote to him complaining of his presumption in opening a letter addressed to a lady. With regard to the complaint that General Buonaparte was cut off from all communication with individuals who might wish to wait on him, it was most untrue. The chief restriction in that respect depended upon himself. So far from its being the fact that there were great restrictions on visiting him, any person, on obtaining a pass from a proper officer, was at liberty to proceed to Longwood. On arriving there, they had to present themselves to Bertrand, or some other of General Buonaparte's attendants; and it depended upon them whether they could be admitted to his presence. Thus care was taken that there should be no intrusion, and, at the same time, that no person whom the General might wish to see should be kept back. It had been said, that he was restricted from any intercourse with the officers of the garrison, but that was equally untrue. With regard to his movements, it was directed by the instructions, that when he should come to that part of the space where sentinels were placed, he should be accompanied by an officer. It was wished at first to give him the liberty of moving alone through the whole extent of the space allotted for his ride, which is 12 miles; but after some time the restriction he had described was thought necessary, to prevent the possibility of any tampering with the soldiers. With respect to all the rest of the island, he was allowed to ride about it whenever he pleased, if he chose to be accompanied by an officer not lower in rank than a captain; but if he did not think fit to avail himself of this regulation, the Governor was not to blame. The next subject of complaint to which he should call the attention of their lordships, was the assertion that

General Buonaparte was not permitted to come out of his house at the proper hours for taking the exercise of walking, in order to preserve his health. In order to explain this matter, he must inform their lordships, that it had been thought necessary to surround the garden, which adjoined the house in which the General lived with sentinels. Now, because these sentinels were in sight, he would not come out to walk and on this, the untrue assertion of his confinement to his house, at the hours when it was proper he should take exercise, was founded; but it was the duty of Sir Hudson Lowe to place the sentinels there: and did their lordships consider what might be the consequence of their removal? Let it be supposed, that Sir Hudson Lowe had now arrived with intelligence of Buonaparte having escaped, and that he was brought to their lordships' bar to account for his neglect. If Sir Hudson Lowe were asked how Buonaparte escaped, and he answered, that he had escaped from his garden in consequence of the sentinels being removed; and if, on your lordships inquiring why those sentinels were removed, the answer should be, because their presence was offensive to General Buonaparte, what would your lordships then think of the conduct of Sir Hudson Lowe? What would be your lordships' opinion of an officer who had so grossly neglected his duty? The very fact of no attempt at escape having been made, is probably owing to the precautions which have been so strongly blamed: for it cannot be doubted that the disposition to undertake such an attempt exists, if any possible chance of success could present itself. The state of the residence of General Buonaparte had been made a main subject of complaint by him, and those who accompanied him; but this complaint was as unjust as all the rest. Every thing consistent with prudence had been done to comply with his wishes, and to render his situation as comfortable as possible. The choosing of a place of residence was, with one exception, left to himself and Sir G. Cockburn. Soon after his arrival he rode with Sir George to Longwood, and on the view of that situation, said he should prefer it to any other on the island; and until the house should be got ready, he begged that a tent might be erected there. His wish in this respect was readily complied with: but in the mean time he wished to occupy a small room in the house of one of the inhabitants rather than go into the town. However, to shew the dissatisfied dispositions of the persons who accompanied him, it was only necessary to state, that two days after he had, by his own desire, been allowed to take up his residence in this room, a letter was received by Sir G. Cockburn, from one of the General's attendants, complaining of the cruel treatment his master had received in confining him to that place. He remained in this room full three months, and was very unwilling to leave the house on account of the communication he had with the

family; but when he was at last removed to Longwood, and found that he could not go out to any distance without being accompanied by an officer, then his serious complaints began. He is not pleased with his residence; and he is dissatisfied if any attempt should be made to improve or extend it. The want of convenience, with respect to room, is entirely owing to his own humour. He has observed, that if he were to live long on the island he would have a new house built; but he believed that the administration of this country would be either overturned, or that a change of government would take place in France, and in either case he would be released. He, therefore, did not consider his residence as a matter of any consequence. With regard to the subject of the expense of General Buonaparte's maintenance, he had to state, that what appeared on that subject in Montholon's letter was untrue. No such proposition as that which was there stated had been made. There was, of course, a wish to reduce the expenditure as far as was consistent with propriety; and the impression was, that it might be brought as low as the sum mentioned in the letter, though no attempt had been made to reduce that idea to practice. It was estimated that the household expenses at Longwood might be brought within 4,000*l.* a year; and in that case, a similar sum would surely be sufficient for the personal expenditure of General Buonaparte and his attendants. No one would dispute, that, while he was maintained out of the funds of this country, every practicable economy ought to be introduced into his establishment: but instead of 8000*l.* Government intended to make the allowance for the Longwood establishment altogether 12,000*l.* a year; which surely would be allowed to be amply sufficient, for that sum was equal to the allowance to Sir Hudson Lowe and all his staff. It was true that Buonaparte had offered to take the whole expense of his establishment on himself; but his offer to do this was accompanied with conditions of a most extraordinary nature, and therefore could not be listened to. He required that all his correspondence should pass unopened, and that all the money he received should be at his own disposal. If this had been agreed to, he was ready to draw for any sum; and he appeared perfectly confident that any bill he should draw would be duly honoured. Where the money was to come from he did not know; but there was the most perfect confidence at Longwood, that whatever sum was required would be at General Buonaparte's command. He did not wish Buonaparte to defray his own expenses because he had funds, nor did he mention the magnitude of his resources with any such view; but he was anxious to shew that that person had no reason to complain, inasmuch as he received from this country as much for his maintenance as the Governor of the island, who was exposed to great expenses both in receiving strangers and entertaining the inhabitants of the

the island; and that, if he thought such an allowance insufficient, and made a demand for more, he should only receive it out of those large funds which he acknowledged he possessed, and, under certain circumstances, was willing to render available for his support. The noble secretary here apologized to their lordships for detaining the House so long (*hear, hear*); but there was still one complaint in the memorial published to the world, that he would take the opportunity of answering—he alluded to the lamentation, that General Buonaparte had only one bottle of wine in the day. He could not mean by this statement that one bottle was dealt out to him each day; if he did so, it was a statement which had no foundation in truth. Upon a general calculation of what might be necessary, (and wherever there was a limited expense, such a calculation must be made,) an average was fixed. Some days, therefore, there would be more, and some days less; but if a proper distribution took place, in no day could there be so little as one bottle for the General. Even if there had (we understood the noble secretary to say,) there might be no great hardship, as his Majesty's table had not been more abundantly supplied than in that proportion; and though he had lived long, he had never complained of insufficiency. To shew how groundless this statement was, however, he would only refer to the estimates for the quantity of wine supplied to General Buonaparte and his attendants. There were two kinds of Cape wines supplied, one weaker and another of better sort; the former for the servants, and the other for General Buonaparte and his attendants. Of the weaker sort, in one fortnight there were 64 bottles given; of the other, 336 bottles; 14 bottles of Madeira, 14 of Champagne, 7 of Constantia, 84 of Teneriffe, 140 of claret and other wine, making in all 336 bottles. To save the noble lord opposite a calculation of what this would amount to per day, he would make it for him. The number of persons who were to be supplied included only the General, six officers, two ladies, and two children (who could not be supposed to drink much wine,) making in all, for the purpose of this calculation, only ten persons. Among these ten persons were distributed, according to his former statement of the number of bottles in a fortnight, 19 bottles per day, one day with another; this amounted nearly to two bottles a piece, which he (Lord B.) was sure was as much as would satisfy the noble lord's wishes, either for himself or any person in whom he was interested. Besides the wine, there was distributed 48 bottles of porter, which would be at the rate of three bottles a day to the party. From this statement he was convinced that their lordships would see there was no reason to complain of an inadequate or scanty supply. Indeed, on the consideration of the whole case, he felt convinced, that the House would perceive no severity, no harshness, nothing but the enforcement of restrictions necessary for the

safe custody of our prisoner. The Governor could not support his authority, or execute his duty, in keeping these persons in his power, with fewer restrictions than he had enforced, or with greater lenity than he had shewn. It might be made a question, whether this person was to be detained at all; but if he was to be detained, proper means ought to be taken to secure him, and proper vigilance employed to prevent his escape; nor should any mistaken compassion be allowed to influence us to depart from this cautious and prudent course. If, by our negligence, he was allowed to escape, we should not only incur the censure of those who now called for a relaxation of vigilance and restraint, but our conduct would be liable to misrepresentation: it would be asserted, that we intended to allow his enlargement for some purposes of our own; and we should be accused of acting under the most detestable hypocrisy, in first conveying him to that distant station, and in pretending to place him under restrictions, while we really wished his escape. Seeing, therefore, no ground for the motion, he would oppose it.

The Marquis of *Buckingham* gave his noble friend, who brought forward this motion, the greatest credit for good intentions and upright views. Nobody who knew the pure and honourable mind of his noble friend could for a moment doubt the integrity of his motives, or the laudable nature of the object which he proposed to accomplish; notwithstanding this, he (Lord B.) lamented that his noble friend had taken his present course, because he was afraid that his motives, honourable as they were, might be misrepresented, and his conduct lead to misconception both in this country and over Europe. He confessed that he himself did not come to the consideration of the subject with any of the feelings of his noble friend, or perhaps with those feelings that he ought to entertain. He was willing to allow that he did not possess a mind entirely unbiassed; for, be it error, be it prejudice, or any feeling less defensible, he acknowledged that he could not bring himself to view this person or his fate without considering him as the most bitter and rancorous enemy that this country ever had. The question, in this case, was confined within narrow limits. The policy of his imprisonment was now not before the House: that had already been decided on. If imprisoned, it was plain that he must be under restrictions of some kind or another, sufficient to guard against his escape. Would any person say that these restrictions were more than necessary for their object? (*Hear, hear*.) Would any one say that he could be kept in safe custody without them? (*Hear.*) He (Lord B.) did not believe so. For the unnecessary severity of these restrictions, we had the authority of a paper signed Monthonlon. This paper was filled with complaints and accusations. Against it we now had the evidence of his Majesty's Ministers; who, in a case of this kind, might be expected to be cautious, deliberate,

and guarded in their statements. Which was the House to believe—the Ministers of the Crown, with all their responsibility upon them, and speaking from the most minute information; or this prejudiced individual? He could not hesitate for a moment. He did not think that Ministers could be disbelieved; he did not see that it was possible to doubt their statements. (*Hear.*) He felt, that the paper which they had been called upon to answer was an additional insult to this country (*hear, hear*); proceeding from a person who had so often tried to insult it. He stated, “that he was not the prisoner of England,” that he had not surrendered to us, but that he repaired voluntarily and freely to England, to place himself under its laws, and to enjoy its liberties. He stated, that he had the option of surrendering himself either to Austria, Russia, or Prussia; and he invidiously insinuated that he would have found in any of those States a more honourable reception, greater kindness, or more justice, than with us. This he asserts with the recollection of his former history before his eyes. Had he tried the experiment he could not have found it successful. In Austria, instead of protection, he must have met with the deep-rooted recollection of broken treaties, and of wanton aggression—the trace of the ruin he had created, and the hatred of the people whom he had insulted. Had he sought an asylum in Russia, he would have found that the injustice of his invasion, and the burning of Moscow, were not forgotten by the inhabitants:—and had he endeavoured to take refuge in Prussia he would have been execrated as the person who had plundered the kingdom, and insulted its beautiful queen. (*Hear.*) He stated, that if he had surrendered to the House of Lorraine, “the emperor would have recollected the relations which religion and nature have formed between a father and a son; that he would have recollected that he restored him at Luneville, at Vienna, and had received protestations of his good-will at Dresden: that the Emperor Alexander would have recollected the ties of friendship contracted at Tilsit, and during ten years of correspondence: and that upon his surrender to the King of Prussia, he would have recollected the protestations of attachment and sentiments of gratitude that he testified to him in 1812.” But leaving out of his view all those who owed him such obligations, he chose to surrender himself to this country, and his demands on our generosity were certainly great, considering the grounds on which they were made, and the relation in which he stood to us. He had restored, according to his own declaration, their crowns to the Sovereigns of each of the countries which he renounced, giving the preference to this: and what was the price he exacted from them for this kindness? Why, that they should join him in an alliance against that very country in which he took refuge, and which he afterwards abused. He now appealed to our feelings of compassion and justice, by

telling us what stock of merits he had laid up with those whom he had prevailed upon to become our enemies, but to whom he did not choose to surrender; and adduced, as claims on our kindness, treaties that enforced the continental system against us, and were intended for our commercial annihilation. Considering that there was no ground for the present motion, considering the production of the papers as perfectly uncalled for and unnecessary, he would join the noble secretary in opposing the motion of his noble friend. He was of opinion that this person should be kept in close confinement, and that every restriction should be enforced, and every degree of vigilance exercised, that should be found necessary for that purpose. It was a piece of political justice that we owed to Europe and the world. It taught a political lesson that should never be forgotten in this country or any other.

Earl *Darnley*, having no hostility to Buonaparte, yet allowed that his safe custody must be provided for; but having, at the same time, a respect for the honour of the country, he thought no unnecessary severity should be employed. On both these points he was perfectly satisfied by the statement of the noble secretary. The motion of his noble friend had brought forward a sufficient answer to the rumours which were abroad, and a sufficient justification of his Majesty's Ministers. He could not, therefore, agree with a noble marquis (*Buckingham*), in lamenting that the discussion had taken place; on the contrary, he was obliged to his noble friend for a motion which was necessary to call forth so satisfactory a statement. He thought, however, after what had been said and after so much had been gained, that his noble friend should not press his motion.

Lord *Holland* thought the charges were of such a kind and of such magnitude, that in opposition to one of his noble friends, he would persist in thinking, that they called for contradiction; and, in opposition to the other, that they were not yet sufficiently contradicted. That contradiction should rest, not on the declaration of a Minister, but on documentary evidence. He (*Lord H.*) could not accept, therefore, the compliments of the former to his motives, while he lamented his conduct; nor the thanks of the latter, for the statement which he had given the noble secretary an opportunity of making, while he did not think that statement satisfactory. He (*Lord H.*) was not disposed to pay much attention to the construction that might be put on his motives; both because he was conscious of their rectitude, and because, in obeying them, he was convinced he had done an essential service to his country. No praise on the goodness of the intentions by which he was actuated would make him surrender the impression of the service he had accomplished. He rejoiced that he had made a motion which produced a contradiction of charges that were injurious to the honour of the country. He should rejoice

still more that documents were produced to disprove abuses; or if his exertions would tend if they existed, to correct them. He enjoyed the satisfaction of thinking, that there was one individual in the country who could not hear imputations on our national character without calling for inquiry, and giving an opportunity shewing their unfounded nature. (*Hear, hear.*) The noble secretary had said, that those who were adverse to the confinement of Buonaparte at St. Helena, must necessarily be biased in judging of the degree of restraint necessary for his safe custody. The noble secretary should at least give an opportunity of deciding whether too great severity had been used, by producing the documents he had moved for. He (Lord H.) neither approved of the spirit of that speech, nor was convinced by its arguments. It seemed throughout to support the motion it was intended to oppose. He had contradicted the report on which he proceeded, but would not produce evidence to refute them. He (Lord Bathurst) seemed to think, that the motion was one of censure, and not of inquiry—one that assumed the facts as true, instead of one that called for information. He had, therefore, answered his statements as charges, and not as grounds for examination. He (Lord H.) moved for papers. What did the noble secretary do? Instead of producing them to Parliament, he read his own justification from them by extracts, while he refused to lay the documents themselves on the table of the House. This was the most extraordinary and unjustifiable conduct that ever existed: a mode of proceeding which, till within these ten or twelve years, was completely unknown—that a Minister should make use of documents not before the House, which he had an opportunity of quoting, stretching, or garbling, at his pleasure. How did the noble secretary answer the charges? He refused the papers; and, as a man of wit and pleasantry, instead of allowing the justification of the absent to be heard, he cut jokes upon an individual whose character and person were in his power. If this was his glory, if this was his triumph, he did not envy him, his feelings, or his taste. The noble secretary had denied the papers, on the allegation that it would be six months before they could be obtained from St. Helena; and during all that time the imputations against the Government would remain uncontradicted: but what would he say to Buonaparte's situation, against whom the noble secretary had not only stated things that could not be contradicted, but on whom, in his absence, he had even cut jokes. The whole tenour of the noble earl's speech shewed the propriety of the present motion. He (Lord Holland) never stated that the accounts were true; and, indeed, he knew nothing about the statements that had been published, except that they were confirmed by private accounts from other quarters. He only said, that they required contradiction; and, however much he might admire the speech of the noble earl, he did not think the contradiction

contained in it equal to a contradiction by documents. If the charges were light and trivial, why did the noble secretary take such pains to refute them? and if they were serious, why did he not give the means of rendering that refutation most effectual, by producing the papers? The contradiction should not rest on the breath of the noble lord. He (Lord H.) was not entitled, from the source whence he had received his information, to lay his authorities before the House; but notwithstanding the noble lord's assertion, he still believed, that the sending of Buonaparte to St. Helena was a subject of discussion with the Congress of Vienna. He had been told this circumstance before the battle of Waterloo, and he believed Buonaparte himself had heard of it. (*A laugh from the Ministerial benches.*) Gentlemen might think this very pleasant: they might think, perhaps, that Buonaparte had himself suggested it; but how could he have suggested it, unless he had heard that such an idea had been entertained? This, however, was a point on which he would not enlarge, as it had no reference to his present motion; neither had his motion any reference to the memorial of Monthonol, or the other papers in publication. All that he wanted was, recorded documents against those rumours that affected the character of the country: all that he got was a speech of the noble lord instead of papers. This speech might probably be as convincing to his (Lord Holland's) mind and the House as the papers themselves; but it could not be equally convincing to Europe and posterity. Will posterity and the world look upon statements from the mouth of the noble lord as of equal authority with Parliamentary documents, although substantially they might be the same? The only ground on which papers could be refused was, that the charges were too trivial to deserve inquiry. He was far from thinking them of such a nature: they appeared to him to be of the greatest importance; and he could by no means agree in what seemed to be the sentiments of his noble friend (the Marquis of Buckingham), that now he was sent there, it was of no consequence how he was treated. His noble friend had alluded to Austria, Prussia, and Russia, as states in which he could not find an asylum: but (and it was another ground of the present motion) he should not be surprised if a foreign power, affecting popularity, should make a remonstrance on the subject of his treatment. The speech of the noble earl would not be so good an answer to such a remonstrance as the papers: still less would it be as good, if Buonaparte should happen to expire while these rumours were yet in existence. The noble earl had dwelt with much pleasantry on a person who was absent, and could not defend himself; and had taken up the defence of Sir Hudson Lowe, as one who was exposed to the plots of his prisoner on the island, and to the suspicions of the people at home. Even the strictest confinement of his captive could not, it seems, relieve his fears: indeed he

probably would be "afraid of this gunpowder Percy, though he were dead." Looking at it as a point of taste and feeling, he could not admire the attempt to turn into ridicule the effusions even of ill humour; for, God knows, ill humour might be pardoned in a man who had met such dreadful reverses: and, however successful such an attempt might be, he should be sorry to have produced an effect by such means. He still adhered to the propriety of his motion, as he had seen and heard nothing to make it unnecessary.—The motion was then negatived without a division.

PROTEST.

House of Lords, March 18, 1817.

Against not agreeing to an Address for Papers respecting the Personal Treatment of Buonaparte.

Dissentient, VASSALL HOLLAND.
LAUDERDALE.

HOUSE OF COMMONS.

Tuesday, March 18.

IRISH POLICE BILL.] Mr. *Peel* brought in his Bill for the better preservation of the peace in Ireland, and for the regulation of the Police. (See page 504.)

NEW STREET BILL.] Mr. *Huskisson* rose, to move for leave to bring in a Bill, to alter and enlarge the powers of the 54th of the King. By the act which had been passed for building what was called the New Street, the Commissioners were authorized to raise the sum of 600,000*l.* for the purpose of making purchases, compensating individuals whose property was affected, &c. It was necessary, of course, to look to some of the opulent corporate bodies of this metropolis, for the obtaining of that loan, and the Corporation of the Royal Exchange Assurance had agreed to lend 300,000*l.* with an understanding, that they should be at liberty, when called upon for the other 300,000*l.*, to advance it or not, as they might judge expedient. They were prevented, however, by an act of William and Mary, under which they held their charter, from lending any money to the Crown upon any Crown lands, or upon any security of the Crown, which was not subject to the controul of Parliament; and in consequence of that provision, an exception was introduced into the New Street Act, to enable the Corporation to advance the sum in question. They have been lately called upon to exercise their option with regard to the other 300,000*l.*, and had declined to lend it; but an arrangement had been made with the Bank of England, who had agreed to make the loan. They, however, were tied down by their charter to the same limitations as the Royal Exchange Assurance Company, and the object of the Bill which he intended to bring in, was to secure them from any penalty which they might otherwise be liable to. He could not state, as a matter of certainty, that the 600,000*l.* would be sufficient to complete the projected plan, but according to

the information he had received from those who were more competent to judge, he had every reason to believe that it would. The hon. member then made his motion, and leave was given accordingly.

WELSH JUDGES.] Mr. *Calcraft* moved for a writ for the election of a new member to serve in the present Parliament, for the Borough of Bridport, in the room of Mr. Serjeant *Best*, who had accepted the office of one of the Justices of the Great Sessions of Wales.

Sir *S. Romilly* observed, that he could not help taking this opportunity of calling the attention of the House to the distinction made between the English and Welsh Judges with regard to the capacity of sitting in that House. The constituents of the learned gentleman himself had nothing to complain of, as it remained to them to determine whether their representative was likely to be as attentive to their interests after as before his acceptance of this office: but the point was of great constitutional importance; and he had never been able to understand at what period this difference between English and Welsh Judges originated. The latter had duties equally arduous, although not so frequently exercised as those of the former; they had to sit in judgment in cases affecting the property, reputation, and lives of his Majesty's subjects. The due exercise of their functions required the same general qualifications, the same impartiality of character, and the same abstinence from party conflicts. He was, he confessed, at a loss to determine how such an irregularity could have ever crept into the Constitution. The fact, however, unfortunately was, that they were considered not professional, but political offices; and were, he had reason to believe, not in the gift of the Lord Chancellor, but of the First Lord of the Treasury. He spoke from a recollection of information communicated to him many years ago, on the expression of his surprise at some former appointments; and he was inclined to think that this information was correct. These observations were evidently not directed against the recent appointment of the learned serjeant, whose great practice and long experience fully qualified him in those respects for the situation. Whatever regret, however, the House might feel at the absence of his talents, he did not think it could be attended with much surprise. It could not have failed to have attracted notice, that the hon. and learned gent. had some time since changed his original seat on the opposition benches, for one which might be regarded as neutral territory; and that he had subsequently removed to one which was not only nearer to, but was the very threshold of the Treasury. (*A laugh.*) The House, he thought, were bound to take into its consideration the propriety of suffering any man to unite in himself the characters of a Member of Parliament and of a Judge. In point of practical consequence, it was undeniable that those honourable members always placed implicit confidence in the Ministers of the Crown. He had

heard of many visionary projects for Parliamentary Reform, and he was sorry that such ideas had been entertained; but of practical and moderate Reform, he had always been a supporter, both in the House, and before he had the honour to enter it; nor could he imagine any plan of Reform more practical and moderate, nor one calculated to give more general satisfaction, than the rendering ineligible those persons whose offices necessarily made them dependent on the Ministers of the Crown, and more especially all those who held judicial appointments. (*Hear, hear.*)

Mr. *Abercromby* adverted to the fact, that his Majesty's Attorney-General held the office of Chief Justice of the county Palatine of Chester. He understood that many persons had been arrested for treasonable practices within that hon. and learned gentleman's jurisdiction, probably by his advice and instructions; and if he afterwards should sit to try them in his judicial capacity, the House could not but feel how inconsistent such a course would be with all the notions of justice entertained in this country. On the other hand, if the Attorney-General did not try them, then the Crown would be deprived of the benefit of his talents and assistance. He might mention the conduct of an hon. gent. (Mr. Adam), who, when appointed to a judicial situation in a distant part of the kingdom, immediately resigned the office he held, as Attorney-General to the Duke of Cornwall, purely on the ground that he considered the two functions incompatible. In what he had stated, he was sure he only spoke the sentiments of a numerous class of persons of the profession to which he had the honour of belonging.

The *Attorney-General* said, the hon. and learned gent. was completely mistaken in supposing, that any thing so indecent would be committed as that, he, the King's Attorney-General, would direct prosecutions which he should afterwards try in his capacity as Chief Justice of Chester. If there were persons in custody in Chester, he was quite certain he should not hear a syllable upon the subject (except what might be matter of public notoriety) till he arrived there. In the last sessions at Chester, several persons were tried for a conspiracy, but of which he knew nothing, until the matter was opened before him by the indictment; and the same course would be pursued on the present occasion, if the fact should be as stated by the hon. and learned gent. He should consider himself, or any other individual, unworthy to hold a situation under the Crown, if he could advise prosecutions, which were subsequently to be tried by him. Were such a necessity inevitable, he should hold himself bound to resign one or other of the offices.

Mr. *Ponsonby* said, the speech of the hon. and learned gent. had proved beyond the possibility of doubt, that the two offices of Attorney-General and of Chief Justice of Chester were incompatible. He could not, in fact, do his duty in the one capacity, but by neglecting it in the

other; he could not execute his functions as Chief Justice of Chester without foregoing his duty as Attorney-General. It was directly contrary to the spirit of the Constitution, whensoever the practice had commenced, that persons holding judicial offices should possess seats in that House; and he now gave notice of a motion after the Easter holidays, for disqualifying them to continue members any longer.—(*Hear, hear.*)

Sir *S. Romilly* observed, that since the hon. and learned gentleman had been Chief Justice of Chester, some causes had been tried, in which the Crown had a great interest, relating to De-lamere Forest; the hon. and learned gentleman very properly abstained from sitting, and they were tried by another judge, but the consequence was, the Crown could not have the assistance which it ought to have had from the hon. and learned gentleman's talents.

The *Attorney-General* explained, and remarked, that if any sin were committed by holding two offices, it was a sin which two of the greatest legal characters in this country had committed, the late Lord Kenyon and Lord Loughborough. The motion was then agreed to.

LOTTERIES.] Mr. *Lyttelton* rose, in pursuance of notice, to call the attention of the House to the dangerous, immoral, and fraudulent mode of raising money upon the people by way of Lotteries. The prejudices that prevailed against a subject of this kind were very strong at this moment; indeed, he lamented to say, that there was a great inattention on the part of persons both within and without that House, to every thing that related to the raising of money. It was necessary, no doubt, that money should be raised to support the expenses of the State; but the utmost jealousy should be entertained by the people, and particularly by those who represented them in that House, that no taxes should be imposed that could be avoided (*hear*); and more especially, that no mode of taxation should be adopted which would lead to the destruction of the morals of the community.—(*Hear.*) It could not have escaped the notice of almost every gentleman, that it was usual to consider this subject as a sort of joke. The right hon. gentleman opposite (the Chancellor of the Exchequer) and those who sat beside him, had been used to say, "You only find fault with the lottery-puff;" this excited a laugh, and then the matter dropped. He was fully persuaded, therefore, it must be the effect of evidence that would get the better of the habitual prejudice on this subject. Amongst the different expedients that were resorted to for raising money, it was said, that the Lottery was the only one to which the people cheerfully assented, because it was a voluntary, and not a compulsory tax; but what had the two committees, who were appointed at different periods, to inquire into the consequences of this species of taxation reported to the House?

They had stated, that this system was radically vicious; that it was as improvident as it was immoral; and, in the last place, that the manner of raising money was, on all accounts, objectionable. (*Hear, hear.*) On an average of the last five years, the sum derived from this source, did not exceed 550,000*l.* He believed, however, that this estimate was a good deal more than it really produced; but, certainly, in the last year, it could not be rated higher than 500,000*l.* This sum was raised on the public at a very enormous expense; indeed, it cost more in collecting than it brought into the Exchequer. The right hon. gentleman (the Chancellor of the Exchequer) had taken some pains in promoting religious societies; he had attended bible meetings, and made some eloquent speeches on religion and morality: he had professed the most lively interest for the comforts of the poor: but what did all this amount to? What would the House of Commons think, what could the people, what could the right hon. gentleman himself think, of these gambling speculations? Did this system accord with his pure notions of morality? He asked the right hon. gentleman, how he could reconcile it to his conscience as a Christian, and a Chancellor of the Exchequer, to raise money in such a manner? As to the Secretary of the Lottery, he defied the right hon. gentleman to find any person of high character at the bar who would accept of that office. The consequence was, that the powers of the office would always be abused. The Lord Mayor, a most active and discerning magistrate, had informed him (Mr. L.) that the evils arising from this species of gambling, were increasing. His authority could not be received otherwise than with the greatest attention, especially as the city of London had petitioned strongly and unanimously against the system; and, indeed, if this public nuisance were ever abated, he believed it would be by the testimony of the whole country, embodied against it in petitions. No Lotteries had been drawn in Ireland for 16 years. However, there needed not this additional argument—the system was radically bad; and he felt convinced, that if he could be instrumental in suppressing the nuisance, he should be doing a service to the country. It was true, that money must be found for the necessities of the State, but he thought the 500,000*l.* now raised by the way of Lotteries, might be taken out of the pockets of the people honestly, and without deception; and sure he was that the State could never be saved by crooked means. (*Hear, hear.*) He therefore begged to submit to the House resolutions nearly the same as those he had offered last year, but a little softened down in the expression: 1st. That by the system of State Lotteries, a spirit of gambling was promoted destructive to the morals of the people, and detrimental to the revenue of the country. 2d. That this House will no longer authorize the existence of State Lotteries.

The Chancellor of the Exchequer, observing that the hon. gentleman had admitted that the House could not easily give up one of the available means of the country towards the support of its revenue, hoped the House would consider that point well; for, unless they weighed the point well before they relinquished any source of revenue, the situation of the country would be most alarming. In the measure itself, he (the Chancellor of the Exchequer) could see no principle wrong, unless we were to maintain, that all the games of chance were inadmissible; a position which had never been maintained by the strictest moralists. If, then, games of chance were defensible on any occasion, it was surely when they contributed to the necessities of the State. Admitting, however, that the existence of the Lottery in some degree encouraged gambling, it was to be considered, whether the suppression of the Lottery would not increase rather than diminish that vice among the people. It was known that, in proportion as Lotteries were withdrawn, the pernicious system of Little-goes increased; and one good effect of the Lottery was, that it kept up a number of persons who were interested in the prevention of these Little-goes. If the Lotteries were themselves suppressed, it was true, we should hear little of gambling among the poorer classes, though it might be carried on to a much greater extent. Already it had been found very difficult to prevent the sale of Foreign Lottery Tickets: and they would be bought by thousands if the Home Lottery were ever to make way for them. The effect of Lotteries in Ireland had been so much more pernicious than in England, that it was found expedient to suppress them there. (*Hear, hear.*) But the persons formerly employed, had only received the allowances they were entitled to on the Union, and when any vacancy had occurred, it had not been filled up, so that the whole system there would soon be extinct. The city of London had lately petitioned against Lotteries, but their scruples were of a very late date; for it was not long since they had procured an act for effecting some improvements by way of a Lottery, in which the value of the prizes had been infinitely more exaggerated than it ever had been in any State Lottery. One prize in the City Lottery, estimated at 25,000*l.* had sold for no more than 7,000*l.* The practical question for the House to consider was, whether a revenue of 500,000*l.* per annum could be given up without any proposal for a substitute; that revenue, too, at present was paid voluntarily; and it was clear that it could not be added to the taxes, without materially adding to the distress of the country. He trusted, therefore, that the House would concur with him in voting against the resolutions.

Sir S. Romilly had hoped, that instead of ridiculing the changed opinions of the city of London, the Chancellor of the Exchequer would also have changed his own, as to the

system of Lotteries, and that he would have abandoned it. All that was said was, that we could not afford to give up this part of the revenue; but least of all, he (Sir S. R.) thought, could we afford to give up what concerned the morals and the honest industry of the people. The argument on the profits of the Lottery was to be placed against the losses of the revenue, occasioned by the deterioration of the habits of numbers of people, who were rendered a burden instead of a benefit to the community, and who thereby added to the enormous amount of the poor-rates. The evils spread through every village in the country, where persons were employed in posting up bills to attract poor miserable creatures, and inflame them with the hope of sudden wealth. He could wish the Report of 1808 had been reprinted. The facts proved to the Committee shewed, that butchers, bakers, and others, found their trades diminish during the Lottery, while that of the pawnbrokers increased. Women were allured, and spent the hard earnings of industrious husbands, and pawned their clothes and those of their children. Some witnesses spoke strongly of the heart-breaking scenes of misery they had seen—of the total loss of all domestic comforts occasioned—of families converted from sociality into strife—of husbands driven to despair, and running away and leaving their families on the parish—of numbers, through this fatal propensity, being driven to mad-houses, and of many suicides committed. The Ordinary of Newgate stated, that, by the confessions of individual criminals, a large proportion of them traced their ill fate to practices in the Lottery. Merchants' clerks and young men of decent habits were seduced frequently into acts of dishonesty, and ruined by it. It was not enough to ascribe the evils to the former insurances: they still continued, from the temptation and seductions to buy shares. Not only other poorer classes, but private soldiers were drawn in and ruined. The nature of these allurements might be seen in the advertisements in the newspapers, which contained the strongest moral poison, and the most diabolical arts to seduce even boys.—Part of some of these he read.—Under the title of Christmas boxes, one of them stated, that a careful lad had not spent his money in amusements, but ventured in the lottery by buying two sixteenths; that thereby he got a capital prize, and had become an opulent merchant in London. Another said, that a poor public-house lad had gained 1,200*l.*, and was living in retirement; but that now 2,500*l.* might be acquired for a similar chance. Another stated, that the milk-woman had come in for a little of the cream of the lottery by a sixteenth share of a prize of 20,000*l.* Another scheme was addressed to the soldiers, respecting a supplementary lottery; and they were told, that officers had got 2,500*l.* and 3000*l.*, and privates 600*l.* The Chancellor of the Exchequer might laugh at all this, and treat the opinions of others con-

temptuously. Knowing the private virtues of that right hon. gentleman, he must say, that his conduct excited his astonishment. He could not exactly tell what to make of the seeming incongruity of the right hon. gentleman's appearance on one day, taking the lead in a Bible Society, and on another, meeting a set of Lottery contractors. The matter seemed unaccountable. He wished the right hon. gentleman to listen to what he said. It would be good for persons holding high stations, which gave them so much influence over the condition of their fellow-creatures, to see personally the miseries of others. If the right hon. gentleman entered the poor-houses, he would see the numbers of miserable, diseased, and squalid objects: in the mad-houses he would see the agonizing wretches; and in dungeons he would find honest unfortunate individuals, of whom a great part had been led to wretchedness through the temptation of lotteries. Many, after spending all they had of their own, and all they could borrow, became at last victims to public justice. These results had been proved. Could the right honourable gentleman see these things, it was not in his nature for him to persevere. It was to be hoped that the House would redeem its character. The restrictions on the lottery were quite insufficient. It was easy to understand that there might exist great evils which could not be suppressed. In natural vices we could only correct, but in the lottery we created the vice, which might, as was said, be less now than formerly, though he (Sir S. R.) thought the evil increased; and that, if it should appear less this year, it might arise only from want of means in the public. He should not, however, be surprised if the lottery trade increased, for distressed persons were led to sacrifice what remained to them by vain hopes. He could have nothing new to offer in objection to lotteries: the evils were well known; and he could only repeat objections formerly stated. He trusted his hon. friend would persevere. If he did not, he (Sir S. R.) would; and the Chancellor of the Exchequer should hear all the objections re-stated, whenever he proposed a measure so injurious to the best interests of the country.

Mr. J. W. Ward observed, that it was a serious question how to supply the sum of 500,000*l.* to the revenue, if it were deducted by refusing the lottery. In balancing the evils, it might appear better to continue the system at present than to impose 500,000*l.* of fresh taxes. He was ready, however, to admit that a lottery, as an ordinary resource, was a shameful one for a moral and religious nation. It was injurious to the principles and practice of industry and economy. By approving the Saving Banks, Parliament told the people to be industrious and frugal; but, through the lottery contractors, they told them to come and buy a sixteenth, to sell their clothes, and their little all, and try the chance of becoming rich, and thus be drunk and

lazy all the rest of their lives. (*Hear.*) This was really the spirit of the language. It reminded one of the choice of Hercules. Vice and virtue were both represented. The people were asked for two things quite contrary to each other. He could wish that the end of lotteries was looked to by the Chancellor of the Exchequer; and thought that their abolition would be found a necessary boon to the honour and morality of the Legislature and the country.

Mr. *Wilberforce* said, the arguments used for the lottery might be brought to justify any other practices; such as the farming of the public stewards, by which perhaps 500,000*l.* might be obtained. It was surprising to hear virtue praised and recommended, and wickedness allowed and encouraged at the same time: or to hear of the taking a profitable patronage of vice. It was high time to put an end to a system which had so long been a disgrace to Parliament, and tended to the ruin of the country. The lottery annually sowed the seeds of the gambling principle. It was most unjustly called a voluntary contribution. Voluntary! From persons who, in this gambling, were leading themselves perhaps to the gallows! Every real friend the man had in the world was looking at him with concern, and all his dearest relatives and connexions trying, in vain probably, to dissuade him from it: but the poor unfortunate creature was seduced to his ruin; and this was called his voluntary contribution! After the attacks made upon it, it was impossible this system could remain, for it could not be justified. (*Hear, hear.*)

Lord *Castlereagh* said, his hon. friend with his eloquence, might paint a sad picture of the misery and crimes resulting from revenue drawn from various articles of consumption, not only from lotteries, but such as the sale of intoxicating spirits. How would the principle operate if pushed to extremes? He might call the attention of the House to the cases of drunken frenzy, in which his moral mind and ingenuity would excite their feelings; but they must take a larger view, they must see whether the country could afford the loss of revenue. If the lottery was a *malum in se*, then the House should be decisive; but if its evils were only to be traced in its effects, he must compare the *quantum* of good with the *quantum* of evil, and not be governed merely by feeling. He should like to hear whether the eloquent and astute hon. gentlemen, who would thus abandon one kind of revenue, were ready to substitute corresponding taxes: if such were proposed, the House would hear injurious representations of their hardship and inquisitorial tendency. He readily admitted, that many evils resulted from the effects of lotteries to individuals; but he considered many of the attacks on the system as extreme exaggerations. Lotteries had been common to all countries, and we were not yet so very much wiser or more virtuous than others, as to lay them aside on mere speculative grounds. He did not

wish to look at a lottery as a permanent source, and should be gratified to take away all taxation of a doubtful character; but if the House listened to the arguments of gentlemen, and deprived the country of 500,000*l.* of revenue, they would find as many criticisms on any substitutes that could be proposed; and thus they might shake the system of our finances to its very foundation. He concluded by moving the previous question.

Lord *A. Hamilton* commented on the noble lord's distinction between things evil in themselves and evil in their effects. If our finances were in such a distressed state under the noble lord's and his colleagues' auspices, their conduct must have occasioned it. When millions were squandered away without inquiry, it did not occur to the noble lord that the day would come when he would be compelled to sell the character of the House and the comfort of the country for 500,000*l.* from the lottery.

Mr. *Morland* believed, that if we abolished lotteries, other countries would be found to follow our example. The mischiefs of lotteries in Paris were greater even than here. An author had stated, that an official person told him that in Paris the lottery had occasioned 100 suicides in one year. A lottery was now set up in Spain, on what was called the English principle. The Spanish King looked to this country, not to copy toleration or trial by jury, but pitched upon our lottery as an example to follow. (*Hear, hear.*) He had seen lottery invitations stuck up in little villages, directing applications to the postmasters in the neighbourhood. At this moment, pending the assizes, the proclamation against vice and immorality was read at the same time that the King's postmaster was seducing the people to gambling.

Mr. *Thompson* thought lotteries injurious to the revenue. Even Mr. Bish said, that the six lotteries outran the public, and gave them no time to breathe, though they kept them in perpetual expectation. Mr. Hale had given strong facts of the distresses from the lotteries in Spitalfields. There were no such things as fair lotteries; they were frauds and cheats, which destroyed the moral bonds and ties of society. The Report of the Committee of 1803 gave full information on the subject.

Mr. *Bennet* alluded to the case of two sisters whom he had seen in the House of Correction or perjury, and who, he had no doubt, had seen the cause of much mischief to many innocent persons.

Mr. *Lyttelton* briefly replied. He denied both the moral principle and policy of lotteries, which tended to dry up the springs of industry. If the 500,000*l.* must be had, he had rather it should be procured by borrowing than by swindling.

A division then took place, when the numbers were—

For the motion, 26; Against it, 73; Majority, 47.

LIST OF THE MINORITY.

Abercromby, Hon. J.	Guise, Sir Wm.
Calcraft, J.	Thomson, Thos.
Grenfell, P.	Plunkett, Right Hon.
Lambton, J.	W. C.
Baring, Sir T.	Webb, Thos.
Hamilton, Lord A.	Butterworth, Jos.
Barnet, J.	Babington, Thos.
Brougham, H.	Ponsonby, Rt. Hon. G.
Monck, Sir C.	Pennet, Hon. H. G.
Phillimore, Jos.	Gipps —
Martin, J.	Macdonald, J.
Bernard, S. M.	Upton, Hon. G.
Sharp, Rd.	Rashleigh, C.
Wilderforce, Wm.	
TELLERS—Romilly, Sir S.—Lyttelton, Hon. Wm.	

HOUSE OF LORDS.

Wednesday, March 19.

Witnesses were examined on Bayley's Divorce Bill; and, on the motion of Lord Rolle, the evidence was ordered to be printed, and taken into further consideration on Tuesday next.

The Mutiny Bill was read a second time, and ordered to be committed to-morrow.

HOUSE OF COMMONS.

Wednesday, March 19.

NEW STREET BILL.] Mr. Huskisson brought in the New Street Bill, which was read a first, and ordered to be read a second time on Friday next.

DUTIES ON RICE.] Mr. Lushington presented an account of the duties on rice imported for the year ending the 1st of January, 1817; and remarked, that as some misapprehension had gone abroad with respect to the continuance of the suspension of those duties, it might be proper to state, that the suspension, as applied to America, would cease on the 5th of April, 1818, and as applied to the East Indies, at the end of the year 1818.

LUNATIC ASYLUMS.] Lord Binning moved for and obtained leave to bring in a bill, to provide for the establishment of Lunatic Asylums in Scotland. It was proposed to extend the advantages of the bill introduced by his right hon. friend (Mr. Rose) to that part of the country; and it would be recollected, that that measure was founded upon the Report of a Committee detailing instances of inhumanity and suffering, on which it must always be painful, and was now unnecessary, to dwell. It was the duty of the House, however, always to bear them in mind, so far as to guard effectually against their recurrence.

The question was then put, and carried.

WELSH JUDGES.] Mr. Ponsonby gave notice, that on the 22nd of April next, he should move for leave to bring in a bill to extend the provisions of the Act of Anne, incapacitating certain

officers to sit in that House, to every person holding the situation of a Welsh Judge.

SOUTH AMERICA.] Mr. Brougham rose, in pursuance of notice, to call the attention of the House to the present state of the Spanish and Portuguese governments in South America. The facts which he had heard were these:—About eight months ago an expedition had been sent from Rio-Janeiro to Monte-Video; part of the troops went by land, and part by sea: and, when they joined, they took up a strong position against that city. When the last accounts came away, they were either actually besieging it, or threatening to commence the attack. He had heard, that the Spanish Government had agreed to cede Monte-Video to Portugal, in exchange for Olivenza. Now, he maintained, that Monte-Video did not belong to Spain, but to the independent party; or, as they were sometimes improperly called, the revolted provinces, which had conquered it before the restoration of Ferdinand; and therefore Ferdinand could have no right to dispose of it. Be this as it may, a force of 10,000 Portuguese troops were now under the walls of the place. For the success of the independent part of South America almost all men were now putting up their prayers; but it could hardly be supposed that this expedition was going on against Monte-Video without the sanction of the Spanish Government. This was of the more importance, as the convention between Spain and Portugal was said to have been executed with the connivance of our agents, and that Lord Beresford was generalissimo of the Portuguese army when that expedition sailed. If these facts were true, it was extraordinary that no notice had been taken in the House of this expedition; but, he trusted, that Ministers would be able to give a satisfactory explanation to the country, as to the conduct of our agents, civil and military; and nothing would be more gratifying than to hear, that this country had not, by its agents, been piivy to this convention. He should therefore move, "That an humble address be presented to the Prince Regent, praying that there be laid before the House, copies of any treaties or conventions relative to the cession of Monte-Video to Portugal; and of any correspondence respecting the same, so far as such correspondence could be communicated without injury to the public service."

Lord Castlereagh said, that this Government was in no degree party to any foreign treaty on this subject; but had remained quite neutral. As to Marshal Beresford, his duties ought not to be confounded with those of a British officer. While he was in the service of the Crown of Portugal, he must not be considered as acting for this country. He should consider it a great breach of duty on the part of that gallant officer, while he was acting in the Portuguese service, if he were to communicate their intentions to this Government. However, if we considered the relations between Spain and Portugal, it

was not probable that any such treaty could have been made; but, whether this were to be regarded as a South American question, or as one relating to Europe, he should deprecate the discussion in its present shape; and could not think it consistent with his public duty to lay any documents before the House.

Mr. *Brougham* believed, that, as between the Courts of Lisbon and Madrid, there might be no such treaty: but he meant, that such a treaty had been entered into between the Courts of Madrid and Rio Janeiro.

Lord *Castlereagh* observed again, that it was not probable any such treaty had been made.

Mr. *Brougham* was glad to hear that nothing had been done, either directly or indirectly, on the part of this Government, relative to this convention; but what the noble lord had said as to Lord *Beresford* ought to apply to all other officers. If our officers acting in the service of Old Spain were not to be blamed, he should wish to know, whether officers serving in the revolted provinces, as they were called, were to be blamed? Was it not true, that up to the embarkation of these 10,000 men, Lord *Beresford* was actively engaged in their organization?

Mr. *Lamb* said, if a British officer of his distinction had acted in this manner, he must be supposed to have acted in conjunction with the Government.

Lord *Castlereagh* replied, that, according to the general law of nations, Lord *Beresford* must be considered as acting in the service of the Crown of Portugal, and was not at liberty to disclose their operations to any other power.

Mr. *Ponsonby* then asked, whether it were true, that this Government had interfered with the United States, as to the conduct which its citizens ought to pursue towards the Spanish provinces?

Lord *Castlereagh* said, the measures adopted by North America had been taken solely and exclusively upon her own views, without any communication with his Majesty's Ministers.

Mr. *Ponsonby* then called the attention of the House to a Treaty signed at Madrid in July 1814, between his Britannic Majesty and Ferdinand VII., in the third article of which it was stated; that "his Britannic Majesty being anxious that the disturbances existing in the Spanish Colonies should cease, and that the subjects should return to their obedience to their lawful Sovereign, engaged to prevent his subjects from furnishing any arms to these rebellious Colonies." Now, if the neutrality was strict, where was the use of this article? If a neutrality was at all stipulated, justice required that that neutrality should be impartially and faithfully observed, and if we, as this article obviously implied, gave, as we did there by our engagement, such encouragement to Spain to persevere in the war with her colonies, he was at a loss to see where was the strictness and impartiality of this neutrality. To tell one that they shall succeed, and to tell the other that they must fail, was not neutrality.

He observed that this Treaty had been signed by Sir H. Wellesley, and he hereby gave notice of his intention on the 23d of April to move for copies of all instructions sent to Sir H. Wellesley, and on which he acted in that Treaty.

Lord *Castlereagh* was astonished the right hon. gentleman had not noticed this article sooner, as it had lain on the table for above two years. All that was meant by neutrality was, that no force should be used by us on either side, and the object of that article was to express a wish to see unity restored.

Mr. *Ponsonby* did not know of the existence of this treaty till a day or two ago, as it had never been noticed in the House as other treaties were, by addresses and other measures on it; but this did not prevent the question being as open as if the House had only been told of the treaty being yesterday brought down.

Mr. *Brougham* said, that the 2d article was equally worthy of notice, in which his Catholic Majesty, aware of the inhumanity and injustice of the Slave Trade, declared he should consider it with due deliberation. But how had that article been fulfilled? Since that, 20,000 slaves had been imported into Cuba, and 40,000 into the dominions of his Portuguese Majesty. He wished to know whether any correspondence had taken place on this article, so important as it was in every point of view to the friends of truth, justice, and humanity, whose anxious wish was that every where that infamous and execrable traffic should be abolished, and no traces of it left on the face of the globe?

Lord *Castlereagh* could not give any final answer, as the negotiations were still pending.

Here the conversation dropped, and Mr. *Brougham* withdrew his motion.

HOUSE OF LORDS.

Thursday, March 20.

SEDITIONS MEETINGS.] The order of the day for the second reading of the Seditious Meetings Bill being read,

Lord *Sidmouth* rose.—It was not his intention to detain the House long, as he understood that any objections that might be made would go rather to some of the provisions of the bill than to its principle. Since the outrage against the Prince Regent, and the Report of their lordships' Committee, three bills had passed the Legislature—one for giving his Royal Highness the same protection as his Majesty had, and rendering the provisions of a former Act perpetual as to both; another to punish, with greater severity than before, any attempt to seduce soldiers and sailors from their allegiance; and a third, for detaining in custody certain persons suspected of being concerned in treasonable practices. With respect to the first of these acts, it would have been wise and proper to pass it, though the circumstances which had occasioned the passing of the other had not existed. The third bill was founded on the information which the Exe-

cutive Government had laid before their lordships' Committee; and on which the Committee had reported, that there existed a traitorous conspiracy for the subversion, by means of a general insurrection, of the Government, laws, and Constitution, of this kingdom; and the Committee, at the close of the Report, states, that farther provisions are necessary for the preservation of the public peace. What were the circumstances that led the Committee to that conclusion? They must have been such as convinced the Committee that the existing laws were not sufficient to meet the evil, chiefly because, under the law as it stood, it was in the power of a few persons to bring together, without the sanction of any recognized authority, in the neighbourhood of great towns where distress and discontent prevailed, the turbulent and the factious of every description, to consider and discuss the state of the country. But it did not depend merely on the statement of the Committee, for it was notorious, that at meetings so called, ill-disposed persons took the opportunity, with such dexterity as to evade the law, of inflaming the minds of the people, and leading them from discontent to sedition. This was the danger which the Committee had in contemplation when it stated that further provisions were necessary; and it was principally from the consideration of that evil that the present bill was introduced. The bill was formed upon the plan, and made up chiefly of the provisions, of the Seditious Meetings Acts of the 36th and 39th of the King. His lordship then stated generally, the objects to which the bill was intended to apply, which are already before the public; and stated, that one part of the act was meant to be temporary, while another part, relating, as we understood, to debating clubs or lecture rooms, was intended to be permanent. All public meetings, except called upon notice by the authority of seven householders, or other proper authority, and all adjourned public meetings, were declared to be unlawful. There were clauses subjecting the hundred to the charge of indemnifying persons injured by the destruction of their houses by persons attending such meetings. Property, however, had been taken out of dwelling-houses on such occasions, when it was difficult to prove that there was an intention to destroy the house itself; and there was now, therefore, a clause making the hundred liable for damages when the property was taken out of the house, though there had been no attempt to injure the house itself. These, however, were matters which would be more properly considered in the Committee. The question at present was, whether, contemplating the present state of the country, any provisions in addition to the existing law were necessary. It could not be contended, he imagined, that the law as it stood was sufficient to meet the evil. A noble earl had on a former occasion said, that certain provisions in the act of the 36th of the King were sufficient for the purpose; it was na-

tural for the noble earl to think that these provisions were permanent; but the fact was, that they had expired in 1802. Their lordships would therefore, he trusted, agree with the Committee in the proposition stated at the close of the Report, that such a state of things could not be suffered to continue without hazarding the most imminent dangers and most dreadful evils. Such at least, he hoped, was the opinion of the great majority of their lordships: and he trusted they not only thought that such a state of things ought not to exist, but determined that it should not exist. He moved that the bill be read a second time.

Earl *Grosvenor* did not know what had led the noble secretary to conclude, that there was no difference of opinion as to the principle of the bill, as he had distinctly intimated his objections to it. He had considerable objections to all the clauses of it, except one, which was very like an objection to the principle. However, he would reserve what he had to say upon the principle of the measure till the third reading, when he should have an opportunity of seeing the bill as it came out of the Committee. In the mean time he could not but state, that he saw no necessity for joining the temporary and permanent provisions in one bill. It was an awkward manner of legislating, and might produce legal difficulties as to the construction of the act. He saw no reason why the bill should not be divided, and would move an instruction to the Committee for that purpose. He could not agree with the noble secretary, that the law as it stood was not sufficient to meet the evil. He had, on the contrary, always said, that he thought the existing law powerful enough, if properly applied, to answer the purpose; or at least that nothing more was necessary than to strengthen it. He and the noble secretary differed widely in their views, both of the danger and the remedy. He conceived that all they were doing was wrong; and that the measures they were adopting were likely to create the danger against which they were intended to guard, to engender a spirit of disaffection where it did not before exist, and to embody resentment where none was before felt.

Lord *Holland* hoped, that no advantage would be taken of their not having discussed the principle now. There were one or two clauses in which he concurred. He concurred in that clause which, generally speaking, went to give greater weight to public meetings, and likewise in that which went to prevent improper meetings. Of the rest of the bill he disapproved; and it ought to be observed, that they had now, in about three weeks, made more alterations in the law, with reference to the present difficulties, than Mr. Pitt's administration had done in six months, in a period of greater alarm. The Ministers had swept together every thing that had been passed in moments of difficulty, and re-enacted them in a heap, making some of the provisions permanent. He concurred with his

noble friend, that what was temporary ought to be separated from what was permanent. These provisions were distinct in their nature, and ought to be included in separate bills.

Lord *Erskine*.—It was to be understood that they were to be as free in debating the principle on the third reading, as if they were to debate it now.

The Earl of *Liverpool* said, that from the nature of the bill, it would be much more expedient to debate the principle on the third reading, after the bill should have passed the Committee.

The bill was then read a second time, and ordered to be committed to-morrow.

Earl *Grosvenor* then moved, that the Committee be instructed to divide the bill.

The Earl of *Liverpool* could not concur in that motion. If, indeed, any such legal difficulties as the noble earl had alluded to should arise from that which was temporary being included in the same bill with that which was permanent, then certainly it would be proper to divide the bill; but he could not conceive how any such difficulties could arise; the temporary and the permanent provisions being both distinctly stated. It was also desirable that the bill should proceed with all reasonable dispatch.

Lord *Holland* thought that the bill ought to be divided, as it was a confused and awkward mode of legislating to unite temporary and permanent provisions in the same bill: and he was happy that the motion was made, as it would at least appear on the journals, that there was one peer who had objected to that course.

The motion was negatived without a division.

SLAVE TRADE.] Lord *Grenville* rose to call the attention of the House to a subject which had been under its consideration last session: he alluded to the subject of the abolition of the slave trade and the registry of slaves. He had then stated to their lordships the reasons which induced him to refrain from pressing any specific measure to be adopted by the Imperial Parliament with respect to the registration of slaves in the colonies. The reasons were, that he had been informed that it was probable that the local legislatures would adopt such measures as would answer the purpose. He had last year stated his intention of bringing the subject at the earliest opportunity before their lordships in the present session. The reason why he had not done so was, that he understood that the local legislatures had, in fact, had such measures under discussion; and that in the principal colony, an act had been actually passed for the object which he had mentioned. He never could admit, as he had often before stated, that by any act of the Crown a million of British subjects should be withdrawn from the control of Parliament; but at the same time he had admitted, that if the local legislatures would adopt such measures as would effectually accomplish the great object in view, it was much better that this should be done by them than by others. He

hoped that his noble friend (Earl Bathurst) would now state what had been done by the local legislatures on this important and interesting subject. He wished to know, 1st, Whether there had been any discussion by the legislature of Jamaica, and by those of the other colonies, on the subject in question? 2d, Whether any bills had been passed; and if passed, whether any of them had been received by the Ministers of the Crown?

Earl *Bathurst* stated, that when the subject had been discussed in that House, a letter had been addressed to the Governors of the several West India islands, with instructions to make the proper communications to the assemblies, and persuade them to adopt such measures as were best calculated to accomplish the object in view. He was now able to state to their lordships, that intelligence had been received, that in Jamaica a bill for the registration of slaves had been passed; and also another bill for giving greater effect to the object of the abolition of the slave traffic; that in Barbadoes an act had been passed for the registration of the slaves; and that in St. Vincent's, and other islands, the subject had been under discussion; and it was expected that all the other legislatures would follow the example of Jamaica and St. Vincent's. The acts which had been passed would as soon as possible be laid on their lordships' table. With respect to the colonial legislatures he must say, that they had evinced every disposition to attend to the wishes of the legislature and public of Great Britain, and to promote the object in view.

Lord *Grenville*.—The information now communicated by his noble friend afforded him the greatest and most lively satisfaction; and he was more particularly gratified by the assurance now given, that the colonial legislatures had shown a sincere desire to contribute to the accomplishment of the great object in view. He hoped the bills would without delay be laid on the table, that they might see how far they were calculated to answer the purpose: and, if there were no objection, he would now submit a motion to that effect.

Earl *Bathurst* did not think it expedient that such a motion should be made; and perhaps here might be some difficulty in framing a proper one for the purpose; but it was his intention before Easter to lay the acts on the table.

Lord *Grenville* said he was satisfied, and the conversation ended.

HOUSE OF COMMONS.

Thursday, March 20.

NEW CHURCHES.] Mr. *Gipps* rose to ask the Chancellor of the Exchequer, whether it was his intention, in pursuance of an intimation which he had given last session, to submit any measure to Parliament for the erection of additional churches?

The Chancellor of the Exchequer replied, that

if he abstained from bringing forward any such measure this session, it would not be from diminished sense of the importance of providing places of worship for the increasing population of the country, but on account of the existing state of our finances.

PARLIAMENTARY REFORM.] Mr. *Brougham* presented a petition from the ward of Bishops-gate, praying for Reform in Parliament. He observed, that it had been frequently objected by some gentlemen in the House, that many of the petitions on this subject had been drawn up by others; and, therefore, could not be supposed to speak the real sentiments of the petitioners. He desired to protest against this doctrine; and, if it were thought that he was mistaken, let gentlemen accept the challenge of sending down petitions against Reform and see what number of signatures they could obtain. Mr. Pitt and the late Duke of Richmond were both reformers though certainly the one had carried his view of the elective franchise much farther than the other, he believed that both had been very active, through their agents, in sending down petitions and procuring signatures to them. The practice, he thought, was wrong; but it afforded no proof of the want of sincerity or judgment in the petitioners.

Mr. *Banks* said, that he had been in the habits of intimacy with Mr. Pitt, and supported his measures of Reform; but Mr. Pitt had never maintained the doctrine of Universal Suffrage, nor been a party to the manufacturing of petitions.

Mr. *Brougham* explained. Either the hon. gentleman must have greatly misconceived what he had stated, or he was not in the House at the time. He had particularly mentioned that Mr. Pitt did not go all the lengths of the Duke of Richmond as to Universal Suffrage; but it was curious, when the reformers were twitted and taunted with being enemies to their country, or Jacobins, it was studiously kept out of sight, that Mr. Pitt was a most strenuous and active reformer. He had only to refer them to the correspondence of the Rev. Mr. Wyvill, to see the notes that had passed between Mr. Pitt and the active reformers of that day. In the case of the King v. Frost, who was a respectable attorney, but certainly not of equal consequence with Mr. Pitt, it was proved, that Mr. Pitt had addressed him as one of his best friends, on no other account than that of his active co-operation on the subject of Reform.

Mr. *Ward* begged to state, that it was never denied by the opposers of Reform, that Mr. Pitt was a friend to that measure. The only difference was, that when others appealed to the early authority of Mr. Pitt, they appealed to his more matured opinions, formed after the experience of the French revolution. With respect to manufacturing petitions, it could not be denied that the House, knowing that they were not the voluntary opinions of those who subscribed them, did not treat them with so much respect

as they would otherwise do. If a shop was opened for patriotism, the House must view it with a suspicious eye.

Lord *A. Hamilton* said, after his hon. friend had voted two or three times in favour of Parliamentary Reform, it peculiarly became him to be the apologist for Mr. Pitt's change of opinions. While he was on his legs, he begged to say, that as to the statement made the other evening of a petition from Dumfriesshire having been signed by children, he had that day received a letter from a very respectable gentleman on the spot, who directly contradicted that statement. (*Hear, hear.*)

Mr. *Sharpe* said, that the hon. gentleman (Mr. *Ward*) had, in his mind, misrepresented the nature of Mr. Pitt's support to the cause of Parliamentary Reform. He could assure that hon. gentleman, that so late as the Irish Union, Mr. Pitt, in the arrangement of the representation of that part of the United Kingdom, had taken the utmost pains to secure to the people the power of electing 60 out of the 100 members who were to be returned to Parliament (*Hear.*)

The petition was ordered to lie on the table.

HOUSE OF LORDS.

Friday, March 21.

The Royal assent was given by commission to the Mutiny Bill, and several other bills: Commissioners, the *Lord Chancellor*, *Earl of Shaftesbury*, and *Lord Redesdale*.

The Court of Exchequer Proceedings Bill, and the Mad-houses Bill, were brought up from the Commons, and read a first time.

SCOTCH PRIVATE BILLS.] The Duke of *Athol*, pursuant to notice, moved an alteration in the order, 158, relative to proceedings with respect to private bills. Certain monies directed to be paid under that order were, as it stood at present, to be paid into the Royal Bank, or Bank of Scotland. The alteration consisted in this—that to these banks be added the bank of the British Linen company in Scotland.

The motion was agreed to, and the addition made accordingly.

SEDITIONOUS MEETINGS BILL.] The House having gone into a Committee on this Bill,

Lord *Grenville*, with reference to the clauses for punishing with death the unlawful assembling and not dispersing when commanded, observed, that when the subject of the penalty of death had been, on a former occasion, under consideration, there had been an understanding that it ought never to be enacted merely by referring to the provisions of another act; but that it should be clearly and distinctly expressed in every act by which it was imposed. With some little alteration in these clauses, they would be clear of that objection. It was remarkable, however, that there was no power distinctly given to make proclamation, and an addition must be made in these respects.

Lord Holland.—If the punishment of death were to be retained at all, certainly the amendment was a proper one. From page 4 to page 8, these clauses related to unlawful assemblies. Now, these unlawful assemblies were of three sorts: 1st, where there was an assembly without any authority; 2d, where there was an assembly lawfully convened, but for an unlawful purpose; 3d, where the assembly was lawfully convened, and for a lawful purpose; but where something illegal arose in the course of the proceedings. Now with respect to the clause relative to unlawful assembling, he thought it extremely harsh that persons should suffer as felons, without benefit of clergy, for the mere act of not going away upon proclamation made. The words were taken from the riot act; but there the penalty was incurred, not for merely remaining after the act was read, but remaining riotously and tumultuously. The riot act had never been considered as one of a very lenient description, but this went a great deal farther; for it rendered the persons remaining liable to the punishment of death for the mere act of remaining, whether riotously or peaceably. There would be disobedience in remaining to be sure, but the punishment of death was infinitely too severe for the offence. He would, therefore, move for the leaving out the words, "enacting the punishment of death," for the purpose of substituting imprisonment, or seven years' transportation.

Lord St. John.—Under the clause as it stood, if the clerk of the peace neglected to give notice to the justices, the assembly, though notice had been given to the clerk of the peace, would be an unlawful assembly, and the persons not dispersing on proclamation would be liable to the punishment of death. This was infinitely too severe. The clause under consideration was liable to this objection also—that the authority to proclaim, and thus render the persons not dispersing subject to the punishment of death, ought not to be confided to one justice only. The riot act stood on a different ground, for there the punishment was imposed only in case of violent resistance to the law. Here it was imposed for mere passive disobedience; and it ought not to be in the power of one magistrate alone to subject the persons not dispersing to so heavy a penalty. A pauper could not be passed from one parish to another without the order of two magistrates; and the whole magistracy of the county must assemble in other cases before a man was to be put on trial for his life. The magistrates were certainly a most respectable class of persons, but still the law had put guards upon them in the cases which he had mentioned. Here the authority of two justices at least ought to be required. When one magistrate went to a meeting of this sort, heated perhaps by opposition, and influenced by political or other partialities, to

which the best of men were liable, he might expose persons to the punishment of death in a hasty manner; his mind and judgment not going along with the act. The punishment of death was, besides, in itself too severe for the offence; and where the punishment infinitely exceeded the nature of the crime, it was seldom inflicted, and generally became no punishment at all. He concurred therefore in the proposed amendment to leave out the penalty of death.

The Lord Chancellor.—The clause was misunderstood; for if notice were given by an advertisement, or by communication to the clerk of the peace, the assembly would be lawful, though the clerk of the peace might be indictable for not giving notice to the magistrate. The assembly, however, would be lawful, and the magistrate would have no authority to proceed to disperse, unless something illegal took place at the meeting. With respect to the penalty of death, under the present circumstances of the country, he thought that even in this clause it was a proper enactment. It was well known, that consequences of a dangerous nature had arisen from such meetings, and the well-disposed ought, for a time, to have the protection of this enactment.

Lord St. John still contended, that the clause, as it stood, was liable to the construction which he had put upon it.

The Earl of Liverpool conceived, that there could be no doubt, that the true construction was as the noble and learned lord had stated.

The Earls of Rosslyn and Lauderdale concurred with **Lord St. John**.

Lord Ellenborough had no doubt as to the construction which a court of justice would put on the words; yet, in *majori cautela*, he would have no objection to some words to put the matter beyond dispute.

The Lord Chancellor observed, that though he had been supposed to be given to doubt, he had no doubt whatever that the construction mentioned by the noble lord (**St. John**) was wrong.

The Earl of Lauderdale and **Lord St. John** proposed some words to render the construction clear, which were introduced into the clause.

Lord Grenville then proposed his amendment, which was also adopted.

Lord St. John proposed an amendment, that the proclamation to disperse must be made by the authority of two justices, at least.

The Earl of Liverpool thought, that the amendment was altogether unnecessary in this part of the bill, which related to the mere act of assembling without authority. That was a fact which one magistrate was as competent to decide upon as two could be. He did not think that the amendment would be proper with respect to the other clauses; but, certainly, here there was no occasion for it, where all that was to be done was to decide on a mere matter of fact.

The amendment was negatived.

Lord *Holland* moved his amendment, that the words "imposing the punishment of death," should be left out.

Lord *Grenville*.—If the act, in respect of which the punishment of death was imposed, had been the mere circumstance of going to an unlawful meeting, as his noble friend seemed to imagine, he admitted, that the punishment would be too severe: but it was not the going to the meeting, but the refusing to disperse, when commanded, that rendered the persons so disobeying liable to the punishment of death.

Lord *Holland* was perfectly aware that the act by which the penalty was incurred was the not dispersing when commanded: but he repeated what he had before said, that the punishment was infinitely too severe for the mere act of peaceably remaining. In the case of the riot act, the penalty was incurred, not by the mere act of remaining: but by that of remaining riotously and tumultuously, and to the disturbance of the public peace. He thought the punishment of death too severe for any of the offences described in these clauses: but here it was glaringly disproportionate to the crime. It was not analogous to the punishments imposed in other cases. A smuggler unarmed might, without incurring this penalty, do acts which, if done by an armed smuggler, would render him liable to this punishment.

The Lord Chancellor said, there was a distinction certainly between an unlawful assembly and a riotous or routous assembly; but, under the present circumstances, the punishment of death ought to be here retained.

The amendment was negatived without a division.

Some discussions arose about making proclamation with a *loud voice*, and these words were objected to; but the Lord Chancellor and Lord *Ellenborough* contended that they ought to be retained; observing, that the persons at the meeting ought, if possible, to hear the command to disperse. The words were retained.

Lord *Erskine* rose on the clause relative to the holding of any meeting, the notice for which should purport that any matter or thing by law established may be altered otherwise than by the authority of King, Lords, and Commons, in Parliament assembled; or where any thing was propounded that might tend to incite or stir up the people to hatred or contempt of his Majesty, his heirs, or successors, or of the Government and Constitution of the realm, as by law established. He considered this clause as involving two offences of different descriptions. The first which was contained in the notice was punishable as libel on its publication; and with respect to both, to give any justice of the peace the power of determining what is or is not libel. This was a greater power than was given to any judge. It was true, also, with regard to the second branch of the clause, that whatever had a tendency to ex-

cite hatred and contempt of his Majesty, his heirs, or successors, was a libel, and punishable by law: but to say when words spoken, or a paper published, may or may not have that tendency, was not left to his noble friend who presided in the Court of King's Bench. It was indeed his duty to state his opinion, as to their being a libel or not; but it was for the Jury finally to decide. If at a meeting it was proposed to alter any thing, otherwise than by the consent of the King, Lords, and Commons, that was a matter of fact of which any magistrate could judge; and the sooner such a meeting was dispersed the better; but whether certain words might have a tendency to incite to hatred and contempt, was matter of opinion; and as the final decision on questions of opinion was not left to judges, it would thus be in the power of a single justice to construe words which might relate merely to the defects in the representation of the other House of Parliament into libel, and to exercise an arbitrary power of punishment. Under such authority no meetings could be safely held except Quaker meetings. No man reprobated more than he did those violent attacks which had been made in certain assemblies on the character of Parliament. He condemned them, both on account of their violence, and of their tendency to place at fearful distance all due consideration of that most serious and important question, Reform. With regard to the wording of the clause, it was absurd to suppose that such a notice could be given for a meeting as to alter any thing otherwise than by the consent of King, Lords, and Commons. Did any person ever hear of such a notice? That where there was disease it was right to apply a cure he was ready to admit; but here the cure was unnecessary, as a remedy was already provided by the due course of law.

Lord *Holland* objected to the clause on the ground of its inconsistency. It was a libel on the Government of the country to suppose that crimes went unpunished, which it was to be presumed was the case from the wording of this clause. If such a notice as that contemplated in the clause were given, it would be the duty of his Majesty's Government to order a prosecution. Another very serious consideration was, that persons might assemble under a notice, which having passed through all the regular forms required by the law, might appear to them legal, yet those persons thus assembled would be liable to the same punishment as those who framed the notice.

Lord *Grenville* could not but admit that two very distinct things were mixed up in this clause; but he by no means thought the giving of a notice of the description in question so very improbable a case as his noble friends had supposed. If he was not deceived, he had in his time seen a convention sitting in this country under a notice which had for its object to alter things established by law, otherwise than by the

consent of King, Lords, and Commons. He, therefore thought that means should be adopted to counteract notices of the kind referred to in the clause. At the same time he thought it right, that an assembly, which might be so called together, should not be misled as to their situation. With a view to the precautionary purposes of the bill before their lordships, it was a fair question whether it might not be proper to legalize notices which would otherwise be illegal; but, then, it would be proper to provide, that the persons giving such notice should still be liable to be proceeded against by due course of law. On the other hand, the situation of persons who might be misled under the sanction which the law gave, ought not to be overlooked; and it were to be wished that some mode should be devised of cautioning people against attending such illegal assemblies. He had considered this subject, but had not discovered any mode of attaining the object he had stated which was satisfactory to his own mind.

Lord *Ellenborough* was of opinion, that the authority given to a single justice of the peace was not of the nature his noble and learned friend had described it to be. It did not constitute the magistrate a judge of libel, nor invest him with a power of punishment. It only gave him the power of dispersing the meeting; whether what had been spoken or published was libellous, was a question to be afterwards determined. Under the circumstances of the case some power must be given; and what less power could be given in a crisis of urgency and probable mischief, than that of dispersing a meeting from which danger might be apprehended?

The Earl of *Lauderdale* objected to the clause. It implied, on the face of it, that the existing laws were not executed; and if the bill passed in its present form, it would amount to a declaration that the Legislature suspected that the magistrates of the country did not do their duty.

The Lord *Chancellor* did not conceive the clause to be liable to the objections which had been urged against it. If, however, any words could be suggested to make it clearer, or to remove the scruples of the noble lords who had spoken on the subject, either by a provision for making the persons who issued the notice liable to be prosecuted by a due course at law, which they certainly were as the clause now stood; or for preventing persons from being so far misled, as to assemble under the notice, or for both of those objects, such alteration might be made by way of rider, on the third reading of the bill. With respect to the possibility of a notice of the nature referred to in the clause, he agreed with the noble baron who spoke last but one, that it was not so very improbable an occurrence as some noble lords had supposed. Indeed, he had seen a notice for a meeting, in the neighbourhood of the metropolis, previous to the 2d of December, which was of a highly blameable

nature. It was true, as his noble and learned friend had said, that the notice might be made the subject of prosecution on its being issued, and the persons signing it brought to punishment; but in the mean time the meeting would be held. Before even instructions could be given to an attorney to proceed, all the mischief, which it was the object of the clause to prevent, might be completed. No more power, then, was therefore given than was absolutely necessary at a time like the present, when wicked and artful men were seeking, by speeches and publications, to undermine the principles of the people; because they knew that, unless they succeeded in shaking the morality and religion of the country, and banishing the best feelings which glowed in British hearts, they could not hope to overthrow the Constitution. With regard to the act for the suspension of the Habeas Corpus, which a noble lord opposite had considered as aggravating the enactments of the present bill, he must observe, that that act did not deprive persons of the right of being bailed, except in cases of committal on charges of high treason and treasonable practices. In the present state of things, no precautionary measures had been adopted beyond what was absolutely necessary. If a system was acted upon in the country, tending to make public meetings a means of overturning the Government, the persons having such object in view would laugh at the punishment of their notices by the usual course of law. No feeble measures would do. If their lordships thought it right, that the religion and morality of the country should be destroyed, and the Government disrespected, they would leave the law as it now stood. If, on the contrary, they wished to secure the inestimable blessings the country enjoyed, they would not hesitate to invest the magistrates with the stronger powers proposed to be given by the bill. In so doing, they would only imitate what had often been done by their ancestors, namely, to suspend their liberties for a short time, in order to have the full enjoyment of them for ever after.

Lord *Holland* did not see how the particular powers given by this clause, and defended by the noble and learned lord (Chancellor), were necessary. He (lord H.) entirely dissented from the clause that gave one magistrate, merely upon his own discretion, authority to disperse a meeting.

Lord *Erskine* was of the same opinion. When a notice was altogether unexceptionable, the meeting that assembled in the terms of it ought not to be dispersed merely because a magistrate, in his zeal or his ignorance, might think that it entered into discussions which to him might appear dangerous.

Lord *Grenville* repeated some of his former observations. He wished that the meeting should have notice, that its assembling was illegal. He recommended several verbal alterations to those who took an interest in the progress of

the bill. He wished particularly, that it were looked over with the view of ascertaining if the word magistrate was used in different senses when it occurred in different places: and that if so, it should be amended, so as to have one uniform meaning throughout.

The Lord Chancellor promised to give the utmost attention to the suggestions of the noble lord.

The Earl of *Lauderdale* suggested, that some alteration should be made in the clause that related to the giving of lectures. By the bill as it stood, any person giving lectures on philosophical subjects, without licence, would be liable to a penalty of 20*l.*, and this licence might be refused by the magistrates. In Edinburgh where the magistrates were patrons of the university, and where they might be supposed to view with some jealousy any rival institution for instruction, they might refuse a licence to a lecturer: and, if he proceeded to discuss philosophical subjects afterwards, to give lectures on anatomy, on chymistry, or any other science, both he and his pupils would be subject to the penalties of the act. He would, however, in the present stage propose no amendment.

Lord *Holland* and Lord *Darnley* made some similar objections. The latter proposed, as an amendment, that the penalties of the act should not attach, if the meeting dispersed at the command of the magistrate.

Lord *Sidmouth* answered, that the penalties would not apply till an hour after the order to disperse.

The House then resumed, and the Report of the Committee was ordered to be received on Monday.

HOUSE OF COMMONS.

Friday, March 21.

The Exchequer Court Bill was read a third time, and passed.

GAME LAWS.] Sir *S. Romilly* moved the second reading of the Game Law Repeal Bill.

Mr. *Banks* observed, that as there was another bill before the House, which would obviate the objections complained of by the hon. and learned Member in the Act of last Session, and the committal of which stood for that day *evening*, he should move that the present bill be read a second time on Monday *evening*.

Sir *S. Romilly* said, that the amendment of the hon. gentleman was one of no small importance, though it might appear, at first sight, of little consequence whether the bill before them was read a second time now, or ten days hence. The object of this bill was to repeal an Act of last Session, which professed to provide a punishment only for such persons as went out to poach at night with arms, and with the intention to make resistance; but, from the manner in which the Act was worded, the penalty extended to those who went out unarmed, with no intention to resist, and who might be found

merely with nets, wires, or other instruments for catching game, in their possession. The punishment was transportation for seven years, and it was to do away with that part of the Act that the present bill had been brought in. He should have no objection, however, to abandon it altogether, if the hon. baronet (Sir *E. Knatchbull*) would press his bill forward, which had been alluded to by the hon. Member who spoke last. But the hon. baronet had declared his intention not to proceed till after the Quarter Sessions, and hence it would be impossible to get it through the other House before the Easter recess. His (Sir *S. Romilly*'s) object was exactly the reverse, and he wished to get his bill forward before the Quarter Sessions throughout the country were terminated. He had no fears as to any thing that might be done under the existing law at the Assizes, because he was certain the Judges, exercising that discretion which was given to them, would not transport any person convicted of merely having nets and wires in his possession at night, but without arms. He was not so sure, however, with regard to the Quarter Sessions, for with every respect for the Magistracy of the country (and he felt the greatest respect for them), it could not be denied that the Game Laws were viewed by Magistrates with a very different kind of feeling. He was much misinformed, indeed, if cases had not already occurred at Quarter Sessions, where persons having no arms, but only nets and wires, had been sentenced to seven years' transportation.—The Act of last Session was most insidiously brought in towards the close, and its existence was hardly known in the country. It had been said, that it received the entire concurrence of his late much lamented friend, Mr. *Horner*. Any one who knew that most respected and most respectable individual, would hear that assertion with surprise; for among all the eminent qualities he possessed, there was no one more eminent, than his constant and anxious desire to prevent every kind of tyranny and oppression. He happened to know, however, that Mr. *Horner* strongly objected to the measure, for he told him (Sir *S. Romilly*) so himself, and he attended with him in the House night after night to oppose its progress: but they were not able, for being mingled with thirty or forty different orders of the day, they found it useless to wait; and at last they ceased, upon its being agreed that an alteration should be introduced into the bill, by the suggestion of his late friend, which made it much less mischievous in its operation. He it was, who first pointed out the monstrous enactment, that any person found at night with arms might be transported by two Magistrates, without any trial by jury. With respect to the subject of the Game Laws generally, he believed their severity tended to multiply crimes, and incite to many acts of cruelty and ferocity. He believed they had a most unfavourable influence upon the character and dispositions, not only of the lower, but the highest orders of society. To that

might be traced the constant practice which prevailed of placing spring guns, and other instruments of death upon private grounds, by which dreadful accidents often happened. It had been stated, indeed, in the public prints, as the opinion of an eminent Crown Lawyer, that if any individual were killed by spring guns, steel traps, or similar engines, a charge of murder would lie against the persons who placed them there, or by whose directions they were so placed. He did not say that such would be his opinion, but he certainly thought it would constitute a very aggravated case of manslaughter. He might mention as an instance how the severity of the game laws operated to the production of a crime, the case of some poachers who were apprehended in the North of England. When they were informed that under the Act of last Session they would be transported for seven years, they answered, that had they known of the existence of such a law, they would not have suffered themselves to be so easily taken. He trusted the House would permit the Bill to be read a second time, as its object was merely to repeal a cruel, absurd, and unjust law.

Sir C. Monck entered into the case mentioned by Sir Samuel Romilly, and could assure the House, from his own knowledge of the circumstances, that the case was one of a particularly aggravated nature, and the offenders were justly punished.

Mr. Huskisson would vote for the amendment, and certainly thought it would be better if the member for Kent would make his bill to enact transportation for armed men going together in bodies for mischievous purposes.

After a few words from Sir E. Brydges and General Thornton, the House divided,

For the amendment 30

Against it 14

A bill to continue two former Acts for preventing improper persons in Ireland from having arms, was read a first time and ordered to be read a second time on Monday.

The Window Duty Bill was read a second time.

HOUSE OF LORDS.

Monday, March 24.

The Exchequer Court Proceedings Bill, and Madhouses Bill, were read a second time.

SEDITIONS MEETINGS BILL.] The Earl of *Liverpool* moved the order of the day for bringing up the report of this bill.

The Lord Chancellor proposed several verbal amendments, which were agreed to. His lordship said, another amendment was also necessary, it being enacted in the bill that it "shall and may be repealed in the course of the present Session of Parliament." He therefore proposed to omit the words "shall and," which was subsequently agreed to.

Lord Holland thought the enlargement of the words with regard to magistrates objectionable,

as they would include all the magistrates of corporations; and he thought in some small towns that such magistrates would be altogether disqualified from acting with proper judgment or sound discretion, under the powers given by this act. With respect to the punishment of death, his lordship again moved the amendment which he had brought forward in the Committee, for leaving out the words enacting the infliction of this punishment.

This amendment was negatived, and his lordship declined moving a similar amendment in another part of the bill.

The Earl of *Lauderdale* proposed to leave out one of the clauses, by which magistrates were to enter any lecturing rooms, &c. licensed or unlicensed, on account of its being inaccurately or not very distinctly expressed, for the purpose of inserting another clause, providing, that a magistrate might, upon information on oath of improper practices, demand admittance into any lecture room, debating room, or place, &c. and, if refused admittance, that the meeting, whether licensed or not, should be held to be unlawful.

The amendment was negatived.

The Earl of *Lauderdale* then proposed a clause, exempting from the necessity of taking out a licence, lecturers on anatomy, surgery, chymistry, pharmacy, astronomy, natural philosophy, and physics in general. It was impossible that these subjects could lead to any improper political discussions, and there was no occasion to bring meetings for such a purpose under the provisions of the bill. His particular reason for proposing this amendment was this—the magistrates of Edinburgh were the patrons of the University, and it was to them that the granting of these licences for Edinburgh was intrusted. Now, as patrons of the University, it might be considered the interest of the magistrates to suppress all other lecturing places in the city; and yet, with respect to anatomy, and perhaps other medical subjects, it was well known that the students might derive more benefit from the private lectures than from those in the University; it appeared, therefore, to be highly expedient that this clause should be inserted.

The Earl of *Liverpool* was not so well acquainted with the University of Edinburgh as the noble lord, and could not pretend to judge so accurately on the matter to which the noble earl referred, not having had the advantage, as the noble earl had, of being educated at that certainly highly respectable University: but he could not conceive that the magistrates would refuse, or would be warranted in refusing, licences for such lectures as the noble earl had mentioned; and it would be invidious to be making exceptions of this nature. It did not appear to him that the amendment was necessary.

The Earl of *Lauderdale* insisted that it was highly proper at least that the amendment

should be inserted. The noble earl had said that, not having been educated at the University of Edinburgh, he was not so capable of judging upon this point as he was, who, as the noble earl supposed, had been there educated: but he knew that there were magistrates connected with the University of Oxford, where, probably, the noble earl had been educated, who thought it their duty, and acted upon the principle of suppressing all other lecturing places whatever in that quarter. Now, it was generally imagined, that persons in the northern parts of the island were not less alive to their own interests than their neighbours in the south. He then, knowing that such was the practice in Oxford, and without considering the point of liberality, knowing that the magistrates of Edinburgh were the patrons of the University, conceived it to be highly expedient that such a clause as this should be introduced.

Lord *Melville* stated, that the power to grant these licences extended to the sheriff and justices of the peace, as well as to the magistrates of Edinburgh. There was no ground, therefore, for the noble earl's alarm.

Lord *Grenville* said that the powers of the magistrates, to whom the noble earl alluded, as being connected with the University of Oxford, were confided to them for the exclusive purpose of protecting the interests of the University, and that it was their duty to exert those powers for that exclusive purpose: but it was otherwise with the magistrates of Edinburgh, whose duty it was to attend to the interests of the public, as well as those of the University.

The proposed amendment was negatived.

Lord *Holland* objected to the provisions of the act, so far as they applied to the declarations and regulations of the various convivial clubs in the metropolis and other places. It would be very vexatious to subject these matters of mere amusement to this sort of superintendence. The societies of Free Masons were not included, and there were great numbers of other societies upon the same plan; and where it was clear that the meetings were not of a political nature, they ought not to be interfered with.

The Earl of *Liverpool* did not well see how an exception could be made. In these cases they were reduced to the necessity of balancing disadvantages. The only inconvenience was, however, that the declarations, &c. must be made matter of notoriety: but he did not think that regulations as to toasts, and such matters, could be fairly understood as coming within the operation of the act.

Lord *Erskine* was adverse to this kind of interference with these convivial clubs. There were smoking clubs, puffing clubs, quizzing clubs, and a vast variety of others of a similar description. It would have a tendency to excite disgust among the people to have such convivial meetings interfered with by legislative provisions.

The Lord Chancellor observed, that, if there

should be any interference with these societies, nobody was more capable of employing the highest ability for their protection than the noble lord.

Lord *Holland* said, he was not prepared with any amendment on this subject, but he thought it well worthy of consideration.

Lord *Sidmouth* proposed a clause, that no public meetings should, during the sitting of Parliament, or the Courts of Law and Equity, or any of them at Westminster, be held for the purpose of petitioning, remonstrating, or any political discussion, within the distance of one mile from Westminster-hall.

Lord *Holland* said, that this was a very important clause, and ought, if introduced at all, to have been inserted in the bill originally, instead of being proposed at this stage.

Lord *St. John* said, that the effect of it would be to prevent all meetings of this nature in Westminster.

The Earl of *Rosslyn* observed, that the object would be accomplished without extending the operation of the clause to the distance of a mile from Westminster-hall. The object was to prevent disturbance to the Courts of Justice, and to prevent obstructions in going to and returning from the two houses; and this purpose would be effected by excluding such assemblies from the immediate neighbourhood of Westminster-hall and Whitehall. The clause, as it stood, would in fact prevent any public meetings from being held in Westminster during the period mentioned, and thus fix a stigma on the people of that city.

The Earl of *Lauderdale* said, that the noble secretary, who was High Steward of Westminster, might perhaps be better acquainted with the liberties of Westminster; but it appeared to him, that the effect of the clause, as it stood, would be to prevent any public meetings from being held, and to fix an improper stigma on the inhabitants.

The Earl of *Liverpool* observed, that the clause, in principle, was clearly a proper one to be introduced, as their lordships must be convinced from what they had seen during the present session. With respect to any disturbance of the public peace, those whose duty it was to preserve the peace could not, for obvious reasons, desire a more favourable place for meetings from which any thing of that sort might be apprehended than Palace-yard: but to keep the access to the Houses of Parliament, and to prevent their lordships from being, he might say, insulted, in their approach to the House, it was necessary that these meetings should be forbidden within a certain distance from Westminster-hall. He was informed, that a mile would not extend farther than to the top of St. James's-street: but the distance might be farther considered.

Lord *Grenville* observed, that the object of their lordships appeared to be much the same. It was necessary that the dignity of Parliament

should be preserved; but the proposed distance was greater than appeared necessary to answer the purpose. It was in the power of the Sovereign to call his Parliament wherever he thought proper; and he conceived, that it would be better to have a general enactment, that such meetings should not be held within half a mile of the place where the Parliament should be assembled; leaving to the people of Westminster the same rights, as to meetings of this nature, which were enjoyed by the rest of his Majesty's subjects.

Lord *Sidmouth* stated, in answer to a question from Lord St. John, that the clause was temporary; meetings for the purposes of elections were exempted from its operation.

Lord *Erskine* thought it not becoming in Parliament to shew so much jealousy on the subject of public meetings. He agreed with his noble friend, that it was proper to protect members of Parliament from any obstruction in attending their duty; but he wished to see that accomplished without any infringement of the rights of the subject.

Lord *Ellenborough* regarded the clause as necessary, not only for the protection of Parliament, but for securing due decorum in the Courts. He had had some experience of the noise which sometimes occurred in Westminster-hall, to such a degree as to interrupt the business of the Courts. In one instance the noise and clamour had been so great, that he felt himself bound to declare, that he would not sit to administer justice while such indecorum prevailed: and he called upon the sheriff to clear the hall. The clause had his support.

Lord *Erskine* agreed with his noble friend in the necessity of preserving decorum during the administration of justice; but if any interruption did take place, it was always in the power of the Court to remove it. Westminster-hall could at any time be ordered to be cleared in the manner his noble friend had done in the instance to which he alluded.

The clause was then agreed to, and the bill was ordered to be read a third time to-morrow.

HOUSE OF COMMONS.

Monday, March 24.

This being the last day for receiving private bills, the House was occupied the greater portion of its sitting in their disposal.

The Irish Peace Preservation Bill was read a second time.

The New Street Bill went through a Committee.

Adjourned at half past five.

HOUSE OF LORDS.

Tuesday, March 25.

SEDITIONS MEETINGS BILL.]—Lord *Sidmouth* having moved the order of the day for the third reading of this bill,

Lord *Erskine* rose.—His objections to the principle of this bill might be comprised in a very short compass, and he would state them to the House. He admitted, that there might be circumstances, as there had been, under which it would be wise and expedient to suspend the strongest provisions of those laws which formed the protection of our liberties and Constitution. He farther admitted, that the more excellent the Constitution was, and none could be more excellent than that of this country, the greater sacrifices ought the people willingly to submit to, when sacrifices were necessary, for its preservation. Then the first point for consideration was, whether, on the evidence, it appeared that the evil was such as to call for the interference of the Legislature, by the repeal of old, or the enactment of new laws; and 2dly, supposing the evil to be such as to call for this sort of interference, whether this bill was a proper remedy. With respect to the first point, he was very sorry that the evidence on which the Committee had proceeded was not before their lordships. In 1795 there were details which would have implicated individuals in a manner which it was highly expedient to avoid: but that was not the case in the present instance; nor did it at all distinctly appear, that the circumstances of the country were such as called for an act of this description. No notice was taken of these matters in the speech from the throne; and when he came to town to attend his duty in Parliament, he had heard of no grounds for alarm, except the atrocious outrage on his Royal Highness the Prince Regent, and the riots by a part of the assembly in Spafields. As to the attack on the Prince Regent, he did not mean to censure Ministers, but there had been a great neglect in not checking with more vigour the outrages which sometimes took place on the meeting of Parliament. Matters might be so arranged, under the ordinary laws, as to provide sufficiently for the apprehension of rioters, and their due punishment. When there appeared a disposition to riot, any magistrate might read the Riot Act, and disperse the crowd. Where, then, was the reason for suspending the Habeas Corpus Act? With respect to such meetings as that in Spafields, any magistrate, by proceeding under the Riot Act, might disperse the meeting in case there appeared any tendency to riot: for it was not necessary that any act of violence should be committed. The magistrate was entitled to disperse the meeting if it was tumultuous. It was not necessary that any individual should have actually committed some act of violence. If the general complexion of the meeting was tumultuous, and such as to show a tendency to riot, the provisions of that act would attach on it. That law itself was passed in perilous times, and was not, perhaps, very consistent with the liberty of the subject: but it had been made permanent; and with that instrument in their power where was the occasion for this bill? After reading the preamble

of the bill, his lordship said that he was not aware that there had been many meetings that came within the description : but if there should be such, the magistrate might proceed according to the Riot Act, and effectually prevent any very dangerous consequences, without this alteration of the law. His great objection to this bill was, that it was founded on a principle of terror, and not of attachment : and he had no hesitation in saying, that, in his opinion, its tendency was to produce the mischief which it was proposed to cure. Nothing was more likely to do mischief, and to drive people to resort to close and secret combinations. Under this bill no meeting could be held to petition Parliament for redress of grievances or reform, in the most decorous manner, except at the will and pleasure of any one magistrate appointed by the Crown. For what was the bill? After the preamble it went on to enact, that no meeting, to the number of 50, should be held without notice by 7 householders, by advertisement, in the newspapers. This requisite being complied with, you had then a legal meeting, sanctioned by your own authority. One would think, that when thus assembled in a peaceable manner, they might be trusted a little ; and that some confidence might then be placed in British subjects : but see how you dealt with them—their lordships would hear nothing inflammatory from him—if any persons at such a meeting propounded, that the Constitution, as formed of King, Lords, and Commons, should be altered, the meeting ought to be suppressed : and so it ought, if it were to be proposed that laws should be altered without consent of Parliament. Little would be left to the discretion of magistrates in such cases. He was now performing what he conceived to be a sacred duty, and requested the particular attention of their lordships. The words of the bill were, that if any man were to say any thing tending to excite hatred and contempt against the King. Why there, too, he thought there was not much left to the discretion of the magistrate. If one were to utter any thing at a public meeting to excite hatred against the first Magistrate of the State, it was proper that the magistrate should act : but then came a most alarming provision—"If any man shall propound ;"—he did not think there was much left to the magistrate's discretion there : but what did they think of what followed : *Or shall hold a discourse tending so and so*" (Hear.) Then suppose a case of this kind were to happen. A meeting is called to consider of petitioning Parliament for reform in the House of Commons. The meeting is held under the sanction of this bill, which extended to all meetings, except Quaker meetings ; and these were excepted, because nothing was said there, unless some of the parties happened to be moved by the spirit ; but, suppose, at a meeting lawfully assembled, a person were to hold this discourse—"I am one of those who gave notice of this meeting ; the country is in great distress ;

we hold Parliament in high reverence, but we think that the people are not properly represented in the House of Commons. The House of Commons ought to be a check on the King and the Lords, in order to preserve the balance of the Constitution ; but what is the actual state of the House of Commons at present ? A majority of that House is returned by the influence of the Crown and the Lords, and there is, in point of fact, no representation of the people at all." He (Lord E.) was speaking of what a person might be supposed to say at such a meeting ; but he really did not know that any ground could be laid for the application for a Reform, without bringing the institution proposed to be reformed, in some measure, into contempt as it stood. What was the meaning of contempt ? and in what glossary was it explained to the magistrate ? He would speak of the magistracy with respect : he had once said to the great Lord Mansfield, when he differed from him on a question of this kind. "If the laws were always to be administered by your lordship, I should have no apprehension." So he said to his noble friend on the woolsack ; and so he would say of the magistrates. It was necessary to consider, not merely who were magistrates, but who might be magistrates ; and it was not fitting that a British subject should be shackled in his actions, or restrained in his words, at the discretion of any one man. Suppose, then, that ten magistrates were present at the meeting ; and that one of them, in opposition to the opinions of the other nine, thought that the discourse which he had stated was illegal, he might take the man into custody. But this was not all ; for suppose another person from the crowd were to interfere and say : "Pray, for God's sake, do not be so hasty ; give the man leave to explain himself ;" the magistrate might reply, and reply with truth, upon the authority of this bill, "Sir, you are guilty of felony without benefit of clergy." (Hear, hear.) The bill enacted, that if any one interrupted or hindered the magistrate in taking a person into custody, he should be guilty of felony without benefit of clergy. He gave it as his sincere and honest opinion, that the result of this course of proceeding would be mischievous. If the people met openly, they might be thus dispersed : if they met in a house, the magistrate might demand admittance, whether it was licensed or not, and dismiss them ; so that neither without nor within doors could they meet to petition, as they had an unquestionable right to do, for Reform in the representation, except at the pleasure of any one justice of the peace. He repeated, that his great objection to the bill was, that it was founded on a principle of terror, and not upon a principle of attachment ; and no free government could stand on a principle of terror. The late Mr. Burke, in his letter to the Sheriffs of Bristol, on the affairs of America, had said, "Liberty is in danger of being made unpopular to Englishmen. Contending for an imaginary power,

we begin to acquire the spirit of domination, and to lose the relish of honest equality. The principles of our forefathers become suspected to us, because we see them animating the present opposition of our children. The faults which grow out of the luxuriance of freedom, appear much more shocking to us, than the base vices which are generated from the rankness of servitude. Accordingly, the least resistance to power appears more inexcusable in our eyes, than the greatest abuses of authority. All dread of a standing military force is looked upon as a superstitious panic; all shame of calling in foreigners and savages in a civil contest is worn off. We grow indifferent to the consequences inevitable to ourselves from the plan of ruling half the empire by a mercenary sword. We are taught to believe, that a desire of domineering over our countrymen is love to our country; that those who hate civil war abet rebellion; and that the amiable and conciliatory virtues of lenity, moderation, and tenderness to the privileges of those who depend on this kingdom, are a sort of treason to the state." And again, in his speech on conciliation with America—a speech which would go down to posterity with no less fame than the most celebrated orations of ancient times—"As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have any where. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia: but until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true act of navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination, as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great texture of this mysterious whole. These things do not make your government. Dead instruments, passive tools, as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English constitution which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies, every part of the empire,

even down to the minutest member." The great principle then of the legislation of all good government ought to be, that of confidence in the people, and conciliation towards them; and the objection to this bill was, that its principle was not conciliation, but terror. It was the nature of freedom to be irregular, and to fall into occasional excesses, like the elements of air, fire, and water. Thunder and lightning sometimes did partial damage, but were, on the whole, beneficial. He supposed the present Ministers, if they could, would take care that there should be no thunder or lightning. They would say to the fire, "You are a good servant, and we like you very well when blazing in our kitchens or chambers, but we don't like you when you blaze in lightning, and sacrilegiously, as he had read in a newspaper not long ago than yesterday, destroy the spires of our churches when we are worshipping God." To the water they would say, "We like you very well when you are flowing along in delightful rills, but we can't endure that you should come down upon us in torrents of rain, in snow and hail;" and to the air they would say, "We are delighted with you when you blow in breezes, but we cannot permit you to collect yourself into masses of 50 clouds, without notice by seven farmers or graziers. You must not blow in hurricanes, or we shall deliver you over to a justice of peace. You shall occasion no disaster at all—there shall be no storms—you must always be still and peaceable." In this manner the Ministers must succeed in preventing these partial disasters; but they would soon find that the air would become noxious, that the waters would stagnate and be corrupted, and the result would be pestilence and death. It was the nature, then, of freedom to fall into occasional excesses, but who would for that reason put an end to freedom altogether? True, it was the duty of Government to suppress all dangerous agitations (*Hear, hear*): but then they ought to do so upon the pattern of freedom and the Constitution. He happened to differ with a late most respected friend of his (Mr. Wyndham probably) on the subject of bull-baiting; and he recollected that his friend had, in reasoning with him on the subject, argued thus—"True; the practice may be sometimes carried to a very improper excess; but do not, on that account, shackle the liberties and break down the spirit of the people." This was what he now said to Ministers. They knew how nobly the people had supported their burdens; with how much fortitude and patience they had borne their distresses; and how gloriously they had fought the battles of their country: and the liberties of the sound part of the community ought not to be infringed merely for the purpose of checking the excesses of some ill-disposed individuals. He himself did not hold exactly those opinions on the subject of Parliamentary Reform which he had once held. (*Hear, hear.*) He avowed it, and was bound

to do so as a conscientious member of Parliament. He was no advocate for those schemes of Reform which scared the sound and considerate portion of the community; but he did not think there was occasion for these new measures, which were adopted in suspension of the liberties of the community. It was not wise nor politic to confide an authority like this to any one justice of the peace, and that was the great objection to the bill. Its tendency was to create disgust and disaffection; to produce the evil which it was intended to avert; and to drive the ill-disposed to secret and desperate courses. The bill was, in his opinion, founded on an entirely wrong principle; and on that ground he gave it his decided opposition.

The *Lord Chancellor*.—He was happy to hear from his noble friend, that he did not now entertain opinions on certain points in which they differed, to the same extent in which he formerly held them. It had been often said, that on these points he (the Lord Chancellor) was in an error; but he had now the satisfaction to learn, that his noble friend approximated a little to these supposed errors. He should be happy if he and his noble friend could approximate a little more: but with respect to this bill, unless his noble friend approximated to him, it was not likely that he should approximate to his noble friend. His noble friend had made some alarming observations on the effects of fire, air, and water; and spoke of controuling them as if they had been living within the jurisdiction of this country as British subjects, and liable to be regulated by acts of parliament. As a member of their lordships' House, he wished they were subject to their jurisdiction: for there was a fire in the house, which, whether it operated on the Constitution of the country or not, certainly often operated on his constitution, and that of others, in no very favourable way; and if they could restrain the mischievous effects of that fire, their lordships would do a great deal of good to themselves. (*Hear, hear.*) So with respect to air; it was a great misfortune that it was not a British subject within their lordships' jurisdiction; for then, out of regard to a most respectable friend of his now present, the clerk at the table, who found himself so ill at ease when these windows were open, he was sure their lordships would be very glad to put air under some regulation. (*Hear, hear, and a laugh.*) As to water, few of them had much to do with it. (*A laugh.*) But he really could not believe that his noble friend was very serious in his opposition to the bill, when he considered that so great a portion of his noble friend's speech was made up of long quotations from Burke, and these observations about fire, air, and water. All in the measures now adopting, and in the vote which he certainly intended to give in favour of the third reading of this bill, he thought that he was forgetting the principle, that the liberty of the subject ought, in its utmost constitutional extent,

to be secured; if he were convinced that he was acting so as to endanger those laws which, from long practical experience, he knew to be much more beneficial to the subjects of this country than the laws of any other state were to its subjects, then he should never, after the vote of this night, enjoy a moment's comfort while he lived; for he admitted, in its fullest extent, the truth of the proposition, that it was their lordships' most sacred duty never to suspend those laws which were enacted to secure the subject's liberty, except in cases of necessity. But why should they quarrel because their views were different as to the means by which the same object was to be effected? His noble friend acted for the benefit of those well-disposed subjects of the British empire who really wished to enjoy that liberty which the laws and constitution of their country secured to them. That was his (the Lord Chancellor's) object too: and for that purpose he now interfered, to check the machinations of those individuals whose design was not to enjoy, but to subvert, the laws, constitution, and liberties, of their country. (*Hear, hear, hear.*) The question, therefore, was a question rather of fact than of principle. It was merely this: what was the most proper course for the preservation of the laws, constitution, and liberties of the country: not for this week, or the next, but permanently; and so as to transmit those blessings, unimpaired, to posterity, which they had received from their forefathers? This was the great principle, as he understood the subject, upon which their ancestors had acted for their benefit; and this was the principle upon which they ought now to act for the benefit of their posterity. The great principle of the British Constitution he conceived to be the security of practical liberty; but what security would there be for liberty if our laws were unalterable—if we could not accommodate them to circumstances, and suspend their operation if necessary? In that case we should have made a constitution, not to preserve liberty, but to destroy it. The whole question their lordships had to consider resolved into the state of the times. What noble lords had to ask themselves was, whether looking at the circumstances of the country, there were not ground of necessity for the measures which had been submitted to Parliament in order to preserve the liberties of the people? It had been asserted, that the laws of the country, as they at present stood, were sufficient, if duly executed, for preserving public order and tranquillity. Whether the laws had been sufficiently executed or not, he should not say; he had not had the opportunity of determining that question in every respect: but with regard to that department of the laws with which he was best acquainted, he felt himself in a situation to question the sufficiency of the law. He had, on a former occasion, expressed an opinion to their lordships, that, since the passing of the libel bill, prosecutions were

not likely to be more effectual than they had been before that period; and it was of importance to recollect how much that consideration influenced a question like the present. He could state what had occurred at a former period. In 1794 he became Attorney-General, and his predecessor in office had left a considerable number of prosecutions for libel on hand, and numbers afterwards occurred. If the laws were then thought sufficient, he was never charged with neglect in executing them; the charges had been of a contrary nature. With regard to himself, he had certainly never cared two-pence about the numerous libels of which his conduct in office had been the object. As he had never promoted any publication in his favour, so he had never stopped any against him: but when he saw, that the object was not to libel this or that individual, but every thing venerable in the Constitution, he then no longer hesitated to put the law, such as he found it, in force; and he did not believe that any body was, in 1817, disposed to blame him for not doing enough in 1794. But then, as now, it was found that the existing law had become quite inefficient, and the Legislature was obliged to interfere. What was then to be done, but to resort to new enactments; for the existing law was no more capable of restraining the spirit of libel, than it would have been to control the fire, air, and water, of which the noble lord had spoken. But it was said the people ought to be conciliated. The advice was good, but how were persons to be conciliated who declared they would not be satisfied unless they obtained what it was the duty of Parliament not to give. With regard to some observations which had been made on the provisions of the bill, his noble and learned friend was wrong in supposing that a meeting became legal in consequence of a notice having been given: for though the bill declared that a meeting should not be legal without notice, it did not follow that it should be legal with it. His learned friend also thought it extremely improbable, that any thing, as by law established, should be proposed to be altered at a public meeting, otherwise than by the authority of King, Lords, and Commons. He should wish to ask his learned friend, whether he recollected to have heard of a proposition made at a public meeting to resort to physical force, and whether that was not appealing to other authority than that of King, Lords, and Commons? If he did admit that there had been meetings at which propositions having that tendency had been made, he could not consider provisions guarding against such proceedings as unnecessary. There was surely nothing improper in enacting, that a magistrate might interfere on such sentiments being publicly avowed. It would be the duty of any magistrate at a meeting, to say to the individual who uttered words of such a tendency, that he was holding language he was not entitled to hold. A common

constable might do this as the law now stood. He knew that it had been observed, that, as the same authority existed now, there was no occasion for this enactment; but the difference was, that the bill supposed a magistrate present at every meeting legally called, which was not the case under the existing law. If the meeting should resist the magistrate in executing the law according to his sense of duty, then, indeed, the consequences would follow which his noble friend had described; but these consequences were not the fault of the magistrate, but of the meeting which so resisted. Their lordships must, therefore, in considering every point always come back to this question—whether the state of the times be such as to require the measures recommended for adoption by his Majesty's Government? In deciding this question, they must have regard to other circumstances than the order and decorum which might be attributed to certain meetings. He was old enough to recollect the dreadful riots of 1780; and if he were asked, what was the most orderly public meeting he ever saw in his life, he should answer, that which assembled to meet Lord George Gordon. Nothing could have been more regular and orderly than that meeting was in the morning; and yet it proceeded, in the evening, to set London in flames. If then lordships thought it better to punish than to prevent mischief, their opposition to this bill would be founded on a rational principle. For his part he thought it wiser to look to prevention, than to punishment, as a remedy for the evil of which the country had to complain; and on that ground, and on the necessity of the case, arising from what he conceived to be the state of the times, he gave his support to the bill.

Lord St. John was ready to admit, that the learned lord had placed the inducement for passing this bill upon the only true ground—the necessity of the measure; and the only question was, whether that necessity was made out. Undoubtedly, to preserve the Constitution was the first duty of Parliament: to see that the laws were duly executed, the second. If any measure like this bill was necessary, it must be adopted, with however much regret they might acknowledge it to be called for: but what necessity enjoined, necessity also limited; and if necessity were admitted, it was still to be asked, whether this was the measure required. The reports on their lordships' table stated, that some law was necessary; but taking that for granted, it by no means followed, that any law which might be proposed by his Majesty's Ministers must of course be the proper one. Unfortunate as the present situation of the country might be, it was not more so than on former occasions, when measures of this kind had been resorted to: and yet it was impossible to find any precedent which warranted the proceedings now adopted. In 1722, the Habeas Corpus Act had been suspended, but not upon the Re-

port of a Secret Committee. There was, on that occasion, no green bag sealed up. The papers were laid on the table in an open box, to which every member had access. The papers were referred to a committee, of which Mr. Pulteney was chairman, and every kind of evidence was admitted before that committee. But Sir Robert Walpole, when he recommended the Suspension of the Habeas Corpus Act to Parliament, did not confine himself to that measure alone. He did not fold his arms and say, that nothing could be done for the country. It was known that it was on the distress of the country, occasioned by the failure of the South Sea Scheme, that the Pretender built his hopes; and Sir Robert Walpole therefore, before he proposed to suspend the Constitution, exerted every effort to remove that distress. What, therefore, appeared to him particularly blameable in the conduct of his Majesty's Ministers, was their not following the example of that great statesman. They had not called Parliament together in due time for considering our public situation; and the reason they gave for this neglect was most insufficient. They had stated, that they thought the presence of members of either House would be more useful in their respective neighbourhoods. He certainly did not mean to deny the great utility of the residence of members of Parliament in the country, at a period when they had so many opportunities of administering relief to those that stood in need of it around them; but whatever benefit could be obtained in that way, was not to be compared to the advantage which was to be expected from those legislative measures, to which their attention ought without delay to have been directed. The failure of trade, and the great defalcation which had taken place in the revenue, were subjects to which the early attention of Parliament ought to have been called. It had, as he understood, been said in another place, by a person who, from his situation, might be considered as having the best means of knowing the situation of our trade, that the whole of our commercial system was founded on erroneous principles; but, while he admitted this, he also stated, that Ministers did not find themselves strong enough to attempt to alter the existing system, much as they were convinced it was wrong. Now, as the argument was, that dissatisfied persons availed themselves of the public distress to promote their mischievous designs, why had no legislative measures been proposed for the relief of that acknowledged grievance. It would have been a better course had Ministers proposed to remove the cause of commercial suffering by the repeal of that system of restriction in which it originated. If all the measures that Parliament could devise for this object should prove incompetent, then indeed it would have been time to resort to the suspension of the Constitution, and to severe laws like that under consideration: but that of which he par-

ticularly complained was, that such measures should have been adopted before any attempt was made to remove the evil which this course of severity was meant to correct. With regard to the provisions of the bill, he must assert, that they went far beyond the necessity which had been pleaded for them. Such was their severity, that he was persuaded many magistrates would hesitate to put in execution a law attended with such penal consequences. Nothing could be more revolting than to see such extraordinary powers vested in the hands of one magistrate under this bill, when the authority of two was requisite to pass a pauper from one parish to another. In the same manner the exempting power was vested in two magistrates, but in order to inflict the punishment of death one was thought sufficient. Indeed, the whole of the provisions, as far as he could understand, were contrary to the spirit of our ancient laws. It would have been acting with more humanity if Ministers had at once proposed to make the offences punishable by this bill treason; for then the parties would have the advantage which the law in the case of treason allows for the defence. If, in plain and unequivocal language, it had been declared, that to say any thing at a public meeting tending to bring into contempt the Constitution and Government as by law established, should be regarded as high treason, great mercy would have been shewn to those persons whose language might, as unfortunately as perhaps undesignedly on their part, be considered liable to that construction. For these reasons he felt it to be his duty to oppose the bill.

The Earl of Westmoreland could not after what had fallen from the noble and learned lord who commenced the debate, and the noble lord who spoke last, give a silent vote on this question. To express the ground on which he should vote for the third reading of the bill, he had to declare, that he gave his consent to the measure, not for the purpose of punishing those who had been guilty, but with the view of protecting the lives and property of his Majesty's subjects, and for the preservation of those liberties, which would be best secured by the suspension, for a time, of their enjoyment. The noble lords had assumed, that there was not sufficient danger to call for precautions; but that was a question which Parliament, he conceived, had already decided in the affirmative, and was not now to be argued. He certainly never considered the present measures, or others of a similar kind, which had been heretofore adopted, as injurious to the Constitution; but, on the contrary, as passed for its special protection. That such was the case, reference to the page of history would prove. Since this country had obtained the full confirmation of its liberties, similar measures had been adopted about twenty or thirty times; and, on every occasion, the Constitution, instead of being injured, came out from the trial unimpaired. Whe-

ther the suspension of the Habeas Corpus was necessary in war or in peace, depended on the state of the country. It might, in fact, be more necessary in peace than in war to adopt precautionary measures of the nature of those under consideration; for in war the Crown is armed with greater powers. If, therefore, any exigency did exist in a period of peace, it afforded the strongest ground for increasing the authority of the Government. The noble lord who spoke first had been extremely apprehensive that the people of England would be prevented from presenting petitions against Ministers; and that the sense of the country would in other ways be prevented from being heard. How were the people of England prevented from speaking their sentiments? The first thing the bill did was to declare, that it did not touch any description of persons who assembled under due and legal authority. In the next place it declared, that no meeting should be assembled unless seven householders signed the requisition. It was next required that regular notices should be given. Now, what was there in all this to prevent the people from meeting, and expressing their sentiments on the Property-tax, or any other measure, on which they might wish to make a representation to Parliament, or the Throne? Did it prevent the people from communicating properly with their representatives, to say, that meetings shall not be held for the purpose of proposing alterations in the law without the consent of King, Lords, and Commons? Another clause required, that there should be no clubs or places of meeting but what were known to the magistrates. To this clause the noble lord surely would not object. He must, therefore, contend, that there was no ground for supposing that this bill could in any way impede the people in the constitutional expression of their opinions, or present any obstruction to their petitions. He hoped there was as much humanity on that side of the House as on the other; he himself felt for those who might fall under the penalties of this act; he felt for the unhappy instruments of designing men; but he felt still more for those who suffered by their crimes. His sympathy for the case of Mr. Platt was more alive than for that of incendiaries or traitors.

Earl Grosvenor had intended to have entered at some length into the discussion of the general principles of the bill before them; but though he felt himself at present unequal to the task, he believed he should have a future opportunity of so doing, when in the course of the session he should call the attention of their lordships to certain topics, from the consideration of which it was impossible to exclude them. He had heard, with a degree of horror, that it was the intention of his Majesty's Ministers to propose the continuance of the act for suspending the law of Habeas Corpus. If this report should turn out to be well founded, he should deem it his duty, if alive, at whatever distance he might be, to

come down to that House and oppose it, unless some very great alteration indeed should have taken place in the public mind, with regard to those questions which were the subject of complaint and dissatisfaction. The noble and learned lord (Lord Eldon) had defended this measure, as might have been expected, on the sole ground of necessity; but the noble earl who spoke last, had placed the defence of it on the principle of convenience. (*Hear, hear.*) He must object to the allegation in the preamble; and no such words were introduced into that of 1796, which declared, that "acts of tumult, riot, and disorder," had been produced at meetings assembled under the pretext of petitioning for a redress of grievances. He was astonished also to hear it stated, that there was no difference in point of danger between the period of 1796 and the present. He had acquiesced, though without taking a very active share in the discussion of them, in the adoption of those proceedings at that time; because the country was committed almost to a war *ad internecionem* with the French republic. It was generally supposed, that a correspondence subsisted between the enemy and persons in this country, the object of which was the landing of an invading army, which was to be joined by numerous parties here, and to effect the entire overthrow of the Constitution. Their ordships knew that a force actually was landed on the coast of Wales. How different now was our political situation! But they were told of the disaffection which prevailed; and if it could be shewn that a majority, or, comparatively, a very large portion of the population was disaffected, he should be prepared to withdraw his opposition. But he must contend, that every day's experience furnished new proof, that if there was disaffection in the country, it was of partial, and very limited extent. Was there any danger of tranquillity abroad being disturbed? Was it possible that any fears could be entertained as to the continuance of peace; for by whom was it possible that it could be interrupted? Not by Napoleon Buonaparte, whom we had chained, like another Prometheus, to a rock; not by the French Government, which we had restored; not by our allies, Spain, or Germany, or Russia. He believed that the state of their finances was still worse than our own; and that this alone was a sufficient security for their pacific dispositions. To what meetings, recently called to petition for Reform, were they to look for evidence of the sedition which was asserted to be so universal? Was it to the meetings of the counties of Kent, Durham, and Cornwall; or to those which had been held in the city of London? With regard to what had been said of the power still left to the people of assembling under the authority of the sheriff, or other magistrates, it seemed to be forgotten, that they would not always consent to the requisition for concurring a public meeting; and that in many cases they had already refused. He did

not believe the new mode prescribed by the bill of calling meetings would ever be resorted to for he recollected an instance of the operation of the former act in 1796. Sir W. Addington, a very respectable magistrate, soon after the passing of the act, was called to a meeting held at Copenhagen-house. As he approached the platform on which the orator was addressing his audience, he made known his exposition of the act by exclaiming, "Pull down that fellow;" who was accordingly silenced, and the assembly dispersed. He was aware that this magistrate had been a person of irritable temper, and that he had incurred reprehension for his conduct. The *ratio censoria* of the bill was to put down seditious; but its practical effect might be to prevent petitioning for Reform. As to the former measures not having been followed by any execution of the severer penalty, he believed there had been one instance, and that was the case of a person who had himself been an informer.

—Nec lex iustior ulla

Quam necis artifices arte perire sua.

He begged the House to reflect on the mischief arising to the community from measures which must necessarily operate to multiply the number of the odious and mischievous race of spies and informers. He believed the public mind to be possessed by a deep anxiety, amounting to a determination of obtaining some Reform. The people seemed generally persuaded, that "there was something rotten in the State of Denmark." This persuasion might be traced to the spread of education, and the extension of religious knowledge; for Christianity was decidedly favourable to the enjoyment of a regulated liberty. Religious despotism was, he felt convinced, trembling to its fall—a fall, the echo of which would resound through all nations. The noble earl concluded by adverting to the disturbances at Manchester, the account of which, he learned by information from Chester, had been greatly exaggerated.

The Duke of Athol wished to state in a few words the reasons which induced him to give his strenuous support to the present measure. He differed from the noble viscount (Lord St. John) in thinking, that the existing discontents were to be traced to the conduct of Administration. They were occasioned by the pressure of severe distress, arising from a combination of circumstances, aggravated by a very unfavourable harvest. He sincerely believed, that the measures resorted to had improved public credit, by giving confidence to the well-disposed, and exciting alarm in the disaffected. He thought the country had been rapidly returning, within the last two months, to its former state of prosperity; and that this was in a great degree owing to the energy with which the Government had acted on the spur of the moment, and before the evil had assumed a more formidable shape. Upon no other principle than that of

giving up a part of public liberty in order to preserve the whole, would he have given his support to these measures. A person of his acquaintance, whom he had asked as to his feelings with regard to the suspension of the Habeas Corpus Act, replied, that he would rather be in the power of his Majesty's Ministers for three months, than have his warehouses under the power of a mob for three hours. He abstained from addressing the House on most occasions, because his own opinions were more ably expressed and supported by others; but he could not sit silent and hear the distemper of the public mind attributed to a wrong cause. He was happy to find that the demand for manufacturing industry was reviving, as well as that a great improvement of the agricultural interests had taken place. All these circumstances convinced him that the distress, lately so universal, was daily decreasing. It was with these views, and upon these principles, that he thought the present proceedings just and necessary. With respect to a renewal of the suspension, it was impossible for any peer to say, at that time, whether circumstances might call for it; but if they did, it would be the duty of Ministers to propose it; and if it was their duty, they would deserve to be impeached if they did not perform it, and even ask for yet greater powers if the emergency should require them.

Lord St. John explained.

Lord Auckland declared, that he had felt some anxiety not to lose this opportunity of proclaiming his opposition to the bill under consideration. His objections to it were founded in a sincere belief, that the necessity of the case did not warrant so violent a proceeding. (*Hear, hear.*) He entertained the utmost respect and esteem for several members of the Select Committee: but he considered their Report as an exaggerated representation of the actual danger, and of the prevailing disaffection. He knew of no one out act, except the riots on the 2d of December, in the metropolis; and what were the circumstances attending them? A few mischievous deluded men appeared ready to execute crimes, and to commit murder and conflagration, hoping to find the majority of the population in a similar disposition; and in this attempt they had been disappointed. (*Hear, hear.*) The attack on the Prince Regent was not adduced as any ground for the present measure. For the correction of the offence of libel, the laws were admitted to be sufficient. The orators of the debating clubs had already fallen into dispute with their auditors, and could hardly inspire much apprehension. The Union Clubs, with their branches and affiliations, sounded at first very mysteriously, but seemed to him to be of little more importance, as an object of alarm, than the stories commonly used for the purpose of terrifying children. For his part, he saw nothing more remarkable in the times than the patience which had been manifested under such

severe and universal distress. Where irritation had appeared, its consequences were prevented by the active and vigilant execution of the laws. In these circumstances he could not consent that the great barrier between the power of the Crown and the liberty of the people should be removed; or that the birthright of the subject should be left to the discretion of Ministers, liable to be influenced by the malice or surmises of individuals. A noble earl had alluded to the precedent of an indemnity. He did not admire the precedent, and thought the circumstance that rendered the suspension less hateful than it would otherwise be, was the right of action reserved to those who might be deprived of their personal liberty by its means. As a noble earl had pledged himself to oppose the continuance of the suspension, he, too, would pledge himself to oppose a bill of indemnity, if it should be proposed in favour of what might be done under the powers intrusted to Ministers by that act. The same objections which he had stated to the suspension of the Habeas Corpus Act, applied generally to the provisions of this bill. The punishment decreed by the bill was quite disproportioned to the crime. In the country, where the people conceived they had a right to meet and discuss the measures of their Government, and where, before the enactment of the present bills, they might do so without restraint, there might be people who would object to the power of a single magistrate to disperse them, especially if that magistrate, as might be the case, was actuated by insolence, prejudice, or petulance, to curb popular privileges; and for this disobedience, which in their minds never amounted to rebellion, but was merely the offspring of ignorance or obstinacy, they were to be punished with death, and pay for their tardy dispersion, with the price of their blood. With this impression of unwarrantable and unnecessary severity—because he always loved and respected what was free—because he was proud that other nations, in attempting to throw off their yoke, quoted us as examples, and emulated our freedom—because he conceived, that the lowest were entitled to express their opinions of the conduct of their Government, as well as the most affluent or powerful; and because he did not wish to see this noble privilege invaded or abridged, he would oppose the present bill. The Constitution, he was convinced, would be impaired by it, instead of being protected, as had been stated by the noble earl opposite (Westmoreland). When he (Lord Auckland) heard of danger to the Constitution, he always had in his apprehension two classes of persons with whom that danger might originate. The first party was composed of those whose object it was to pull down all the privileged orders, to destroy every thing that savoured of the prerogative or legitimate authority of the Crown. The second, and not the least dangerous, consisted of those who were for narrowing our liberties, and who grudged the people the exercise of their un-

doubted rights. (*Hear.*) Between these contending parties, he wished to hold the balance even, neither yielding to the designs of the one, nor to the wishes of the other. He did not mean to enter into an examination of all the reasonings that had been employed in support of the bill; but he could not help alluding to an argument advanced on a former occasion, and repeated again by a noble duke (Athol) to-night, that the system of measures introduced by Ministers had improved our commercial condition; and, particularly, that the adoption of them had raised the public funds. The funds had certainly risen about the time the Constitution was suspended; but the connection between those two events, as traced by the noble lords, appeared to him as fanciful and extraordinary as any thing he had ever heard. It put him in mind of a story of a traveller who stopped for a night at Stoney-Stratford, and who, having in the morning asked the name of the place, said, "I am not surprised that it is called *Stoney*, for I never was so bit before with fleas in all my life." (*A laugh.*) The relation between the measures of Government and the rise of stocks appeared to him to be of the same fanciful description, and proved by the same profound and recondite mode of argument. (*Hear.*)

The Marquis of Buckingham was prepared to contend against his noble friends who had spoken before him in this debate, against the bill, that this measure was necessary in the present circumstances of the country; and that its necessity pleaded its justification. His noble friends had first denied the danger, and then they argued that, even upon the admission of the danger, the remedy was not appropriate. He differed with them in both their positions. He was convinced of the danger, and he believed the remedy was calculated to meet the emergency. He did not doubt the existence of the danger from the beginning; but even had he undervalued its evidence at the commencement of the session, sufficient proofs of it had since come to light. His alarm was not reduced by seeing those who usually advocated popular opinions blind to its extent, or even ready to deny its existence. The disavowal of danger was made by some, because they were anxious to under-rate what could not fairly be acknowledged without furnishing grounds for those measures to which they objected. He had heard, that there was no danger to the Constitution from the designs of those whose operations this bill was intended to restrain; and that, because they were not headed by powerful individuals, therefore their machinations were harmless. This argument had no influence on his mind, because we could find parallels in history of revolutions effected by instruments at first as insignificant and contemptible in appearance as the persons alluded to. The French revolution was no distant event of this kind. It had passed in our own time—it had occurred at our own door—it did not now agitate the world, but its memory was still

fresh. The edifice was reduced to ruin, but the vestiges that remained shewed its original extent. We remembered its fall, and we should never forget the crimes and the atrocities on which it was built, or the blood with which it was cemented. On its broken and disjointed fragments we might read an awful lesson of prudence and caution; and the flame that blazed on its ruined summit warned us not to approach it, or to rear a similar structure. But how was this great and disastrous revolution begun? Was it begun by mighty armies? Was the first step taken by great generals? Were powerful nobles at the head of the first insurrectionary movements? (*Hear.*) No; it was brought about by the lowest of the people, by the efforts of the vile and the worthless from the most degraded ranks of society. (*Hear.*) Distress was the pretence, the motive, and the instrument. It was brought about by general suffering. It was brought about under colour of necessary change, and salutary reform. The moment the principle of reform was established, the moment that government was vilified, the moment the laws lost their authority, the danger began. Leaders were found to head the disaffected, and the most powerful joined the most contemptible in overturning those institutions which, by their command of so much physical force, they saw themselves able to do. (*Hear, hear.*) He did not compare the free government of this country with the arbitrary government of France before the revolution, but he was prepared to contend that the means employed against the latter were similar to those that had proved successful against the former; and that the difference of their nature would not make a corresponding difference in favour of their permanency, without salutary precaution on our part. It had been said, and said with truth, that the space was short between the dethronement and the death of a monarch. With a little modification, the maxim might be applied to a government or a constitution. Allow it to be stript of all respect in the eyes of the people—allow it to be vilified and degraded at public meetings, and it will soon lose its energy, and with its energy the power of prolonging its own duration, or securing public liberty. (*Hear, hear.*) The efforts of the insignificant prepared the way for the attacks of the powerful, as the pioneers of an army undermined a fortress before the soldiers advanced to the assault. When he saw small purposes attempted to be brought about by great means, his suspicion was excited—when he saw now the same combinations as in 1794—when he saw the same means wielded by the same hands (*hear*)—when he saw the same instruments at work—when he saw the same principles promulgated, the same doctrines advocated with undiminished energy—when he saw the same system of conduct begun, the same rallying signs used, the same banners of rebellion displayed as on that occasion—when he saw religion as openly scoffed at as in

1794—when he saw all these symptoms, he could not disguise from himself that the evil was the same now as then: and that a similar remedy ought to be applied. (*Hear, hear.*) The pretence of the meetings which this bill affected, was to petition Parliament or to address the Crown. The ostensible purpose was laudable, but Parliament should take care that assemblies of people collected for these ends should limit their powers to the accomplishment of them, and not convert their meetings into the means of outrage. The Constitution gave the privilege of petitioning the Legislature, or addressing the Crown; but where did it say, that under colour of exercising this privilege the people might meet to create confusion, to alarm the well-disposed, and to plunder the defenceless? Were they to break the laws of the land under the pretence of exercising a constitutional right, and then to plead this right a cover for the breach? (*Hear, hear.*) The legal exercise of the right should continue and be protected; but would any one say that it ought to be protected as lately exercised? Would any one say that the meeting at Spaffields, that the meeting at Manchester, that the meeting at Portsmouth-hill, took place in the due exercise of the right of petitioning, and that similar meetings ought still to be allowed? But, said his noble friends, why make a new law when the old laws were sufficient to put down the evil. He had not admitted that the existing laws were sufficient, nor was he prepared to do so. All the House knew the means that were employed to evade the law; the whole country knew that meetings might take place under the ruling demagogue of the day, in which the people might be told that Parliament were careless of their prayers, and were determined to refuse redress; that the Executive had resolved on their ruin; and, in short, in which their passions might be excited, so as to carry them beyond their own control, into acts of tumult and riot. When they had been hurried by seditious and inflammatory harangues to breaches of the peace, the riot act might then be read and the multitude dispersed; or, if they refused to disperse, they might be punished. This was the law as it at present stood. Was this law sufficient to meet the exigency of the times? Was it better to punish after a breach of the peace had happened, than to prevent the peace from being broken? Was it better to allow outrages to be committed, that they might be punished, than to guard against their commission, and save the vengeance of the law? But then, said his noble friends, one of them in particular, (Lord Erskine,) why allow such power to one magistrate as this bill invests him with? When they made this objection, they forgot the powers of the law as it at present stood. Could not one magistrate read the riot act? Could not one magistrate commit on his own responsibility? How foolish, therefore, was it to permit one magistrate to order the military to fire upon the multitude

who refused to disperse, and to deny his competence to order a simple dispersion. How inconsistent was it to declare the sufficiency of one for an act of punishment, and to demand the concurrence of two in an act of prevention or precaution. (*Hear, hear.*) The real enemies of the people were those who, out of tenderness for their wishes or opinions, would allow them to proceed to abuse their privileges, and to degrade into instruments of faction or sedition their most sacred rights, that of petitioning the Legislature or addressing the Crown. Considering the men who employed the privilege of petitioning for their own destruction as its real enemies; conceiving, likewise, that they were the worst enemies of the people, he (Lord B.) would support the present bill. Good effects had already resulted from the measures past, or in progress. Why had the Spafields meeting been put off, but because the objects proposed to be accomplished by it could not be openly professed (*hear*); because the deluded people were only to be assembled for the purposes of confusion? Believing, as he did, that in the real Constitution is comprehended obedience to the laws; believing that the real rights of the people could best be preserved by guarding them from abuse; and being of opinion that the present measure was calculated to accomplish the object, he would vote for the third reading of the bill. (*Hear, hear.*)

The Earl of *Darnley* would offer a few observations. The noble marquis (Buckingham) who had just sat down had said, that the means employed to bring about the French revolution, and those now employed by the discontented in this country, were of the same kind. He (Lord D.) could not assent to the proposition. The revolutionary party in France was assisted by the arbitrary nature of the Government—by an extensive and prodigal court. Circumstances did not exist to the same extent in this country. He (the noble lord) believed in the danger of no conspiracy, far less of the insignificant and contemptible party which was said to have conspired. The general anxiety was directed to Parliamentary Reform, and the general agitation rose from distress. How did the matter stand? We had enjoyed peace now for some time, but we were still suffering under the pressure of severe distress: the manufacturing, the commercial, and the agricultural classes were all suffering. In consequence of this, it was natural to expect that a few ill-designing persons should wish to take advantage of the irritation of the public mind. But how had they shewn their temper? Where was there any dangerous meeting but at Spafields? It was now nearly four months since that meeting. At the first meeting there was some rioting; and Government, if they had been anxious to prevent a second, should have called Parliament together earlier, so as to obtain its assistance if they really thought the present measures necessary. On the 2d of December there had been some outrage, but few joined the mob, its progress being arrested by that active magistrate, the Lord

Mayor, to whose exertions he mainly attributed, in this season of difficulty, the preservation of the peace of the metropolis. Had, however, the Ministers been alarmed, they ought to have called Parliament to take measures of prevention. All this was, however, allowed in order that Ministers might obtain their own ends; that they might have a pretence for their arbitrary measures; and might be enabled to confound those who opposed the abuses of administration with those who endeavoured to effect a revolution. Though the laws as they stood were, in his view, competent to the preservation of the public peace, he would not have objected to such clauses in the bill as those by which such meetings as that of Spafields might be prevented; but when he was asked to give such powers to a single magistrate as those with which the present bill would invest him, he could not consent to the demand. His noble friend (the Marquis of Buckingham) had made a mistake in comparing the powers of the magistrate under the riot act, and under this bill. In the riot act his duty was clear, because the nature of the assemblage could not be doubted; but under the present bill there was no overt act. The meeting was legally assembled, and was to be dispersed upon his discretionary view of the doctrines promulgated, or his opinion that they tended to bring into hatred and contempt the Government. He could not, therefore, give his consent to the bill. He (Lord D.) could not concur in an observation that had fallen from the noble earl (Westmoreland) opposite, that because we had reduced the army, and were at peace, there was greater danger than in war; and that, consequently, this measure was necessary to come in aid of a military force. If this argument was useful for any thing, it tended to shew, that in reducing the army we had violated the Constitution, and that a standing force was the only safeguard of our freedom.

The Earl of *Aberdeen* allowed that the bill must be founded on necessity, but contended, that if its necessity were proved, its policy was sufficiently established. The noble and learned lord (Erskine) had said that the general opinion of the country was against it: he had conversed with many on the subject, and, so far as he could ascertain their sentiments, they were decidedly in its favour. There might be different measures of necessity; some would say that it was only necessary when the great majority of the people were disaffected; some, when a considerable number; and others, when we were upon the eve of a revolution. Without determining upon the numbers which created the degree of danger necessary for such a bill, he would only remark, that revolutions began often in small minorities; but want of number was made up by an excess of activity and energy. He was perfectly satisfied, that without some measure like the present, there was great danger to the Constitution. The resemblance between the present time and the period of 1794 was denied, because we were then at war, and were now at

peace; but the question was not respecting peace or war, but danger or security. Bloodshed and plunder might be effected as easily in peace as in war, if the discontents of the people were equally strong. A noble marquis, on a former night, had attributed the general distress and discontent to the acts of the Government. He himself had attended as anxiously as he could to that question, but he could not see how our people suffered by the annexation of Genoa to Piedmont, or of Lombardy to Austria. If this were the only account of the distress, he (Lord Aberdeen) despaired of finding its true cause. The only manner in which Government could be said to distress the people was by imposing burdens upon them. The only relief in their power was to lighten those burdens, which they were doing by all the means within their reach.

Earl Grosvenor explained.

The Duke of Sussex did not intend to have risen on the present occasion; but his political opinions, and his notions of the Constitution, were so different from those maintained on the other side of the House, that he could not give a silent vote. He would not follow the example of the noble lords who took their precedents from foreign countries—a conduct which, without any disrespect, he might say, was foreign to the present subject. A noble marquis near him (Buckingham) had said that, at the commencement of the French revolution, no men of consequence were engaged in it; this he was not willing to allow. Although few men of rank were at first engaged in it, yet many men of talents, and vast numbers of literary characters, were active promoters of it. It was supported likewise by one of the royal family. When that person of great rank joined it, both he and many of his partisans were unaware of the extent to which it would be carried, or of the dangers which it threatened. He was perfectly unacquainted with that personage, but he was convinced that he could not foresee, much less control, the storm which he and his coadjutors had kindled. Many circumstances contributed to precipitate that country into danger, which did not affect England at the present moment, and without which the parallel was imperfect. Among these was bankruptcy, with which we were not threatened. He did not mean, however, to go at length into the subject, but merely to controvert an opinion of the other side, and to state shortly his own view of the Constitution. He thought it most advisable to stand by the principles of the Constitution, such as it had hitherto existed; and he was persuaded that any deviation from those principles would only bring on the misfortune it was meant to avert. This he said most conscientiously, and could not feel satisfied had he given a silent vote on the present occasion.

Lord Sidmouth, after observing that the bill, as it stood at present, contained a clause for the prevention of meetings within a mile of the door of Westminster-hall, stated, that the

restriction was not intended to be such as to create a difficulty to the inhabitants of Westminster. It had been considered since yesterday, that Covent-garden, the usual place for holding elections for Westminster, was within the precincts of that city, and that the borough of Southwark did not form any of the usual avenues to Parliament. He therefore proposed to withdraw the clause, that no persons, above the number of 50, should meet within a mile of the door of Westminster-hall, and to substitute, as an amendment, the words, “saving and excepting in St. Paul’s, Covent-garden, and the borough of Southwark.” The clause, so amended, could not produce any inconvenience to the inhabitants of Westminster or the Borough: and as it would at all times secure a free passage to the House, he should propose that it might be permanent.

Lord Holland objected to the substance, form and time, of the clause. When these measures of coercion had been first adopted, he had himself been willing to consider what step might not be permanently disadvantageous to the people, and yet might meet the wishes even of those who thought all public meetings dangerous. He then thought that meetings near the House of Parliament might with propriety be prevented; not because they were dangerous, but because they sometimes presented an obstruction to the performance of parliamentary duties; and therefore, while Parliament was sitting, he thought there was no great objection to such a clause.—But the present clause particularly marked out the inhabitants of Westminster, though there was no reason why they should be so distinguished. Neither was there any reason why the mile should be computed from the door of Westminster-hall, for Parliament might not always be stationary, and it were better that the boundary should be drawn from the place in which Parliament might be sitting. The provision, however, went beyond the reason of the thing; for the object ostensibly in view was, to clear the avenues of Parliament; why, then, should the prohibition extend a mile? Why was it extended even to Charing-cross? A tumult there could not greatly inconvenience members, who on such an occasion might pass through the park; and why extend the time beyond the period when Parliament was sitting? Till now he had not been aware, that since the time of Lord George Gordon, any act had passed to prevent the overawing of Parliament; but if that were the case, there could be no necessity for the present measure. A noble friend of his had been reproached with change of opinion; there was nothing disgraceful in changing an opinion on mature grounds; and never was any thing more unmerited than the present reproach, for the circumstances under which his noble friend had justified such a measure, were totally different from those which were alleged in its support at present; and Ministers admitted that nothing but the most pressing necessity could be a sufficient ground

for its adoption. He submitted it to the candour of the noble viscount, whether the amendment proposed ought not at least to be made the subject of a separate bill, and not to be mixed up with the present measure.

On the *Chancellor's* putting the question, that the amended clause should stand part of the bill,

Lord Rosslyn thought it hard on the people of Westminster to be deprived of the place of their meeting to petition Parliament on the Sovereign, and not to be held in defence of their rights. He complained that the House had been taken by surprise. Last night they had been told that this was only a temporary measure; and now, without any notice, at the last stage of the bill, it was proposed to render it permanent. This he thought dealing hardly by the House, and the people of Westminster.

Lord Liverpool was astonished there could be any objection to a clause which met with the general concurrence of the House. It could occasion no inconvenience to any body of men, and was only intended to ensure order in the entrance to the House. The noble lord had complained of surprise; but the real question was, whether there was any objection to the measure; he could see none. The inhabitants of Westminster were not precluded from holding their legal meetings, and Covent-garden had always been the legal recognized place for those meetings. Some limit must be fixed on, and he knew none less objectionable than that which had been proposed. An assembly at Charing-cross would be much more inconvenient, and a much greater obstruction to the attendance on Parliament, than a tumult in Palace-yard.

Lord Lauderdale thought it extremely inconvenient that the inhabitants of Westminster should have no place of meeting but Covent-garden; for the effect of this clause would be to prevent their meeting at all. Covent-garden was private property, and it was in the power of the proprietor to prevent people assembling there, or, at all events, to obstruct the avenues.

The *Lord Chancellor* stated, that the right of holding a market there was private, but that the streets could not be closed to the public.

Lord Lauderdale insisted, that the avenues to Covent-garden might be closed.

The *Lord Chancellor* replied, that if he were obstructed, he should think he had a legal right to complain.

The amendment was then adopted without a division.

The House divided on the question that the bill do pass, when the numbers were,

Content - - - - - 111

Non-content - - - - - 23

Majority - - - - - 88

PROTEST

On the motion for the third reading of the bill

House of Lords, March 25, 1817.

Dissentient,—Because it appears to us that this Statute, in inflicting the Penalty of Death, is unjustly severe: that it gives to Magistrates a formidable and unnecessary power, improperly controuling the general expression of opinion, and interfering both with the Public and Private Meetings of the People, in times of which we consider the danger to be much exaggerated, and which we think call for measures of conciliation and relief, and not for coercion.

Grosvenor, Augustus Frederick,
Rosslyn, Vassall Holland,
Clifton, Somerset,
Auckland, Erskine.

HOUSE OF COMMONS.

Tuesday, March 25.

Several petitions were presented from different parts of the county, complaining of the distress arising from the Poor Rates, and praying for relief.—They were referred to the Committee on the Poor Laws.

Petitions were also presented from various places, praying for Retrenchment and Reform, which were ordered to lie on the table.

The Irish Peace Preservation Bill, and the Irish Arms Registry Bill, went through Committees.

Papers were presented at the Bar from the office of the Chief Secretary of Ireland, relative to the Consolidated Fund,—from the Audit-office respecting Public Accounts,—from the office of Imports and Exports, the Annual Returns.—Ordered to lie on the table.

HOUSE OF LORDS.

Wednesday, March 26.

The Exchequer Court Proceedings Bill was committed and reported, and several other bills were advanced in their different stages.

HOUSE OF COMMONS.

Wednesday, March 26.

SEDITIONOUS MEETINGS BILL.] A message from the Lords announced their lordships' assent to the Seditious Meetings Bill, with certain amendments.

The *Chancellor of the Exchequer* moved, that the amendments be taken into consideration to-morrow.—After a few words from Mr. Brougham, Mr. Curwen and Sir J. Graham, the motion was carried, and the amendments were ordered to be printed forthwith.

VOTES OF THE HOUSE.] The *Speaker*, in pursuance of a notice he had given last night, took the liberty of addressing a few words to the House on the adoption of some more convenient mode of printing the votes of the House. Since the time of Charles II. in 1680, the duty of superintending the printing of the votes had

been committed to the Speaker; but, nevertheless, he should not deem it proper to make any alteration in an established practice without the concurrence of the House. Some new arrangement was now become necessary. The business of the House had increased in a threefold degree since the Union with Ireland, and fivefold since the year 1771. This induced him, some time since, to adopt a more commodious way of printing the votes than had formerly been in use; and by doing so he had considerably reduced the amount of the former charges. This alteration had received the sanction of the House in 1810; since that time the growing business of the House had rendered it impracticable to distribute the votes in a few days after they were given. In consequence of this he had been led to consider the subject attentively; and he had devised a method by which he should be enabled to distribute the votes at an early hour the next morning, together with the notices, orders of the day, and second readings of private bills. The effect of the measure would be also to bring up the arrears of the journals, so that the House would possess them complete within a week after the session closed; and to reduce the charges of printing (which amounted to many thousands, one half. If the House thought proper to refer the proposal to a select committee, it would be his duty to abide by whatever decision might be made; but he thought it important that the House should come to an early determination, that the business being arranged during the recess, an opportunity might be afforded of making the experiment during the remainder of the present session.

The *Chancellor of the Exchequer*, after stating that it was unnecessary to add any recommendation to so salutary a proposal, moved "That a select committee be appointed to consider a more expeditious mode of printing the votes of the House." The motion was carried in the affirmative, and the following committee appointed:—

The Chancellor of the Exchequer,	Lord Lascelles,
Mr. Bathurst,	Lord Milton,
Mr. Rose,	Sir James Graham,
Mr. Long,	Mr. Peel,
Sir Arthur Pigott,	Sir George Hill,
Mr. Williams Wyn,	Mr. W. Dundas,
Mr. Dickinson,	Mr. Home Sumner,
Mr. Abercromby,	Mr. Cartwright,
Sir M. W. Ridley,	Mr. Calcraft,
Mr. Banks,	Sir W. Curtis,
	Mr. Brogden.

DUTY ON SALT.] The House went into a committee on the Salt Laws.

After some conversation between Mr. D. Gilbert, Mr. Lushington, Mr. Rose, Mr. Davenport and Mr. Calcraft,

It was resolved, that Salt should be exported duty free, under certain regulations; and that a duty of thirty shillings a ton should be im-

posed on mineral alkali, and the present duties repealed.

HOUSE OF LORDS.

Thursday, March 27.

The Exchequer-Court Proceedings Bill was read a third time, and passed.

The further consideration of Bayley's Divorce Bill was postponed till the 30th of April.

HOUSE OF COMMONS.

Thursday, March 27.

BANKRUPT LAWS.] Mr. Lockhart brought in his bill to amend such part of the bankrupt laws as related to granting the bankrupt's certificate. (see page 119.) After a few observations from Mr. Wrottesley, it was ordered to be read a second time on the 1st of May.

PARLIAMENTARY REFORM.] Lord A. Hamilton presented a petition from Kilwinning, Stevenston, and Saltcoats, in the county of Ayr, praying for a Reform in Parliament. The petitioners stated, there was not a single borough in that county in which the manufacturing and commercial interests had a single vote. (*Hear, hear, hear.*) Ordered to lie on the table.

The noble lord then presented a petition from the royal borough of South Queen's-ferry praying for Reform.—Ordered to lie on the table.

ATTORNEYS.] Mr. Newman presented a petition, signed by numerous and respectable solicitors and attorneys of Plymouth, Plymouth-dock, and Stonehouse, praying for an alteration in the existing laws, as very improper persons now were enabled to practise as conveyancers and solicitors, not only to the great hardship of those who had been regularly bred to the laws, but to the prejudice of the public.

RIBBAND WEAVERS.] Mr. P. Moore presented a petition from the ribband-weavers of Wentry, praying for the protection of the House.

The *Chancellor of the Exchequer* said, this was a branch of trade by no means undeserving of consideration; but he was afraid, that the monopoly which they wished to enjoy would operate to their injury as well as to that of the public.

Mr. Brougham was glad to hear that the right hon. gentleman thought it necessary that inquiry should be made. It would have been a more statesmanlike, a wiser, and a better policy, to take a general view of our trade, as he had before recommended, but without success, and not to proceed on an isolated point. He trusted, however, that the necessity of that measure would be felt, and that the right hon. gentleman would still direct his attention to it. All that these petitioners said was, give us the same advantages as the French manufacturers have, and we shall be satisfied.—Ordered to lie on the table.

CATHOLIC PRELATES.] Sir J. C. Hippisley trusted, that the information conveyed by the several official dispatches for which he was about to move might tend to counteract the mischievous impressions of the most gross and unfounded representations which, from time to time, were made in another part of the united kingdom. He thought this a fit occasion to allude to a letter stated to be written by a Roman Catholic priest, a Mr. Hayes, from Rome, containing the most unwarrantable assertions respecting himself (Sir J. H.); and he could venture also to say as much for the noble viscount at the head of the Foreign Department, whom he did not see in his place. In fact, these assertions of Mr. Hayes were wholly false. The honourable baronet concluded with moving for copies or extracts of all dispatches from Ministers accredited to foreign States to his Majesty's Secretary of State, respecting the appointment of prelates under the see of Rome. *Ordered.*

FINANCE COMMITTEE.] Mr. D. Gilbert appeared at the bar, and stated, that he held in his hand the first Report of the Committee of Finance. (*Hear, hear.*)

The hon. member being desired to bring it up, delivered it to the clerk at the table. (*General cries of read, read.*)

As soon as order was restored, the clerk began to read as follows:—The Committee of Finance, having proceeded to take into consideration the several matters referred to them, have lost no time in presenting this their first Report to the House. The office which your Committee thought themselves first bound to undertake was, to consider what retrenchments could be made consistently with the public service, and with a view to real and practical economy. 2dly, Your Committee deemed it indispensable, that ample recompense should be afforded to persons holding high and effective offices; and, 3dly, that such offices as might be considered in the nature of sinecures ought to be abolished on the death of the persons who now enjoy them. This subject is by no means new to the House. It has been often brought before them, particularly in 1812, when it was made the ground of a bill, which was sent to the House of Lords, and some of the provisions of that bill are referred to in this Report. Your Committee, therefore, recommend, that the following offices, which are of the last description, should be abolished, *viz.* Chief Justices of Eyre, North and South of Trent; Auditor of the Exchequer; Clerk of the Pells; four Tellers of the Exchequer; the Warden of the Cinque Ports; the Governor of the Isle of Wight; and the Commissary-General of Musters. (*Hear.*)

The clerk was about to proceed, when Mr. Gilbert said, it was unnecessary to go further. Enough had been read to satisfy the House of the spirit of the Report, and of the feelings by which the Committee had been actuated.

Lord Cochrane rose, and said, that the aboli-

tion of these offices at the death of the persons now holding them would not tend, in the smallest degree, to relieve the unparalleled distresses under which the country now laboured. In order to give effectual relief, it was absolutely necessary that something should be done immediately.

No farther observations being made, the question was put, that the Report be printed, which was agreed to.

The New Street Bill, the Irish Arms' Registry Bill, and the Irish Peace Preservation Bill, were read a third time and passed.

TITHES.] Mr. Newman moved for and obtained leave to bring in a bill to empower ecclesiastical and other persons to grant leases of tithes, so as to bind their successors. This bill was founded on the resolutions of the Select Committee that sat last year on the subject of tithes. It was read a first time, and ordered to be read a second on the 24th of April.

SEDITIONOUS MEETINGS BILL.] On the *Speaker-General* moving the order of the day, that the Lords' amendments of this bill should be taken into consideration,

Lord Folkestone insisted that the measure could not possibly be discussed that night; and there could not be a better argument for its postponement than that the Chancellor of the Exchequer had himself last night admitted, that the amendments were to be printed for the previous consideration of members; but it had been absolutely impossible to enter on that consideration. He had received, indeed, in good time this morning, the various amendments, and had endeavoured as much as lay in his power to master the subject; but all in vain. He had found, besides two entirely new clauses, fifty-five amendments. (*Hear, hear.*) The printed papers gave only 14 references to the original bill, and of those 14 only one was correct. (*Hear, hear.*) In some instances, indeed, he could find the matter referred to in the line above or the line below, but never could be certain which was really intended; in others it could not be found at all. The very first reference afforded a strong instance of the incorrectness that prevailed throughout. On these grounds he thought it impossible, in point of decency, that the House should so soon proceed to the discussion of the amendments.

The *Speaker* stated, that early in the morning one of the printed papers had been brought to him, in which he had discovered several mistakes: these he had corrected, and had ordered the whole to be reprinted, which was all he could do.

Lord Folkestone observed, it was very hard after all the pains hon. members had taken, to be now told that there *was* a correct copy, but that they had been losing their time on one which was confessedly erroneous. This was a farther reason why the business should be deferred.

Mr. Brougham then put it to the Chancellor

of the *Exchequer*, whether, with reference to the decorum of their proceedings, he would persist in pressing the discussion.

A conversation ensued, in which *Mr. Calvert*, *Mr. Ponsonby*, and the *Chancellor of the Exchequer* participated, when the amendments were ordered to be taken into consideration to-morrow.

HOUSE OF LORDS.

Friday, March 28.

The Irish Peace Bill and the Irish Arms Bill were brought up from the Commons, and read a first time.

HOUSE OF COMMONS.

Friday, March 28.

The Irish Grand Jury Presentment Bill was read a second time, and ordered to be referred to a committee of the whole House on the 4th of April.

WOOL-TRADE.] *Mr. Brougham* presented a petition from the wool-growers at Winchelsea, complaining of the facilities afforded to the importation of foreign wool, and praying for the protection of the House.—Ordered to lie on the table.

HABEAS CORPUS—DUNDEE.] *Mr. Brougham* presented a petition from the merchants, householders, and other inhabitants of the royal burgh of Dundee and its vicinity. The hon. and learned gentleman stated, that this petition was signed by a numerous and most respectable body of persons, who complained of the suspension of the Habeas Corpus Act and of the trial by jury. The petitioners, he observed, certainly appeared to labour under some mistake, as to the operation of that bill in Scotland, conceiving it to be a repetition of a former measure; but in consequence of the amendment of a learned gentleman, who, with his usual discernment, had detected the clause which went to that effect, Scotland was now placed in the same situation as England with respect to this subject. The petitioners next complained of the foul and base assertions which had been so industriously propagated, that a conspiracy existed in Scotland for overthrowing the Government; and that the people in general were disposed to violent and tumultuous measures. They felt themselves called upon to assure the House, that, out of 32,000 inhabitants of Dundee, it was their firm belief, (and, surely, said *Mr. Brougham*, these respectable merchants and householders must know the fact,) that there was not one within the walls of that city who ought to be called a disloyal subject; and they were fully persuaded, that all the people of Scotland were sincerely attached to the reigning family, and to the laws and Constitution of the country. (*Hear, hear.*) He (*Mr. B.*) could not help thinking, that the imputations which had been cast upon the brave and loyal people of

Scotland, from whatsoever quarter they might have arisen, deserved the severest reprobation. The ignorant and officious zeal of those who had spread such reports was unworthy of the notice and patronage of the Government, and called for the censure of the House. It was no light matter to attack so large a body of his Majesty's subjects by such foul and unwarrantable assertions. He would say, from his personal knowledge of many of the persons in Dundee, that they were rather attached to the other side of the House, than to the principles which actuated the conduct of those among whom he had the honour to sit. Seeing the matter, therefore, in this point of view, he considered it the more worthy of attention; and he trusted the House would recal this petition to their minds when they came to discuss the measure that was ordered for their consideration that night. (*Hear, hear.*)

The petition having been read,

Lord Folkestone rose and observed, that, by the Scotch law, no warrant in Scotland could be effectual, unless signed by a person resident in that country. He wished to know, therefore, whether this act could extend to Scotland?

The *Chancellor of the Exchequer* could only say, that he never believed any part of Great Britain would be exempted from this act; and he should be very sorry to find it otherwise.

Mr. Brougham (observing that some attention was being paid to the signatures at the foot of the petition) stated, that a noble lord, who had signed it, afterwards erased his name, not because he had altered his opinions, but merely because he doubted whether it were fit for a peer of the realm to subscribe a petition to that House. (*Hear.*)

The petition was then ordered to lie on the table.

VOTES OF THE HOUSE.] *Mr. B. Bathurst* moved that the Report of the Select Committee relative to the printing of the Votes of the House, which he brought up yesterday, be now taken into consideration.

The Report was then read, stating the great advantages that should result to the House and the public from the early circulation of the Votes of the House, and that the Committee had adopted a plan for their being printed, which would be seen from the papers attached to their Report.

Mr. Grenfell complained of the great expense which members were put to in the Vote-office, and contrasted it with the practice in Ireland, previous to the Union, when every member received a copy of the printed votes, without being subjected to any expense.

The Report was then agreed to.

PRISONS IN IRELAND.] *Mr. Bennet* rose to call the attention of the House to the state of the prisons in Ireland; and, after paying some compliments to *Mr. Peel* for his humanity in personally visiting and inspecting the prisons in that country, moved for an account of the great-

est number of persons confined at any one time in the Marshalsea of Dublin, during the last 12 months.

Mr. *Peel* observed, he should be happy if this motion should tend to ameliorate the condition of persons under confinement. It was in vain to expect that any temporary remedy could be applied to their relief. He was perfectly confident, that the expense would be less to make an assessment for a new prison, than to attempt to repair the wretched houses in which the prisoners were now confined. It could not be denied, that ten human beings of both sexes had been cooped up in a space which did not exceed 12 feet by 6, without blankets, or any other accommodation. (*Hear, hear.*) This matter certainly deserved the most serious attention of the House.

Mr. *Bennet* then moved for an account of the number of insolvent debtors in Dublin now in confinement, and an account of the fees which they were liable to pay, previous to their discharge.

Mr. *Peel* would also agree to this motion; but he could assure the hon. member, that the Chief Justice of Ireland was continually occupied during the vacation in attending to the cases of those persons.

The motion was carried.

SEDITIONS MEETINGS BILL.] The *Solicitor-General* having moved the order of the day for taking into further consideration the amendments made by the Lords to this bill,

Lord *Folkestone* rose and asked the *Speaker* whether the bill was not a money bill, to such an extent, at least, as to induce the House, in maintenance of their ancient privileges, altogether to reject the measure thus amended?

The *Speaker* had no difficulty in replying, that in the sense in which that House understood the term money bill, the bill then before them was not a money bill. In this bill, as well as in other bills not actually money bills, there might be clauses relating to money, to which the House could not permit the Lords to make any amendments. In fact, in the very first clause of the bill a penalty had been extended by the House of Lords, and therefore when the bill came under the consideration of the House, he should suggest to them the expediency of rejecting that amendment.

The order of the day was then read.

The *Speaker* then observed, that it was his duty to call the attention of the House to an alteration made by the Lords. As the bill passed the Commons it was declared, that any person refusing to deliver a paper to a justice of the peace should forfeit 50*l.* The Lords had extended the penalty to any person refusing to deliver the paper to a justice of the peace, "or the mayor or head officer of the county, city, town, or place respectively." This was an amendment to which the House, consistently with its privileges, could not agree.

The *Chancellor of the Exchequer*, in conse-

quence of what had fallen from the chair, moved that the House should disagree with the lords in this amendment, which motion was agreed to.

On the next amendment being read, viz. "after 'holden' insert 'and such notice so given by such means as aforesaid, shall be as effectual to all intents and purposes, as if the same had been given by public advertisement inserted in any such newspaper as aforesaid.'"

Lord *Cochrane* protested that he felt he should abandon his duty if he failed to take the sense of the House on every one of the amendments made in this bill. It was so essential to the best interests and privileges of the country that the bill should not pass into a law, that he held it to be an indispensable duty to object by every means conformable to the customs and rules of the House, not only to the bill *in toto*, but to every alteration that had been made in it. With respect to the present amendment, it was not only unnecessary, but actually destroyed the sense of the passage in which it occurred. He should take leave, therefore, to divide the House on a motion for leaving out of that amendment the words—"by such means as aforesaid."

No division, however, took place, the noble lord not having a fellow-teller in support of his motion.

Lord *Cochrane* then adverted to the extraordinary clause which had been introduced by the lords, stating it to be highly inexpedient that public meetings or assemblies should be held near the Houses of Parliament or near his Majesty's Courts of Justice in Westminster-hall.

The *Chancellor of the Exchequer* spoke to order. That clause was not then under the consideration of the House.

The *Speaker* observed, that the several amendments in the bill must be considered in their turn. That before the House was to leave out "being" and insert "shall be."

Lord *Cochrane* felt it his duty to state at once the general motives which actuated his conduct on the present occasion. That so extraordinary a proposition as that to which he had just adverted should be entertained, and even adopted, could not astonish those who observed how that House went on. Why was any mention made of danger to the Courts of Justice in Westminster-hall from public meetings? Was there not equal danger to Courts of Justice in Guildhall from public meetings there? The fact was, and he said it without hesitation, it was that House which was afraid. It was the Ministers who felt that they deserved the reproach, and perhaps the indignation of the people. He told the right hon. gentleman, and his Majesty's Ministers generally, that the consciousness of their bad measures made them afraid to meet the people. The assertion about the Courts of Justice was a mere false pretence to cover these apprehensions. A noble and learned lord in another place had stated—

The *Speaker* informed the noble lord, that it

was contrary to the rules of the House to allude to any thing that might have been said by a member of the other House of Parliament.

Lord *Cochrane* said, that he had used the words "another place."

The *Speaker* observed, that the rules of the House must be substantially attended to.

Lord *Cochrane* bowed with great submission to the correction of the Chair. He had thought it his duty, at the very commencement of this discussion, fully to state his opinion. He had also thought it his duty to declare, that he would take the sense of the House on every one of the Amendments; but as on the last proceeding he had not been so fortunate as to have a seconder, he should not persevere in his intention; it appearing to him probable, considering the great majority opposed to his single opinion, that in that particular he was wrong.

The clerk having then read several Amendments,

Mr. *Brougham* rose and said, that he did not wish to offer any unnecessary impediment; but he hoped, that as the Amendments were read, his Majesty's Ministers would explain to the House when the alteration was substantial, and not merely verbal. Though the printed papers might have been distributed by twelve, he himself did not get the amended bill till near two: he was engaged in professional occupations till four, and he was now called on to agree to amendments, many of which might be, as amendments frequently were, entirely new measures. The fact was, that the chief amendment, the cause prohibiting a meeting within a mile of Westminster Hall, was a new legislative measure, which that House was about to dispose of by a single vote, instead of its passing through the various stages—the three readings—the Committee, &c. by which a strict scrutiny of every measure proposed was occasioned.

Mr. *B. Bathurst* observed, that the clause to which the hon. and learned gentleman adverted, was the only substantial alteration that had been made in the bill.

After a conversation of some length on the meaning of the Amendment introduced by the Lords into that part of the bill which related to the proclamation by the magistrates for the dispersion of illegal meetings, Lord *Folkstone* contending that by the bill as amended, the magistrates were directed to disperse themselves, (*a laugh*), and Mr. *B. Bathurst* maintaining that the meaning was sufficiently intelligible,

Mr. *Brougham* represented the risk which Parliament was about to run, of adopting a measure not only without due care and circumspection, but on the very phraseology of which such great differences of opinion existed. He was persuaded, that the only satisfactory proceeding would be to print the bill as amended, continuously, and then the House would have an opportunity of comparing it with the bill, as it left them, which it was impossible to do without confusion at present. Unless this was done, it

was very probable, that they would not merely commit tautology (it was too late in the day to complain of that error in Acts of Parliament), but enact rank nonsense, on which no Court of Law could subsequently act.

Lord *Cochrane* pointed out some further errors in this Amendment, and maintained that from beginning to end, the bill was a mass of blunders; and were these to be tolerated in an act imposing the penalty of death on his Majesty's subjects? Although the House had been lately accustomed to think lightly of jails and chains and dungeons, he did hope that they would not persevere in this most hasty and ill-judged proceeding.

Some discussion then took place between the *Solicitor-General* and Mr. *Plunkett*, on various verbal inaccuracies in the amendment.

Mr. *Brougham* again urged the necessity of inquiring, with more accuracy, into the precise nature and expression of all the amendments. Several pieces of nonsense had already been detected in them, and who knew what others might remain undiscovered? The House, for the sake of its own consistency and dignity, and the interests of the country, ought, he repeated, to have the bill printed as amended by the Lords, and not be satisfied with the amendments by themselves, (which were scarcely intelligible) and in order to allow of this being done, he would move that the further consideration of the amendments should be adjourned until Monday.

Mr. *Abercromby* thought that the bill should be reprinted with the amendments.

Mr. *S. Bourne* observed, that the printing of amendments was only a practice of modern times. It was too much to say, that the consideration of the amendments ought to be postponed, in order to adopt the novel course of printing the whole bill with the amendments of the Lords. It surely could not be difficult to alter the latter part of the clause, so as to make it grammatical.

Mr. *Ponsonby* observed, that if the printing of amendments was a modern practice, the returning a bill of no great length, with no fewer than fifty-five amendments, was a practice never known before the present day. He did not believe that on the other side of the House there was at that moment one man who would not in his conscience be better pleased, if the House were to adopt the course proposed by his hon. and learned friend. Surely there was no pressing necessity for this law; and having already obtained the suspension of the Habeas Corpus Act, they might wait a little while, that the House might give the bill that attention which a sense of its own dignity required.

Mr. *Canning* thought the insertion of the words "to command," in place of the word "commanding," would obviate every objection.

Sir *M. W. Ridley* saw no necessity for hurrying on this measure with such undue haste, especially when he called to recollection what

was now taking place in another part of the country, alleged to have been in a disturbed state, namely, Manchester, where persons were committed under the 5th of Charles the Second, which prohibits meetings for the purpose of petitioning to alter any thing by law established, without the consent of three magistrates, on a requisition signed by 20 householders, under the penalty of 100*l*.

The House then divided :—For the adjournment, 31—Against it, 77—Majority, 46.

The amendment was afterwards agreed to, with the insertion of the words “to command,” instead of “commanding.”

On the question for agreeing to the amendment on the clause, declaring it lawful to disperse meetings held under any notice “which shall express or purport that any matter, by law established, may be altered, otherwise than by the authority of the King, Lords, and Commons, in Parliament assembled,” to which the Lords had added, “or to such effect,—”

Lord *Folkestone* observed, that this was an amendment of a most sweeping nature, as it left to the interpretation of a magistrate, not only whether a notice purported the alteration of the Constitution, but whether it was to “such effect.” They had lately heard of a requisition which had been sent to the Mayor of Bristol, to convene a meeting for the purpose of petitioning for Parliamentary Reform, the Mayor had objected to such a meeting, because he conceived that under Reform was meant rebellion, and he was supported in this construction by many reverend and learned persons; and there were few pulpits in Bristol from which the Sunday before the meeting exhortations were not put forth that people should not attend the meeting, because rebellion was the object. They had heard also of a requisition to the Sheriff of Cornwall, signed by some of the most respectable gentlemen of that county, and the Sheriff had refused to call the meeting, because he was persuaded it could mean nothing less than the overthrow of the Constitution. When they knew that such a construction had been put upon the most innocent requisitions by some magistrates, it was too much to give them a right to interfere with meetings called by others, by words so sweeping as those introduced by the Lords’ amendment, and to dissolve any meeting; persons disobeying their commands being subject to the penalty of death. He should propose therefore to amend the Lords’ amendment, by leaving out the words “or to such effect.”

Mr. *Ponsonby* objected to the amendment of the Lords, as giving an indefinite power to the magistrates. In all the instances of legislative phraseology which he had seen, he never met with any thing more loose, vague, and indefinite. The words, “to that effect,” were generally employed when we wished to express, in popular language, something that did not require precision; but who ever heard of a Legislator,

who would inflict pains and penalties on lax and indefinite terms? He could not conceive a meeting to be held, in which individuals might not offend against the law, if a magistrate were allowed to determine its legality by his opinion of what was “the effect” of the language employed.

The *Chancellor of the Exchequer* defended the amendment. The right hon. gentleman (Mr. *Ponsonby*) was mistaken in supposing that the amendment referred to any speeches that might be delivered at popular meetings, in which the magistrate might be supposed to exceed the bounds of prudence by the hurry of the moment. It referred not to speeches, but the notice which called the meeting, which might be deliberately examined and coolly weighed. The objection of the right hon. gentleman lay to the clause of the original bill, which had passed the House, and was not proposed to be amended by the Lords. The amendment was intended to guard against a notice neither purporting nor expressing “that any thing by law established may be altered without authority of King, Lords, and Commons:” but implying such a doctrine.

Mr. *Ponsonby* explained. He objected to the laxity of the expression. In a law so highly penal there ought to be nothing loose or indefinite.

Lord *Cochrane* asked whether Government and the Constitution were synonymous terms; and whether any thing to be said at public meetings tending to bring the Administration into hatred and contempt, were to be construed as if propounded against the Constitution? If this bill passed into an act, and if, in enforcing it, blood should be spilt, or murder committed, a heavy responsibility would lie on the heads of Ministers. They might be accused of being accessory to the crime which their vague, tyrannical, and indefinite laws, hurried with such indecency through the House, might occasion.

Mr. *Abercromby* objected to the amendment, as being capable of dangerous constructions. A meeting called for the purpose of petitioning for Reform, might by some magistrates be thought to have “the effect” of bringing the Government and Constitution into contempt, or of overturning the legal authorities.

Mr. *B. Bathurst* acknowledged, that if the clause had stood as it originally did with the word “purport,” he should not have objected to it: but the intention of the Lords’ Amendment evidently was to prevent notices being issued, which, though not in words but in meaning and intent, impeached the authority of Parliament.

Sir *J. Newport* said, that the words “or to such effect,” would give Magistrates the power of preventing all meetings. There were very few populous places where one justice of the peace might not be found to disapprove of any meeting of the people; this was not merely his

theory; the Magistrates of Glasgow thought that no popular meetings should be held at this time. It was utterly useless to introduce the words "to such effect," after the word "purport," unless it were intended to countenance the supposition on the part of Magistrates that no meeting should be held for any political purpose whatsoever.

Mr. *Plunkett* concurred with his right honourable friend (Sir J. N.) in thinking that the Amendments of the Lords were highly improper. If the word "*purport*" implied all which the words "*such effect*" could convey, the latter were useless, and if useless, were pernicious (*hear*). For if words were introduced to express notices which had been already sufficiently provided for, officious persons, or persons of heated imaginations, might be found, who might say, that something further was meant than the first words could be construed to signify. He was friendly to the measure before the House. Though he was not present when it was first introduced, he should not now shrink from the responsibility of supporting it: but when penalties such as those inflicted by the bill before them were introduced, it was the duty of the House to see that they were involved in no ambiguity. Such was the latitude, laxity, and unmeaningness of the words introduced by the Lords, that he was compelled to object to them. He could not consent to allow any Magistrate to act under a discretion so wide and unlimited.

Mr. *W. Elliot* also objected to the Amendments of the Lords, as entirely unnecessary, and tending rather to impede than facilitate the execution of the law.

Mr. *Wetherell* said, as the words introduced by the Lords were nearly synonymous to those which before stood in the clause, he saw no objection to their remaining.

Mr. *Brougham* observed, that the reason why he objected to the words "to such effect," was precisely because the word "*purport*" had been before introduced. He would ask the right hon. gent. opposite (Mr. B. Bathurst), whether, if a meeting were called to pass resolutions on the distresses of any district without mentioning petitions to the King or Parliament, it would not be taken to come within the clause as it now stood? On the answer to this might depend some of his further arguments.

Mr. *B. Bathurst* said, it was not very regular to question a Member on his opinion as to the operation of any clause. If the House understood that the word "*purport*" would comprehend all notices in substance as well as words, impeaching the authority of Parliament, the amendment of the Lords would be superfluous; and if so, he acknowledged it would be useless (*hear*).

The motion for leaving out the words "to such effect" was then agreed to.

The clause referring to Meetings within a mile of Westminster-hall was then read,

"And whereas it is highly inexpedient that public meetings or assemblies should be held near the Houses of Parliament, or near his Majesty's courts of justice in Westminster-hall, on such days as are hereinafter mentioned; be it therefore enacted, and it is hereby enacted, that it shall not be lawful for any person or persons to convene or call together, or to give any notice for convening or calling together any meeting of persons consisting of more than fifty persons or for any number of persons exceeding fifty, to meet in any street, square or open place in the city or liberties of Westminster, or county of Middlesex, within the distance of one mile from the Gate of Westminster-hall, save and except such parts of the parish of Saint Paul's Covent Garden, as are within the said distance, for the purpose or on the pretext of considering of or preparing any petition, complaint, remonstrance, declaration or other address to the King, or to his Royal Highness the Prince Regent, or to both Houses, or to either House of Parliament for alteration of matters in Church or State, on any day in which the two Houses or either House of Parliament shall meet and sit, or shall be summoned or adjourned or prorogued to meet or sit; nor on any day on which his Majesty's Courts of Chancery, King's Bench, Common Pleas and Exchequer, or any of them, or any Judge of any of them, shall sit in Westminster-hall; any thing heretofore contained to the contrary notwithstanding: and that if any meeting or assembly, for the purposes or on the pretexts aforesaid, of any persons, shall be assembled or holden on any such day, contrary to the intent and meaning of this enactment, such meeting or assembly shall be deemed and taken to be an unlawful assembly, by whomsoever or in consequence of what notice soever such meeting or assembly shall have been holden: provided that nothing in this enactment contained, shall by any construction whatever be deemed or taken to apply to or affect any meeting convened, called or holden for the election of Members of Parliament, or any persons attending such meeting, or to any persons attending upon the business of either House of Parliament, or any of the said Courts."

On the question that it be agreed to,

Mr. *Curwen* rose and said, he felt it his duty to oppose it. The country should understand the whole purport of the clause, which he conceived to be pregnant with danger to the Constitution of the House, as well as to the rights of the subject. The bill before them had always been represented in that House as a measure of necessity, and which should not be carried one iota further than the necessity required. Such was the universal consent of all parties in that House, and the only question was, whether any necessity existed? It was also declared to be a measure to prevent illegal, but not at all to encroach on legal meetings.—Such were the principles which had guided that House, but had they been acted

on by the other House of Parliament? No.—On the contrary they had passed the clause now under consideration, which was professedly levelled at meetings legally called to petition that House. The House on all occasions shewed itself laudably jealous of any encroachment on the privilege of originating all measures which touched the purse of the subject. It was not a less important or less essential part of power of the House, to receive the Petitions of the people. Every thing which lessened the communication between the House of Commons and the people, lessened its influence, and rendered it less a counterpoise to the two other branches of the Legislature. The other House had an interest to disunite and weaken them—but it was the duty of the House of Commons to resist the smallest attempt to touch so vital a part of its privileges. It was always from small beginnings that bad measures originated, as the smallest infractions of right might always be made precedents for greater ones. The attempt to connect the present clause with some inconvenience which was said to have been felt by the Courts of Law, was very suspicious. In the first place he doubted the fact, (*Hear!*) for if that was the case, they should before that have heard of it; and if it were so, a specific measure should have been introduced to remedy that inconvenience, instead of tacking such a clause to a bill intended to meet a temporary evil, and with which it had no connection. The hon. gent. called upon those who opposed Reform on this ground, that they would not subscribe to any change in the Constitution, to come forward in consistency to oppose the clause under consideration: for such gentlemen were bound, according to their professed principle, to resist any innovation as well upon the rights and privileges of the people, as upon the prerogatives of the Crown. But the prerogatives or power of the Crown seldom, if ever, experienced any opposition from that quarter. No—all the zeal of those gentlemen for the preservation of the Constitution seemed reserved to withstand any change in favour of popular principles. Hence the power of the Crown had gone on advancing, especially within the last thirty years, so that this power was now become such as to be felt in every direction. The power of the Crown was in fact present in all places, and in most places irresistible. From that power, therefore, the most serious danger was to be apprehended, and yet no alarm appeared to be felt as to its existence and effects, particularly among those who were so loud in their cries for the safety of the Constitution when any proposition was brought forward to extend the rights of the people. On the contrary, indeed, those who were most earnest to support and enlarge the power of the Crown, were always most forward to abridge the privileges of the people. Of that forwardness the clause before the House furnished a striking example,—for here was an attempt made, not to

interfere with seditious or illegal meetings, as the bill proposed, but to curtail the right of meetings unexceptionably legal. Upon what ground, he would ask, was such an extraordinary proposition brought forward, or why should the Electors of Westminster be precluded from assembling at their usual place of meeting? There was no good reason for thus interfering with the Electors of Westminster in particular. He never recollected an instance in which any practical inconvenience had resulted from the meeting of the Electors of Westminster in Palace-yard, either to the Legislature or the Courts of Law: therefore the clause under consideration was totally uncalled for. Indeed, he never remembered a measure more uncalled for, more unnecessary, or more inconsistent with the constitutional privileges of the people, and therefore he felt it his duty to give it his most decided opposition.

The Honourable Mr. Ward could not see that such importance belonged to this proposition as the last speaker laboured to attach to it. If it were the object of the clause to prevent those inflammatory, or insolent, or foolish discussions which generally prevailed at Westminster meetings—if it were desired to put an end to those offensive, and often long and dull speeches, so pregnant, however, with libellous attacks upon the principles of the Constitution, and upon the character of that House, which were usually heard at those meetings, he could understand the motives of the opposition the House had heard,—if it were intended to interfere with the right of petition, or to prohibit the Electors of Westminster from being entertained with those insulting experiments upon the patience of that House, there might be some alarm for the enjoyment of their favourite privileges; for a practice had prevailed at those meetings which was equally new in the history of this country, and inconsistent with the dignity of Parliament, as that practice involved a system of detraction and contumely upon the reputation of that House. Heretofore it was the principle of popular leaders to raise a clamour against particular measures; but the uniform object of those who usually took a lead at Westminster Meetings was to deprecate, by every means in their power, the proceedings and character of that House, to point it out, indeed, as the great grievance which ought to be removed. It was indisputable that the harangues of those leaders were mainly directed to excite hatred and contempt against that assembly.—The people were not immediately called upon to put an end to the existence of that Assembly; but that call was perhaps reserved for the eve of the great Reform. But it was the duty of Parliament to guard the people from such acts of outrage as the system of their leaders had an obvious tendency to provoke. For the sake of the people themselves, he called upon the House to accede to the clause under consideration. For if they should be guilty of

that misconduct to which the system of their leaders would prompt them, that House would be a party to the guilt if it rejected the proposed amendment. The meetings of these people, so liable to be misled by those who, it appeared, were but too willing to mislead them, ought to be removed from the place where the great temptation to outrage was convenient. This was the best provision that could be made to protect the deluded people from giving immediate effect to those feelings, to excite which so much mischievous industry was generally employed. Persuaded that the clause under consideration met the approval of the greater part of that House, and that it was also approved by many of those who usually opposed any measure originating on that side of the House, he should vote for its adoption, convinced that it had no tendency to interfere with any constitutional privilege, and that it was calculated to guard against great mischief.

Mr. Brougham was anxious to submit a few plain considerations to the House, before the approbation so confidently anticipated of the majority was declared. It must be conceded to him, he imagined, that there ought to be some limits within which the orders of the House ought to be confined, with regard to the number and the nature of the amendments which the Lords might pass upon a bill originating in that House; it being supposed that the Lords established no limits to themselves. For what could be more inconvenient than that the Lords should, by the addition or substitution of new clauses, alter the whole character of the proceeding, and send back to them, not an amended, but an entirely new bill? The amendment in question did not even apply to the title of the bill, which was "An Act for the more effectually preventing Seditious Meetings and Assemblies." Here then they had legislated on a subject not before them, a subject to which the bill had no reference: and whilst they professed to be legislating on one particular description of meeting, had legislated on a principle affecting all assemblies, however regularly or legally convened. Why was not this made the subject of a separate bill? But another objection was, that this was not a public, but a local enactment; a provision affecting only the people of Westminster. Now, in all cases of private bills, numberless guards were established for the protection of personal rights and property. Not the most puny right, not a single penny, could be taken from any citizen of Westminster by an act of the Legislature, without inviting his scrutiny and opposition, and without passing through a variety of stages. He would ask, was this fair dealing on the part of the Lords, either towards the people of Westminster, or towards that House? (*Hear, hear.*) To what an extent did not the House always carry their jealousy upon the least alteration attempted by the other House, with regard to the provisions

of a money bill? Would they now, then, when an attempt was made of a different kind, but, he believed, for which no precedent could be found, bow to the usurpation, and surrender their privileges to the Lords? As to the nature of the proceedings which took place at the meetings alluded to, this was not a proper opportunity for considering them: but let them be what they might, a sufficient power for repressing the evil already existed, in the suspension of the Habeas Corpus Act, and the trial by jury, as well as by the other provisions of the bill before them. If this farther enactment was necessary, it ought to be brought forward as a distinct and substantive measure. It would then be fairly canvassed and discussed upon its own independent merits. There was no instance of an amendment so foreign to the whole scope and purpose of the bill on which it was engrafted. Could it be said that time pressed, and that, therefore, it was necessary to pass it in this irregular form? What reason was there for entertaining alarm at the possibility of an immediate meeting, when they were about to adjourn for a fortnight, during which period none of the courts would sit in Westminster-hall? Practically speaking, no inconvenience of interruption had ever been created to the proceedings of Parliament, or the administration of justice in the courts of these meetings in Palace-yard. Expressions might have been used ungrateful to the ears of the hon. gentleman, and perhaps improper in themselves; but the evil to which the enactment referred, was not to the sentiments, but to the proximity of the place in which they were uttered. The mention made of the courts, in particular, excited his jealousy; for if this was the *bonâ fide* intention of the measure—if its object was chiefly to secure the free and dignified administration of the laws, why was the security confined to a few supreme courts in Westminster-hall? Why not extend it to the courts sitting in vacation at Guildhall, in Lincoln's Inn, the Old Bailey, and Doctors'-commons? These were all situated in the most populous parts of the metropolis, and the most exposed to the contagion of popular phrensy and delusion.—Palace-yard was much farther distant from the courts in Westminster-hall, than the place of meeting in the city from those in Guildhall; which was, in fact, within the same gate, and under the same roof. The clause, besides, appeared to him to be most clumsily drawn, considering the high authority from which it proceeded. He had never seen one so ill calculated to execute its own purpose. In the first place, it limited the number of 50 persons, as if any public notice was ever published in Westminster for the purpose of calling together that number of inhabitants, and exempting a meeting composed of 49, whilst it applied in all its rigour to the number of 51. Another piece of nonsense was the insertion of the word "declaration" after the words "petition, complaint, remon-

strance," and before "or other address to the King." But the clause still left a loop-hole from which a public meeting might escape, as, if it should be called to consider of the distresses of the nation. He apprehended, if called for such a purpose, it would not be within the meaning of this statutory prohibition. It might be supposed that the clause would be the more acceptable to him on this account; but he opposed it on the principle, that it was inconsistent with the dignity of their own character and deliberative capacity. He was the more strongly inclined to condemn it for its inefficacy; because, notwithstanding the blunders with which it swarmed, it would at least indicate the disposition, if it did not manifest the ability, to injure. He conjured the House to pause before they committed an abdication of their own function; and not to suffer themselves to be taken in, he could call it nothing else, by the expressions relative to the courts. There was, perhaps, once a time when they were in jeopardy from the conduct of a profligate man, whom persecution alone could have lifted into importance. What was the conduct at that period, of the venerable judge who then presided in the Court of King's Bench? When Mr. Wilkes brought his tumultuous assembly into Westminster-hall, Lord Mansfield did not apply to Parliament for assistance, but trusted to the efficacy of those laws of which he was so faithful an administrator. When the day appointed for the trial arrived, universal agitation prevailed with respect to the result. Westminster-hall, and all its avenues, were crowded by an overwhelming mob, of which we have now no examples. Lord Mansfield saw this, and instantly made up his mind. He ordered the doors and windows of the Court to be thrown open, so that the whole of the vast multitude might see and hear what was going forward. In one instant a dead calm reigned over that tumultuous assembly, and the Chief Justice then delivered that wonderful address, which might be compared with the most noble productions of ancient eloquence. He told them, that all their clamour and threats were to him but idle air: that he valued only that popularity which accorded with the satisfaction of his own conscience, and that even in the last extremity, if his life should be sacrificed to their fury, it would be some consolation to him to think, that such an outrage might have the good effect of stunning them into sobriety. This was the conduct and language of a man who might confidently appeal, not as the phrase now was, to impartial posterity, but to his own contemporaries, even when most deluded and most infuriated. (*Hear, hear.*)

Mr. Canning observed, that considerable reflection on a subject previous to its discussion, generally enabled honourable members to anticipate, if not all the illustrations with which they might be beautified, most of the prominent arguments that would be brought forward. On this occasion he had been disappointed in this

expectation, for the reasoning which he had anticipated had not been resorted to, and some topics had, on the contrary, been introduced, which had at least the grace of novelty to recommend them. The hon. gentleman who appeared to see farthest into the merits and qualities of the measure before them, had discovered in it evidence of a most black conspiracy on the part of the House of Lords to usurp their functions, to annihilate the House of Commons, and to legislate without them. Truly this was a most dark design, and happy were they that they had among them so perspicacious a statesman to make it known. (*A laugh.*) If any infringement of their standing orders had taken place, it was undoubtedly fit to be referred to the Speaker, to whose circumspection on these points they had all frequently been witnesses. As to the objection to the title, he should refer to the preamble, in which the meetings described were such as might be called for, on pretext of the purpose of petitioning; and the object stated, was to prevent their ending in sedition—to prevent what was originally legal from being perverted to what was unlawful and mischievous. The insertion of the words "declaration to the King," was not a fault of the lords; they were in the body of the bill, and were used in the amendment; therefore, only to make it coincident with the other parts of the measure. The clause was not directed against the disposition, but against the locality of these meetings, and their liability to perversion. It was this consideration which brought them within the scope and intention of the whole enactment. None of these measures were founded on the assumption of an evil disposition in the people; but proceeded on the principle, that at a time of so much distress and difficulty, their feelings and passions might render them more easily than at other periods the instruments of designing men. Could it be said that such a rule might apply to the mass of the population, but not to the inhabitants of Westminster? Had the Spafields meeting been held in Palace-yard on the first day of the session, instead of plundering gunsmiths' shops, they might have been inclined to more irreparable mischief; to an attack upon the courts to whose justice they were rendering themselves amenable; and upon that House, which was enacting laws to quell their turbulence and sedition. He could hardly think the hon. and learned gentleman serious in his comparison of this measure to the case of a private bill; but when he talked of there having been no instance in which Parliament had been in danger, had he never heard of Lord George Gordon's mob, or of the riots at the discussion of the corn bill? The magnanimity of Lord Mansfield had been highly extolled; but he could not see in it those characteristics of fearlessness with which the hon. and learned gentleman had endowed it, when he reflected that it was displayed on the occasion of his pronouncing a judgment

consonant to the wishes of those who surrounded him. He was, however, much surprised that the hon. and learned gentleman should, with his knowledge and experience, consider the idolatry of Mr. Wilkes as a singular occurrence in the annals of popular delusion. Could one instance be cited from the history of ancient democracy, or of modern jacobinism, in which the favourite of the mob had been a man of blameless character, or entitled to any portion of respect? Mr. Wilkes was not a phoenix: among them he was a gregarious creature: he was their knight of the shire, and represented them all. (*A laugh.*) He gave to this clause, therefore, the same support which he had given to the bill itself; as he believed it, in his conscience, to be called for by the pressing and peculiar circumstances of his country. (*Hear, hear.*)

Mr. Brougham, in explanation, said, that the right hon. gentleman was mistaken in what he had stated with respect to Mr. Wilkes. Part of the judgment in that gentleman's case was favourable to him, namely, the reversal of the outlawry: but the sending him back to prison was very far from being a popular measure; and, therefore, it was clear that some danger attached to the judge; and yet he threw open the doors and windows of the court. (*He tr.*)

Mr. Ponsonby was no more disposed than some gentlemen on the other side to defend the whole of Mr. Wilkes's political conduct; but he would venture to say, what in his heart he believed to be true, that Mr. Wilkes did deserve from the people of England the support which he received during a great part of his life. Could those who now heard him forget that Mr. Wilkes had put an end to the practice of general warrants? (*Hear, hear.*) Could they forget, that Mr. Wilkes, on other occasions, had been the intrepid and successful defender of the constitutional liberties of the country? As to what the right hon. gentleman had said respecting the judgment of the Court of King's Bench, he (Mr. P.) believed, that the judgment for reversing the outlawry was never disapproved of by any of the lawyers of that day, or since; but Lord Mansfield was just as right when he passed sentence on the conviction, as when he reversed the outlawry. He also believed, that the great body of the people thought the Court of King's Bench had discharged their duty faithfully. The right hon. gentleman, in the course of his speech, had made an allusion to jacobins, and demagogues, and incendiaries, and a great deal of other matter, that had nothing to do with the question. The simple point of inquiry was, had any danger really existed from these meetings? "Sir," said Mr. Ponsonby, "I am surprised that none of us ever perceived the danger we were in. I am perfectly astonished that you, Sir, was never aware of this danger. I must conclude, however, that no danger whatever surrounded us, or you would have thought it your business to communicate our alarming situation to this

House; and not have left it to the lords to provide for our safety. What, Mr. Speaker! are we so ignorant of the duties we owe to ourselves that the House of Lords must enact this clause for us, and send it down to us in a moment for our concurrence? I know not, Sir, why the House of Lords are to extend the shield over us for our safety, when we ourselves have not thought that our safety was in danger. I should be glad to hear any gentleman on the other side get up and state a case where the House of Lords have ever sent down a clause of this kind to be debated in one evening. I complain of this clause, Sir, not as an attempt on our privileges, in the common and technical sense of the word, such as infringing the power we have over the public purse, or any of those things we justly call our privileges, but I complain of it as being like a new bill, and as being sent down to us to debate at once. I disapprove the connecting the courts of law with the proceedings of Parliament. You talk of Lord George Gordon and the corn-bill, but in none of those cases were there any meetings: what, then, have they to do with the question? It is idle to state, that the riots on the corn bill, and in the case of Lord George Gordon, can justify the House of Lords in sending down such a bill to us. If all public meetings are liable to abuse, we may as well enact at once that no meetings shall be permitted. Have any of those parliamentary reformers against whom this clause was levelled attacked the peerage? I have never heard that they meditated the least attack on the House of Lords. It will not be asserted that their lordships were in danger; neither, Sir, did you consider that we were in danger. I do firmly believe that no danger threatened us, or is likely to threaten us: and therefore, considering this clause as an unnecessary violation of the liberties of the subject, I feel it my duty to oppose it. (*Hear, hear.*)

Sir W. Burroughs thought it necessary to strengthen the hands of Government at a time like the present; but censured Ministers for their neglect in not calling Parliament together at an earlier period. He agreed with all the measures they had adopted, except the Suspension Act; observing, that it was the only instance in our history of such a measure in time of peace. He did not comide in Ministers so much as they might expect, but he should support this clause, as he thought necessary.

Mr. Wilberforce having been prevented by indisposition from taking a part in former debates, was glad of an opportunity, even at this late period, of expressing his approbation of the measure now before them. He confessed he thought it necessary to the preservation of the liberties of the people. He remembered a similar proceeding formerly; but there was a new feature in this case, which marked the greater atrocity of the proceedings which they were endeavouring to suppress. It appeared that the persons whose practices they were now

about to put down had made some of the most sacred passages of our religion the subject of their mirth and mockery at their hellish orgies. When they were going about to infect others with the disease under which they themselves were labouring, it was the duty of Government to warn them of the danger of receiving it. It was very curious, that on the former occasion, as soon as these meetings were suspended, the country returned to the utmost tranquillity; and so he hoped it would be in the present case. From what he had seen of his Majesty's Ministers, he was persuaded they would be well disposed to return to the sound and wholesome state of our constitutional privileges, when the sound and wholesome state of the country was prepared to receive them. With respect to the place of meeting, this was the very scene which the House would not wish the people to choose, but another where their passions would be less likely to be excited. He did not consider this measure so much calculated to offend the great body of the people, as it was suited to prevent the disaffected from carrying their combustibles about, with the hope of producing dangerous explosions. He hoped that there would now be opportunity to instruct the people in those true principles on which alone real liberty, happiness, and government must depend: this would secure those who had not been infected from the danger of the delusive doctrines of wicked men. This would fix in their minds a conviction of the necessity of public order and regular government. Seeing the matter in this point of view, he should give his concurrence to the clause in question. (*Hear.*)

Lord *Cochrane* said, the House must know, that public meetings were holden in the Guildhall of London, and why was more danger to arise to Westminster-hall, than to a court of justice sitting in Guildhall? The courts of justice ought to be expunged from this clause, or Westminster-hall should be omitted. This clause stated, that "it should be lawful for any persons, &c. to meet on any day in which the two Houses, or either of them, should meet and sit, or shall be summoned, or adjourned, or prorogued to meet or sit." Now this, he conceived, must include the whole septennial Parliament. (*Cries of no, no; only the days of sitting.*) However, his main objection went to the whole of the clause. In the proceedings in Palace-yard there had been no tumult, no outrage, no obstruction; no appearance whatever indicating even so much warmth as had been manifested that night by a right hon. gentleman who had lately returned from an embassy to Lisbon. (*Hear, hear, and a laugh.*) He believed the House would find, not only that this clause was faulty in these respects, but that there was no necessity whatever for adopting it; and that it was a gross violation of the privileges of the citizens of Westminster. (*Hear, hear.*)

The Hon. Mr. *Lyttelton* said, that he had

assented to the general principle of this bill; and, with regard to the clause now on the table, faulty and exceptionable as he thought it was, he should be inclined to accede to it, if it had been merely a temporary clause; thinking, as he did, that there had been a great abuse of popular meetings, and particularly of the Westminster meetings. He thought that the hon. member for Bramber (Mr. Wilberforce) had argued as if he considered this clause was to be temporary; and if Ministers would make it temporary he should have no objection to it.

When the hon. member concluded, the cries of "question" were very loud, and strangers were ordered to withdraw. During our absence, the House divided on the proposition of Mr. *Lyttelton*, that the duration of the clause should be limited to July, 1818:

Ayes . . . 34 | Noes . . . 113

A second division took place upon the clause itself—

For it . . . 113 | Against it . . . 30

A conference was then appointed with the Lords to-morrow, to procure their assent to the alteration made to the amendments.

MINORITY

FOR POSTPONING TILL MONDAY NEXT THE FURTHER CONSIDERATION OF THE LORDS' AMENDMENTS ON THE SEDITIOUS MEETINGS BILL.

Abercromby, Hon. J.	Gordon, Robert
Atherley, Arthur	Lyttelton, Hon. W.
Babington, Tho.	Martin, Henry
Barnett, J.	Martin John
Bennet, Hon. H. G.	Newport, Sir John
Braud, Hon. Thos.	North Dudley
Brougham, Henry	Ossulston, Lord
Burrough, Sir W.	Piggot, Sir A.
Calcraft, John	Ponsonby, Rt. Hon. G.
Carter, John	Pratt, Hon. F. A.
Cavendish, Lord G.	Scudamore, R. P.
Cochrane, Lord	Sefton, Earl of
Curwen, J. C.	Sharp, Richard
Fergusson, Sir R. C.	Teed, John
Fitzroy, Lord John	Wilberforce, W.
Folkstone, Viscount	

TELLERS—Ridley, Sir M.—Monck, Sir C.

MINORITY

AGAINST THE CLAUSE FOR PROHIBITING MEETINGS IN PALACE-YARD.

Abercromby, Hon. J.	Evelyn, Lynden
Atherley, Arthur	Fergusson, Sir R. C.
Astell, W.	Folkstone, Viscount
Babington, Tho.	Hammersley, H.
Barnett, J.	Hill, Lord Arthur
Birch, Joseph	Isader, W.
Brand, Hon. Thos.	Martin, John
Brougham, Henry	Macdonald, James
Baring, Sir Thomas	Monck, Sir Charles
Calcraft, John	Moore, Peter
Carter, John	Newport, Sir J.
Cavendish, Lord G.	North, Dudley
Cochrane, Lord	Ossulston, Lord
Curwen, J. C.	Piggot, Sir A.

Ponsonby, Rt. Hon. G.	Scudamore, R. P.
Portman, E. B.	Sefton, Earl of
Ridley, Sir M.	Sharp, Richard
Russell, Lord G. W.	Teed, John
Russell, Greenhill	Wilkins, Walter

TELLERS—Bennet, Hon. H. G.—Lyttelton, Hon. W.

HOUSE OF LORDS.

Saturday, March 29.

The Royal assent was given by commission to the Exchequer Court Bill, and some other bills.

Commissioners, the *Lord Chancellor*, Earl *Bathurst*, and the Earl of *Liverpool*.

The Irish Arms Bill, and the Irish Peace Preservation Bill, were read a second time.

SEDITIONS MEETINGS.] Mr. *Brogden*, accompanied by several members, appeared at the Bar, and delivered a message from the Commons, requesting a conference on the subject of the amendments made by their Lordships in the Seditious Meetings Bill.

The messengers having withdrawn from the Bar,

The *Lord Chancellor* put the question on the message, and was directed to inform the Commons, that their Lordships agreed to the conference, and appointed the same to be held immediately in the Painted Chamber. In consequence, the messengers of the Commons were called in, and informed thereof by his Lordship.

The following Peers were then appointed to manage the conference on the part of the House:—

The Earl of *Westmorland*, Marquis *Camden*, the Earls of *Morton*, *Aberdeen*, *Bathurst*, and *St. Germans*, Lords *Boston* and *Rolle*, who proceeded to the Painted Chamber.

After a short interval the deputation returned, and the Earl of *Westmorland* stated that the conference had been held with the deputation from the Commons, on whose part it was communicated, that they had not agreed to some, and had made certain alterations in others, of the amendments made by their Lordships to the Seditious Meetings Bill, and that a written statement of the same had been delivered to him.

This paper being read by the *Lord Privy Seal*, was ordered to lie on the table.

The Earl of *Liverpool* then moved that this House do not insist upon the amendments so negatived by the Commons, and that it do agree in the alterations of the Commons in the amendments made by their Lordships to the bill in question, which was ordered accordingly.

HOUSE OF COMMONS.

Saturday, March 29.

A message was sent to the Lords to request a conference on the amendments made to their Lordships' amendments on the Seditious Meetings Bill.

Mr. *Brogden* soon after appeared at the Bar,

and stated that their Lordships had appointed a conference to be held forthwith in the Painted Chamber.

The *Chancellor of the Exchequer*, Mr. *B. Bathurst*, Mr. *Brogden*, and others, were appointed to manage the conference on the part of the Commons; and on their return, the *Chancellor of the Exchequer* stated, that they had left the Bill and a copy of the amendments for their Lordships' consideration.

A message from the Lords informed the House that their Lordships did not persist in their amendments on the Seditious Meetings Bill, to which the Commons had disagreed; and further, that their Lordships had agreed to the amendments made to the Bill by the Commons.

PARLIAMENTARY REFORM.] Mr. *B. Wilbraham* presented a petition, signed by the gentry, clergy, and freeholders of the township of Leigh and its neighbourhood, in the county of Lancaster, expressing the surprise of the petitioners at certain petitions which had been presented to the House praying for Reform in the representation, &c. and totally disclaiming the sentiments contained in those petitions.—Ordered to lie on the table.

HOUSE OF LORDS.

Monday, March 31.

The Royal assent was given by commission to the Seditious Meetings Bill, and other bills. Commissioners, the *Lord Chancellor*, Earl of *Shaftesbury*, and Lord *Melville*.

The Irish Peace Bill, and Irish Arms Bill, were committed and reported.

On the motion of the Earl of *Liverpool*, the House adjourned till Wednesday fortnight.

HOUSE OF COMMONS.

Monday, March 31.

FORGED NOTES.] Mr. *Brougham* presented a petition from Mr. *Brooks*, of High-street, Bloomsbury pawnbroker and silversmith, complaining of having been taken into custody on a charge of felony, because he had kept in his hands a forged Bank of England note, with a view of recovering his loss from the party who paid it him. He had been thus severely treated, torn from his family, and rendered subject to an imputation the most prejudicial to his business, though he had offered to concur with the Bank in any measure for the conviction of the real offender, and though the note had been stamped with the word "forged."

General *Thornton* and Mr. *Curwen* stated similar cases of great hardship and oppression.

The petition was read, and ordered to lie on the table.

ADJOURNMENT OF THE HOUSE.] The *Chancellor of the Exchequer* moved, that the House at its rising should adjourn till Monday se'n night.

Mr. *Ponsonby* said, he should not have ob-

jected even to a longer adjournment; but he could not avoid observing, that the House was now separating after the Royal assent had been given to the last of a series of coercive measures—measures which, it was true, were rendered necessary by the public distress, which had produced the immediate cause for them; but Parliament was about to adjourn without having done any thing but enact those coercive measures: he hoped, therefore, that before the House met again, his Majesty's Ministers would have taken some step towards the alleviation of those distresses. He did expect much from the exertions of the Committee that was sitting; and he hoped that, on the return of the House, his Majesty's Ministers, and the Committee together, would be able to state that something had been done. He should not have objected to a longer adjournment if such a hope were held out; and even if it were not, the state of the Speaker's health would prevent him from opposing the motion.

Mr. *Canning* trusted that the right hon. gentleman would not be disappointed in his expectation concerning the attention which the Committee and his Majesty's Ministers would bestow on the subject before them; but if the right hon. gentleman laid in his claim for a sudden and complete removal of all the distress of the country, he claimed what it was beyond the reach of Ministers to effect, and put impossibilities to be performed by human means. In making such a demand on the limited powers of the Committee, he feared the right hon. gentleman could only be actuated with a view to excite or increase the public discontent. He was certain there could be no want of attention on the part of the Committee; and he hoped that some plan for practical relief, to a certain extent, might be found; but he should be sorry to excite such exaggerated expectations as the right hon. gentleman had held out, for the removal of evils which it was beyond the power of human wisdom to prevent, or human legislation to remove.

Mr. *Ponsonby* expected no complete or sudden removal of the evils alluded to; but, hitherto, no step had been taken.

Mr. *Brougham* complained, that the hon. gentleman (Mr. *Canning*) had, in his usual way, not only imputed to his hon. friend (Mr. *Ponsonby*) what he did not say, but motives, in saying, by which he never could have been actuated (*hear, hear*); and that the only object of what he had uttered was to excite discontent and disaffection. (*Hear, hear.*) He put it to the House, whether a more temperate address had ever been made within those walls; his hon. friend had only expressed a hope that something would be done to alleviate the distress of the people. For his part, (though the hon. gentleman might on that account the more impute unjust motives to him for saying so), he was not so sanguine on the labours of the Committee as his hon. friend;

for he well recollected the origin of that Committee, and the manner in which it was composed. He well recollected, that the appointment of the Committee was not conceded as a boon by Ministers, but extorted in consequence of a notice given from an hon. friend of his, that such a Committee would be moved for. He must say one word, too, on a disappointment of another kind, which he foresaw must occur. He was afraid, after all the pains that had been taken to prevent the people of Westminster from meeting, that if the House expected no meetings would take place within a mile, they would be grievously disappointed. He would explain this, in order that the disappointment might fall lightly, and not create what would be termed ground for alarm: though he should not be surprised if Ministers were not much disposed to cry out on such an occasion as against a direct breach of the law. But whatever numbers assembled, and for whatever purpose, no breach of the law would be committed; for in that hurry in which all dignity of proceeding, all due deliberation on a most important subject, and all the forms of that House, had been set at nought, it had entirely escaped the notice of Ministers, that, besides the flaws in the clause respecting Westminster, there were two others that rendered the bill altogether nugatory. The first was, that a meeting might be held in Palace-yard, or elsewhere, for the purpose of addressing the Prince Regent, or the Crown, for the removal of his Majesty's Ministers (*hear, hear*); because, by the clause in the bill, the meetings were prohibited from considering the alteration of any thing in Church or State; but the removal of his Majesty's Ministers was not any alteration in Church or State. In the next place the object of the bill was to protect Parliament from the vicinity of the Westminster meetings, and they were not to be held within a mile of the doors of Westminster-hall; but there was nothing to prevent a meeting in the hall itself; and one of the largest meetings he ever knew had been held within that building: so that all the citizens of Westminster might, for the consideration of any subject whatever, meet in Westminster-hall, within a pistol-shot of Parliament. He trusted, therefore, that no disappointment would be experienced, no alarm excited, and no argument be adduced for the enactment of further coercive measures, if a meeting should be held in Westminster-hall, the most numerous and best attended of any. He concurred with his hon. friend in the hope that something would be effected during the recess towards alleviating the distress that so loudly demanded attention; and he hoped, also, that during the adjournment no steps would be taken by Ministers touching the affairs of South America; or any thing done to impede the independence of those colonies—an object, the accomplishment of which every liberal mind must so ardently desire. He trusted that Ministers

would not commit the country in the way of mediation, more than they had committed already.

Mr. B. Bathurst stated, that the bill did not apply to meetings held while Parliament was not sitting; that he believed the courts of justice had the power of preventing meetings in Westminster-hall during the time they were employed there; and that, at all events, Mr. Fox had on one occasion submitted to their authority on such an occasion. Notwithstanding the defects of the bill, which were no secret to Ministers, he deemed it a salutary measure. It was true, that the prevailing distress was the cause of the measure, for that distress had laid the people open to the arts of designing men. It was impossible to hope that any measures could entirely remove that distress; but every exertion would be made with the hope of alleviating it.

Mr. Brougham explained.

Mr. Curwen said, that the country *did* expect much from the labours of the Committee; and nothing could be more improper than the temper and tone of the hon. gentleman (Mr. Canning) on this occasion. He hoped something would be done, at least, to excite the hopes of the people, and to retrieve the character of the House, the loss of which, by improper pensions and jobs, had been immense.

Mr. Ponsonby, in explanation, was confident of the propriety of his own motives, and should treat the insinuations against them with perfect contempt, from whatever quarter they came.

Sir J. Newport argued no good from the hon. gentleman's (Mr. Canning) usual mode of putting words into the mouth of honourable gentlemen, and then drawing insinuations out of those very expressions. The language of the honourable gentleman was most dangerous, as being calculated to produce despondency, when the spirits of the people ought to be kept up. He (Sir J. N.) did agree that little had hitherto been done. He himself was as ready as any man to oppose turbulence and faction; but if ever there was a period where the people had exhibited the most patient endurance under every calamity, it was the present. If ever they deserved an alleviation of their sufferings, it was at this moment. Till that alleviation was effected, the least Ministers could do was to hold out an expectation that something would be effected by their efforts. Certain it was, that the distress of the nation would not be relieved by high-sounding words or coercive measures.

The question respecting the adjournment was then put and carried.

The Salt Bill was read a first time, and ordered to be read a second time on Friday fortnight.

HOUSE OF COMMONS.

Monday, April 14.

MR. SPEAKER'S INDISPOSITION.] This being the day to which the House stood adjourned, a

considerable number of members assembled at the usual hour of meeting. Mr. Dyson and the other clerks took their seats at the table. At four o'clock, Mr. Dyson, addressing the members, said, he was very sorry to have to acquaint them, that in consequence of the inability of the Speaker to attend in his place, he had that morning received a letter from the right hon. gent., which, with the permission of the House, he would read. The letter, which was then read, was as follows:—

Kidbrook, April 13, 1817.

Sir,—I have to desire that you will acquaint the House, that it is with great concern I feel myself unable to attend their service to-morrow, and that I find, with the deepest regret, a postponement of the public business must, on my account, take place. But though, in my present situation, it might be hazardous for me immediately to return to resume the duties of my office, I have reason to expect, that by the end of the week my health will be so far re-established as to admit of my attending to the service of the House. I have but to add my request, that you will submit this in my name, with the expression my humble duty, to their consideration.

I am, &c.

C. ABBOTT.

The Chancellor of the Exchequer rose to discharge a duty—a painful duty, as it grew out of the circumstance referred to in the letter which had just been read, but at the same time it was not without satisfaction that he rose to address them on the present occasion, as he was sure there would, on such a subject, be but one feeling in the House—an anxious wish to afford a proof of their respectful attention to the health of their Speaker. They would not forget that his able and zealous exertions in the discharge of the duties of his important situation, had occasioned that loss of health, for which he now claimed their temporary indulgence; and remembering these, he was confident they would concur in the propriety of giving him a further respite from business, in the hope that this would contribute to his perfect restoration. Those who, like him (the Chancellor of the Exchequer), had witnessed the whole course of the right hon. gentleman's brilliant career, would unquestionably be among those who felt most regret that such a mark of their high consideration should now be necessary. All knew how unwilling the Speaker was to avail himself of the kindness of the House; and there could be no man among them who did not recollect how he had distinguished himself, even when his health was much impaired, during the last week in which he had sat in the chair, by attention to their convenience, in making new arrangements for regulating the printing and future circulation of their votes. These things borne in mind, he was satisfied every one would sincerely sympathise with the right hon. gent., and be anxious to manifest his feeling on the present occasion, however desirous they might be to avoid interrupting the public business. The Speaker had

told them in his letter, that he hoped, by the end of the week, to be able to attend to the service of the House. He thought, in his anxiety to come down at the earliest time possible, it was probable the right hon. gent. had named a period which would be too soon for him to resume the arduous duties of his situation; and, indeed, in a letter which he had written to him (the Chancellor of the Exchequer), as a private friend, he had expressed an apprehension, that the adjournment would be of little importance to him, if it were not extended to Monday the 21st instant. As the sittings of the House must shortly be interrupted by an important Court occasion, he was of opinion the House would best consult its own interest by indulging the right hon. gent. with two or three days beyond the time mentioned in the Speaker's private letter, by adjourning over the day set apart for the occasion to which he had referred. Public business might be less interrupted if such a course were pursued, than it would probably be, if the Speaker were prematurely called upon to resume his duties. With this impression on his mind, he anticipated no opposition to the motion he was about to propose, which was, "That this House do now adjourn to Thursday se'nnight."

Mr. Ponsonby heartily concurred in the motion. He fully agreed with the right hon. gent. who had just sat down in his opinion respecting their excellent Speaker, and, indeed, there was but one sentiment in the House on that subject. (*Hear, hear.*) While he was sorry for the interruption which must necessarily occur in the public business, he could not but express his earnest wishes that the right hon. gent., whose present indisposition was matter of regret to them all, had not, from his great anxiety for discharging his duty to the House and the public, continued to sit in the chair when unable to do so from severe bodily distress. (*Hear, hear.*) The House had often seen him sitting, when it was obvious how painful it was for him to do so, and he (Mr. P.) had on more than one occasion told him of this. Anxious, however, to do his duty, that justly esteemed individual chose rather to sacrifice personal ease and comfort, than for one moment protract the business of the House. (*Hear, hear.*) To this anxiety his present illness might be traced, and the House were, therefore, bound, that nothing on their part should be wanting to afford him an opportunity of recovery. (*Hear, hear.*) This they were bound to, when they considered his unwearied attention to them, his integrity, impartiality, and abilities, and the numerous and invaluable services he had rendered to them. (*Hear, hear.*) He expressed his earnest and heartfelt wishes, that the health of the right hon. gent. might be re-established; and he thought that it was, therefore, proper, that the House should give him all the time they possibly could, as they might, by doing otherwise, hazard a relapse. It was in this way also they would most successfully accomplish

the business before them during the session. He concluded by giving the motion his hearty support. (*Hear, hear.*)

Mr. Grattan and Mr. Brougham entirely concurred in the propriety of the proposed adjournment.

The motion was then put, and unanimously carried.

HOUSE OF LORDS.

Wednesday, April 16.

The House met this day on the expiration of the Easter Recess.

LORD SIDMOUTH'S CIRCULAR LETTER.] Earl Grey called the attention of their lordships to a Circular Letter sent by Lord Sidmouth to the Lords-Lieutenants of the several counties, for the purpose of preventing, as it was stated, the circulation of blasphemous and seditious libels. He thought the document was of so strange as well as of so important a nature, that a copy of it ought to be laid on the table for the perusal and consideration of their lordships, especially as he had learned, that much doubt was entertained by high legal authorities respecting the force and validity of the document. There was another subject to which he likewise wished to call their attention, namely, a case which was said to have been prepared on the subject of the Circular Letter for the opinions of the law officers of the Crown, and which, it was stated, had obtained their sanction. He knew not how that fact really stood, and as the noble Secretary of State was not then in his place, he should content himself with barely adverting to it, with the notice that he should, at the first convenient opportunity after the House should meet again, bring the matter regularly before it. He should for the present only move, "That a copy of the Circular Letter sent by Lord Sidmouth to the several Lords Lieutenants of counties be laid before the House."—Ordered.

IRISH PEACE BILL.] The Earl of Liverpool moved the third reading of the Irish Peace Preservation Bill. This he considered as a measure fraught with the most salutary consequences to the maintenance of peace and good order in that country.

The Earl of Darnley, from what he knew of Ireland and the spirit of its inhabitants, was satisfied there could exist but little ground for apprehending the Irish nation would feel any material repugnance to the enactments of this bill. It must be much more satisfactory to be indebted for the preservation of the public peace to the exertions of the civil power alone, than to the now unconstitutional interference of the military, as had hitherto been too much the case in that country.

Lord Holland coincided with his noble friend in considering the bill entitled to favourable consideration, from the circumstance of its having adopted the more constitutional mode of main-

taining order, and preserving the public tranquillity.

The bill was then read the third time.

Upon the motion of the Earl of *Liverpool*, the House adjourned until Monday next.

HOUSE OF LORDS.

Monday, April 21.

LORD SIDMOUTH'S CIRCULAR LETTER. Lord *Sidmouth* laid on the table his Circular Letter to the Lords Lieutenants of counties in England and Wales, relative to the apprehension of persons selling seditious writings, moved for by Earl Grey on the 16th instant.

Lord *Holland* observed, that this letter alone was not sufficient for the purpose of bringing the whole case before their lordships. When his noble friend moved for this letter, he had stated that it was his intention to move also, on another occasion, for the opinion of the law officers of the Crown, referred to in that letter; and for the case laid before these officers, upon which the opinion was founded. His noble friend, he understood, most undoubtedly meant to make that motion; and he was anxious that the noble Secretary of State should now state whether he would have any objection to the production of these papers. The Circular Letter of the noble Secretary certainly gave rise to a most important question with respect to the administration of justice in this country; and he understood it was intended to bring the subject formally under discussion, unless, on the production of the case submitted to the law officers of the Crown, and the opinion of these officers upon it, it should appear that such discussion was unnecessary. The letter of the noble lord had been, as there was reason to believe, already productive of some consequences, which, probably, the noble secretary himself never intended. The noble lord, some time ago, supported a bill which had been brought into Parliament for the repeal of the only obnoxious clause which disgraced that glorious law, the Toleration Act; yet, since the passing of a late act (the Seditious Meeting Act), a person had been molested for preaching in a chapel or meeting-house, such doctrines as persons of his religious persuasion thought it their duty to teach, and which they had been permitted to teach for 30, or 40, or 50 years past. This transaction had taken place at Liverpool. It might indeed be said, that it would probably have happened though this Circular Letter had never been published: yet the person to whom he alluded had been held to bail; and this at least warranted a strong suspicion that the Circular in question was the cause of the proceeding. He did not mean to say, that the noble Secretary of State, or any of the persons concerned, were to blame: but it was a matter of very great importance that the subject should be discussed; and that, in order to bring before

the House the requisite information for that discussion, the case and opinion should be laid on the table. The person who had been molested in the manner he had stated, was an Unitarian preacher, Mr. Wright, of Liverpool.

Lord *Sidmouth*.—Their lordships' order had been complied with, and the Circular Letter which he had thought it his duty to publish was now on their table. He would not now enter into the discussion of the subject, but he was most anxious that it should be discussed, and that an opportunity should be afforded to the Ministers of the Crown to justify the proceeding. When the discussion should be brought forward, he would be perfectly ready to state the reasons why he thought himself—he did not say justified, but—bound to publish this Circular Letter to the Lords Lieutenants of counties in England and Wales, under the peculiar circumstances of the present times. Certainly it was not his intention that persons should be disturbed in their religious worship. Of the case which the noble lord had mentioned, he had heard nothing, except what he had just heard from his lordship; but it was a case which would probably have occurred though no such Circular Letter had been published; and he did not see how it was particularly connected with that letter.

The Earl of *Lauderdale*.—The noble secretary had not stated whether he was willing to lay before the House the opinion of the law officers of the Crown, and the case submitted to them upon which that opinion was given. It was utterly impossible to form a correct idea of the soundness of the opinion, unless the case were also produced. The noble lord on the woolsack must be aware that this was the fact, and, therefore, the House could not be properly informed for the discussion without the case as well as the opinion; he trusted that, as the noble secretary was so anxious for discussion, he would have no objection to supply the proper information for that purpose.

Lord *Holland* did not mean to say that the subject would certainly be brought into discussion by his noble friend, or any other noble lord. In the production of the case and opinion, it might possibly appear, that there was no ground for discussion; but at all events, it was very important that the opinion and the case should be laid before the House. With regard to the case of Mr. Wright, of Liverpool, he did not mean to say that the circumstances might not have happened though the Circular Letter had not been published; but Mr. Wright had been held to bail; and this circumstance warranted a strong suspicion, at least, that the proceeding was the consequence of the Circular Letter.

The Bishop of *Chester*.—It was not in consequence of preaching the Unitarian doctrines that Mr. Wright had met with any interruption or molestation. He had been charged on oath, by a most respectable gentleman, a merchant of Liverpool, with having preached, that the notion

of the immortality of the soul was a mere delusion; and that the idea of a future state was an *absurdity*. This was the reason that he had been proceeded with in the manner mentioned by the noble lord.

Lord *Holland*.—The doctrines mentioned by the right reverend prelate were such as one would scarcely have expected to hear from a pulpit; but it was not to the doctrines that he referred, but to the manner in which the individual had been proceeded with, whatever the doctrines were.

The Earl of *Rosslyn* requested the noble Secretary of State to inform the House whether he had any objection to the production of the case laid before the law officers of the Crown, and their opinion upon it.

Lord *Sidmouth* replied, that there was no objection to produce the opinion, but that he would oppose the production of the case, and would state his reasons when the motion should be made for its production.

IRISH AIDMS BILL.] The Earl of *Liverpool* moved the third reading of this Bill.

Lord *Holland* wished to call the attention of the House to the consequences of passing such unconstitutional measures. This bill, which was one of the greatest importance, had been suffered to pass the other House almost without notice, from its being a renewal of a former measure of the same nature. This shewed how cautious they ought to be in giving their sanction to bills of this kind. It had not been thought necessary to extend the suspension of the Habeas Corpus Act to Ireland: but, however, he conceived that Ministers were pledged, even by the passing of this bill, to exert themselves the more strenuously to introduce such an effective system of civil police as would render the passing of such bills unnecessary. To that he trusted the Peace Preservation Bill, which had been introduced along with this, would powerfully contribute.

The Earl of *Liverpool*.—It was true that the suspension of the Habeas Corpus Act had not been extended to Ireland, because the ground of the disturbed state of Ireland was not disaffection to the Government. Ireland, however, required remedial measures, but measures of a different nature from that of the suspension of the Habeas Corpus Act. The Government of this country, and that of Ireland, had been endeavouring to form a strong and effective system of civil police, in order to render the passing of such bills as this unnecessary. From the state of the Irish population they had, however, experienced great difficulty in their progress towards the accomplishment of this desirable object. The difficulties, however, had greatly diminished, and were daily diminishing. Until, however, such a system could be matured, a measure of this kind was necessary, and it was upon that ground of necessity that the Bill rested.

The Earl of *Darnley* said, he would not oppose the Bill under the present circumstances of

Ireland. Every praise was due to the activity and efficiency of the Administration of the noble lord now at the head of the Irish Government.

Lord *Holland* moved, that the preamble to the Bill of Rights be read *pro forma*, which was done accordingly.

The Bill was then read a third time, and passed.

Adjourned till Thursday.

HOUSE OF LORDS.

Thursday, April 24.

PARLIAMENTARY REFORM.] Earl *Grey* presented a Petition from Saltcoats, Ardrossan, and other places in that neighbourhood, stating the distresses of the country, and praying for Parliamentary Reform, by the suppression of the representation for decayed Boroughs, and by shortening the duration of Parliaments.—Laid on the table.

LORD SIDMOUTH'S CIRCULAR LETTER.] —Earl *Grey* moved, that Lord Sidmouth's Circular Letter, laid on the table on a former day, be printed; which was ordered.

The noble earl then stated, that he understood that it had been declared, on the day on which the Circular Letter was produced, that there would be no objection to lay before their lordships the opinion of the Law Officers of the Crown, mentioned in that Letter; but that there would be objections to the production of the case. What the objection could be to the production of a document so necessary to bring under their lordships' view, the nature of the doubt which had been entertained, and the circumstances of the case upon which the opinion of the Law Officers was founded, he could not conceive. He would, however, now move for the opinion of the Law Officer of the Crown, referred to in the Circular Letter; and when that should be laid on the table, he would then be enabled to judge whether he ought to move for the case, or bring the subject under discussion in a different form. He concluded by moving for the opinion of the Law Officers, which was ordered to be produced.

HOUSE OF COMMONS.

Thursday, April 24.

MR. SPEAKER'S THANKS.] At four o'clock Mr. Speaker rose and addressed the House to the following purport:—

"In returning to the Chair, I have to express to the House my most grateful acknowledgments for their indulgent consideration during my late indisposition. I beg leave to assure the House that I feel most deeply the favourable acceptance which my humble endeavours to discharge my duty in this Chair have experienced from them.

"With respect to the arrears of business which have been occasioned by the departure from the ordinary course of proceeding which

arose out of the late unfortunate interruption, I have to propose to the House, first, that all Committees should be revived; and, secondly, to extend the time for receiving the reports of private Bills, from Monday the 12th of May to another week (if that should be the pleasure of the House), namely, to Monday the 19th of May.

"As to public business, the course will be, at the proper hour, for the Clerk to read over the dropped Orders and Notices; of which the House will dispose as it may suit their own convenience." (*Hear, hear, hear.*)

The question was then put that the time for receiving the Reports of Private Bills be extended to the 19th of May.—Agreed to. The dropped Orders and Notices were afterwards read over, and days appointed for taking them into consideration.

RETRENCHMENT.] Mr. Bennet presented a Petition from the Traders, Manufacturers, and Mechanics of Wolverhampton, praying for a diminution of the present enormous rate of Taxation, and a reduction of the Expenditure. It was signed by upwards of 5000, and stated that, in that district, many had been reduced to extreme poverty, and others had actually perished for want of food. Perhaps in no district of the country had the pressure of public calamity been more severely felt; for to such a miserable situation were the Petitioners reduced, that they actually implored the House to afford them the means of leaving the country, and finding employment in some more favourable realm, where they might find employment different from that suggested by a noble lord (Castlereagh), whom he did not now see in his place, viz. digging holes in the earth, and filling them up again.

Mr. E. Littleton concurred in the statement given by the hon. gentleman, so far as it regarded the distress of the district from which the Petition came; but he would not allow that it generally was the petition, or spoke the sentiments, of the people of Wolverhampton. It was manufactured at a distance from that town; it was brought there by strangers, and methods were taken to procure signatures. He allowed that it might speak the sentiments of those who signed it, but he denied that they were any considerable portion of the inhabitants of that district.

Mr. Bennet explained. He had never said that it spoke the sentiments of any but those who signed it.

The Petition was then read, and ordered to lie on the table.

RELIEF OF THE POOR.] The Hon. W. H. Lyttelton presented a petition from the parish of Old Swinford, in the town of Stourbridge, complaining of the pressure of the poor-rates, to which he wished particularly to call the attention of the House. The burdens of this parish were oppressive beyond the usual rate of imposition; the rate assessed on house-rent was 29s. in the pound; on the rent of land employed in farms

32s. in the pound; and on several kinds of land the rate amounted to the almost incredible sum of 61s. per acre. The population of the parish amounted to 4,381. Of these 1,868 received parish aid. The whole of this burden was laid on 158 individuals, who were the only persons able to contribute. The parish was formerly exemplary for morals and good conduct, and had been reduced to this state by circumstances over which the sufferers had no control. The hon. gentleman begged to press the consideration of this subject on his Majesty's Ministers. He would not move that the petition be referred to the committee on the poor laws, but that it be laid on the table for their consideration. He called upon them to come forward with some plan, and to acquaint the House, and the country generally, what were their intentions.

The petition was brought up and read. It stated that the support of the poor had already ruined many of the former contributors, and would ruin others, unless an immediate relief were obtained.

The Chancellor of the Exchequer said, that though the gentlemen on the other side seldom gave long notice of their complaints or questions, he was not on the present occasion taken by surprise, as the subject had occupied much of his attention, and as he meant on an early day to submit a measure of relief to the House. Without entering into the details of this measure, much less into any justification of it, he would briefly explain its object, and state the time when he intended to bring it forward. On Monday next he would move that the House resolve itself into a Committee of the whole House, to take into consideration a proposition for enabling his Majesty to issue exchequer bills to a limited extent, for the purpose of supplying loans on proper securities, to give encouragement for the employment of the poor. These loans would be advanced to corporations, to parishes, or to associations of individuals who might be desirous to employ, in any public work, the poor in their neighbourhood, upon their giving security to the commissioners at whose disposal or under whose management the issue of bills should be placed, that they would be repaid. Security might in parishes be given for the poor-rate. He had conversed with many persons well acquainted with the situation and necessities of the county, and was disposed to believe that between one and two millions of bills would be sufficient to give the relief contemplated, and answer all the purposes of such a loan. He entered into this explanation concerning the limits of the sum, to prevent that alarm with regard to the magnitude of the issue that might be excited by the proposal of any indefinite means of relief from the public purse. He believed such a measure would not in any material degree affect the money market, which could afford all the issue without great deterioration. The right hon. gentleman concluded by giving notice, by command of the Prince Re-

gent, that he would on Monday move that the House resolve itself into a Committee of the whole House, to consider the propriety of issuing exchequer bills to a limited extent, to afford loans upon security to be given for the local and temporary relief of the poor, by encouraging works for the employment of their industry.

The Hon. *W. Lamb* said, he would not enter into the details of the plan, as they were not yet before the House. He would not offer either his support or his opposition to the measure, nor would attempt to decide upon the effect that it would produce on the money-market: but there was one point of view in which it deserved the most serious consideration (*hear*); and that was, whether it was to be considered as a means of temporary relief, or a substitute for all those other measures which were rendered necessary for remedying the evils which had arisen out of the system under which we have been so long acting. In this sense, the proposed measure involved the consideration of a system which had been already productive of serious inconvenience, and threatened farther evils. He hoped, therefore, this plan of the right hon. gentleman was not the only one. He did not deny the propriety of this step, but he would protest against any reliance on its sufficiency. The subject was now pressed upon us by necessity: we saw the calamity under which the country laboured; we should not rest satisfied with palliatives, but should go at once to the root of the evil, and endeavour permanently to counteract its malignity, rather than apply temporary remedies, which might ultimately tend to increase its efficiency. (*Hear, hear.*)

Mr. Brougham professed himself desirous to abstain from all discussion of the measure. He wished, however, that the Chancellor of the Exchequer would take one thing into consideration before he attempted to carry it through the House. As far as he understood him, his object was to grant an issue of Exchequer bills to corporations or associations, for the relief of the poor on their securities, recommending them to employ the poor in public works. With respect to bodies corporate he would say nothing, nor would he give any opinion about the propriety of the advance to them. He, however, entreated the Chancellor of the Exchequer to consider what would be the effect of offering such means of relief to the disposal of associations of private gentlemen, at the same time requiring from them such securities as may be necessary to protect the public interest. The measure would place those in the most delicate and embarrassing situation with regard to their poorer neighbours. As soon as any of the suffering poor began to reflect on their relation to the more wealthy, and saw that they procured no means of relief from them, what would they say? Would they not say, Government has placed the means of assistance

within your reach, and we are starving, because you are so hard-hearted as to refuse your securities for advances that might relieve us, without injury to you. If they came forward on this remonstrance, they would render themselves liable to the process of extent: if they did not so expose their property, they would render every poor unemployed starving man their personal enemy. He (*Mr. B.*) did not deny that this objection might be answered; but he threw it out for the attentive consideration of the right hon. gentleman, and hoped it would have its due weight.

The *Chancellor of the Exchequer*.—I can only say, that in granting this relief, his Majesty's Ministers do not in the slightest manner wish it to be understood that they at all think it will afford permanent relief to the country. The great object they have in view, is to afford temporary relief, till those sources be again reopened, which have unfortunately been shut, but which there is every reason to believe will not long be the case. Nor is it meant to prevent any thing being done by Parliament, but on the contrary to do every thing in the mean time while Parliament is deliberating what can possibly be done. I have been fully understood by the hon. and learned gentleman opposite, and the hints he has thrown out will be a suitable subject for the House to direct their attention, when the question is submitted to their consideration. They will, without doubt, do every thing to prevent that disadvantage alluded to from taking place. The House, however, cannot but see the necessity of the public distress being relieved as soon as possible, and the great advantage which will result from no delay taking place in granting this relief. Every thing possible shall be attended to when the proposition is laid before the Committee of the whole House on Monday. When the sums granted to parishes are mentioned, it will be seen that the first security demanded will be on the parish rates, with security also being given by persons. I have only further to add, that I judged it proper both to the House and to the monied interest to give some explanation of the proposed grant, and shall conclude by expressing my confidence it will meet that attention from the Committee which its importance demands.

Mr. Brougham.—I see I have fully understood the plan of the right hon. gentleman, but I merely took the opportunity to throw out this hint for his consideration. It is proper, if money is advanced, that security be given, and wishing that every attention should be paid to the interests of all parties, I wished him to notice this. At present I shall not further anticipate what may then take place.

Mr. Littleton observed, that the execution of the plan proposed by the right hon. gentleman must necessarily be attended with considerable difficulties. He trusted that the relief would not be strictly confined to the quarters men-

tioned by the right hon. gentleman. With respect to the parish funds, loaded as they were, he thought they would be a very insufficient security for the money advanced. The subject was of infinite importance; and he strongly recommended to the right hon. gentleman to postpone the consideration of it beyond Monday, in order to give hon. members an opportunity of communicating with their constituents, and of arranging their own ideas with respect to it.

Mr. Ponsonby was not prepared to give an immediate opinion on the proposition; but urged the propriety of deferring for a few days the discussion on a subject of so much weight and importance.

The *Chancellor of the Exchequer* expressed his anxiety to consult the wishes of honourable gentlemen on the subject. Would it be satisfactory, were he to confine himself to the statement of his plan on Monday, and to defer calling on the House for any opinion until a subsequent day?

Mr. Ponsonby said that would be very satisfactory.

The motion was then agreed to.

HOUSE OF LORDS.

Friday, April 25.

SEDITIONS MEETINGS.—LICENCES.] The Earl of Darnley rose and observed, that the construction which had been put by certain magistrates, in a late instance, on the Seditious Meetings Act, was a matter which ought not to pass without animadversion. That construction was, that it had been the intention of the Legislature to prevent the discussion of all political topics whatever. If magistrates were to put such a construction on the Act, and to exercise their discretionary power in this way, their lordships ought to avail themselves of the clause which enabled them to reconsider the provisions of that Act in the present session, and to make such alterations as the circumstances might appear to call for. He regretted that the noble Secretary of State for the Home Department was not present, as he wished to put a question to him on this subject; but he would take the liberty to call their lordships' attention to the matter on Monday, and would reserve what he had farther to say upon it till that day.—Adjourned till Monday.

HOUSE OF COMMONS.

Friday, April 25.

ATTORNEYS.] Mr. Casberd presented a petition from certain Solicitors and Attorneys, practitioners in his Majesty's courts at Westminster, praying that the Act of the 44th of the King, regarding conveyancers, might be reviewed for the purpose of being repealed or amended.—Laid on the table.

PARLIAMENTARY REFORM.] Lord A. Hamilton presented a petition from the Provost, &c. of Linlithgow, praying for Retrenchment and a Reform of Parliament.—Ordered to lie on the table.

LOTTERIES.] On the motion of the *Chancellor of the Exchequer*, the House resolved itself into a Committee of Ways and Means.

The right hon. gentleman rose to propose resolutions for raising a supply to his Majesty by a lottery. As the subject of the lottery had been so lately discussed, he thought it superfluous to enter into any farther observations on the subject at present. He would merely, therefore, move, that the Committee resolve that the Commissioners of the Treasury be allowed to contract for a number of tickets, not exceeding 60,000, that 10*l.* be charged upon every ticket to Government, and that this sum be paid into the Exchequer, without any deduction whatever.

Mr. Lyttelton could not let this opportunity pass without entering into some general animadversion, and proposing certain clauses to qualify a measure, the principle of which, though obnoxious, he had no hopes of being able to explode. He would propose, as a clause, that the number of tickets should be reduced, which, he believed, would do no serious injury to the revenue, as the whole of the tickets were never sold. He had indeed heard that four-fifths was the utmost that were generally disposed of. The excessive multiplication of tickets, therefore, answered no other purpose than the disgraceful multiplication of those misrepresentations and fabrications called lottery puffs. It was in the discretion of the Chancellor of the Exchequer to reduce the number of tickets, as the act merely said that a number not exceeding 60,000 might be contracted for.—He would propose another clause, that the boys at Christ's Hospital should not be employed in drawing the tickets. This clause was now rendered less necessary, from the laudable resolution of the governors of this charity, by which they prohibited any of the boys from being employed in this office in future. He should not be surprised, however, to hear that the lottery-office people dressed out boys in masquerade to personate the boys of Christ-church. This would surprise him the less, when he recollected that all the newspaper editors, with one honourable exception, for the sake of the considerable profits that the lottery advertisements afforded them, admitted such gross and contemptible fabrications into their columns. The honourable exception to which he alluded was the editor of the *Sheffield Iris*, who refused to disgrace his paper by such trash; and who deserved the more credit, as he not only stood alone in this laudable resolution, but surrendered a considerable source of profit.

The resolutions were then agreed to, and the Report ordered to be received on Monday next.

TITHES.] On the motion for the second reading of the bill to authorize the granting leases of tithes,

Mr. *F. Lewis*, after some observations on the different acts empowering justices of the peace to levy the small tithes, and those not exceeding 10*l.* in amount, by warrant of distress, expressed a wish that it should be an instruction to the committee, to provide for amending such parts of the late act as referred to this branch of their authority (the 53*d* of the King, c. 127,) for the purpose of proposing a clause extending their power to the determination of complaints for recovery of tithes to the amount of 20*l.* The bill having been read a second time, this motion was put and carried, the committee being appointed for Friday next.

SALT DUTIES.] Mr. *Gulcraft*, on rising to bring forward the motion of which he had repeatedly given notice, and which the occurrence of untoward circumstances alone had so long delayed, felt some satisfaction in reflecting, that it would not be necessary for him to trespass for any great length of time on the attention of the House. As far as he had been able to learn the sentiments of individual members, he believed there was very little difference of opinion with regard to the principle of this question. All seemed to agree in considering the duties now imposed on salt as enormous in their amount, and grievous in their operation; but some of those by whom he apprehended that his motion for a committee to inquire into them would be opposed, represented the difficulties of discovering a fair and just commutation for this branch of the revenue as insurmountable. If he were to judge, however, of the interest taken by the public in the discussion of this subject by the extensive and well-informed correspondence in which it had engaged him, he should infer that there was none respecting which their expectations were more eager, or their conviction more complete. For this reason, as well as others, he regretted the postponement which had unavoidably taken place. He had indeed heard, that a considerable decrease had occurred in the receipt of the last quarter's duties on this article, and that this falling off in the revenue was attributed to his agitation of the question. Sorry as he should be to find himself the cause of such a circumstance generally, and to hear that the loss was already estimated at 80,000*l.* he was still disposed to rejoice that some change of policy was so confidently anticipated by the principal purchasers and dealers in that commodity. The motion which he was about to submit was founded upon the proceeding adopted in 1801, when a similar motion was made by the Chancellor of the Exchequer of an administration of which the right hon. gentleman was an efficient member, and was unanimously agreed to.—Every individual knew and felt the enormous amount and severe pressure of this burden. The duty was no less than 15*s.* on the bushel of

salt, the prime cost of which was but 6*d.* The duty, therefore, as compared with the original value of the article, was 3*s* thirty to one; in other words, a hundred pounds worth of salt paid 3000*l.* duty! Such a tax as this mixed itself with every thing connected with the price of labour and the subsistence of the poor. It fell with grievous weight on the prices of butter, bacon, fish, meat, and all the primary and indispensable articles of food among the lower classes. In this point of view its effects were as impolitic as they were unjust. It operated as an income tax on the wages of the poor; and he denied that, in the existing state of the country, the labourer could levy its amount on his employer, by procuring a proportionate advance on his wages. The price of labour was not now regulated by the price of food; a redundant population, and diminished trade, had left it dependent entirely on such competition for it as remained. (*Hear, hear.*) It was necessary, therefore, in the present circumstances of society, that the essential articles of subsistence should be exempted from taxation as far as was possible, consistently with the political safety of the country. The Report of the Committee which sat in 1801 appeared to him to be quite conclusive on the subject of the impolicy of these duties; and as this was the only documentary evidence to which he could now refer, he begged leave to trouble the House with reading a few extracts from it. [The substance of the passages here read by the hon. gentleman was, that the inquiries of the Committee had convinced them of the impossibility of reconciling the collection of this impost with the advantages to be derived from the free use of and trade in the commodity; that the fisheries laboured under restraints without a corresponding benefit to the revenue, the exemptions in their favour being clogged with conditions that induced the persons engaged in them to prefer the payment of the duties to the acceptance of the exemption (*hear, hear*); that a dépôt established for the purpose of remedying this evil had entirely failed; and that the most beneficial consequences would probably result to the commerce and expenditure of the country, if a repeal of these duties could be accomplished.]—All he now desired was an inquiry. He expected to be told of the great importance of this article to the revenue—that it annually produced the sum of a million and a half; and he was ready to admit that it was impossible, in the existing circumstances of the country, to surrender such a sum without compensation. But the question was, whether the sacrifice would not be followed by an ample indemnification for the loss, in the benefits which it would be the means of extending to agriculture, manufactures, and the fisheries; opening new sources of commercial enterprise, and rewards to active industry? After the long period of suffering through which the middling and lower orders had passed, and the burdens under which they still laboured, they deserved some

boon at the hands of Parliament, which might find its way to their cottages and their hearts. On the best of his information he believed, that no benefit more useful could be conferred, or would be more gratefully received.—Among the different authorities which he had consulted, in relation to this inquiry, was a pamphlet published by Mr. Burke, in 1769, in which he made it a matter of boast and congratulation, in comparing the situation of France and England, that we paid but 2½*d.* per pound, whilst in France the price of salt was 5*d.* He mentioned this, and reminded the House, that the price was now 5*d.* here, for the purpose of shewing how important a feature in the scale of national prosperity this object appeared to the luminous mind of that statesman.—This tax was first established in the reign of William and Mary; and, according to the prevailing practice, was introduced as a temporary measure, and to no greater amount than three-halfpence per gallon. In four years afterwards it was raised to threepence halfpenny; and by the 20th of Geo. II. was made perpetual. During the present reign, the statute-book would shew frequent and large additions, amounting, when Mr. Addington proposed his committee, to 10*s.* per bushel; to which Mr. Pitt had subsequently carried an additional duty of 5*s.* against the opposition of Sir W. Pulteney; and, as he believed, upon the assurance, that on the return of peace it would become matter of consideration.—The scientific part of this question was, perhaps, the most curious and interesting, although he felt that the House was not prepared to go into it. The free use of the article would, however, enable chymists to multiply their experiments, and create manufactured preparations that might ultimately be extremely productive to the revenue. On this part of the subject he would refer the House for farther information to an ingenious pamphlet published by Mr. Parkes. With regard to its use, as an article of manure, his own experience, which was very limited, had not yet pointed out to him that it could be of great utility as applied to arable lands, though this was a point of which he was not convinced; but on grass land it was of the utmost advantage, and particularly in rendering hay of bad quality, which otherwise cattle would not touch, at once palatable and nutritive. Its most important value, however, was undoubtedly in the fisheries; and it was extraordinary that we, a nation of islanders, should be so blind to the advantages of our maritime situation in supplying us with abundance of necessary food, that whilst our own fishermen, on account of the salt tax, either would not take the fishes, or threw them back again when taken, we were providing foreigners with salt to cure the fishes, which they caught upon our own coasts. (*Hear, hear.*) If the policy to be observed was, perish commerce, perish agriculture, let the revenue flourish! he would remind the House, that without agriculture and commerce there could no longer be any revenue.—The hon. member

concluded by moving, that a select Committee be appointed to inquire into the laws relating to the Salt duties, and the means of remedying the inconveniencies arising therefrom; and to report the same with their opinion thereupon, from time to time, to the House.

Mr. Davenport said, the policy out of which these imposts sprung appeared to him to have been blind, narrow, and mistaken; they had probably precluded a degree of prosperity, against which the revenue they had yielded was as nothing in the balance. He was well aware of the difficulties by which the Chancellor of the Exchequer was embarrassed in providing for the necessities of the State; but he should support the proposition for a Committee; and was inclined to believe, that this branch of revenue was better managed in foreign countries than in our own, both in regard to the amount of duties and the importation of the article from abroad.

The Chancellor of the Exchequer thought it necessary that this investigation should at least be delayed in the present circumstances of the country. It was incumbent on the hon. gent. to have shewn either the possibility of finding a commutation, or of our dispensing with a revenue of 1,500,000*l.* There was always considerable difficulty in the new arrangement of a financial system, even when its component parts had not been long put together; but this was a branch of revenue as old as the Revolution. In Queen Anne's reign, it amounted to 3*s.* 4*d.* per bushel; a considerable sum, when the different value of money at that period was considered. In the year 1730, it was felt to be so objectionable as to be greatly reduced; but was restored two years afterwards. The pamphlet of Mr. Burke, to which the hon. gent. had alluded, was written before the commencement of the American war. A bill was now under the consideration of the House for allowing the use of rock salt, duty free, for the purpose of curing fish, which, in his opinion, would answer all the purposes. At the same time, if the House would take the trouble to trace the progress of the salt laws, they would find, that for a long time all salt was subject to duties; and the use of salt now, at 5*d.* per pound, compared with what it was in Queen Anne's time, namely, 2½*d.* per pound, could not be said to be extravagantly purchased. Indulgences were now granted which, at that period, were not even thought of. With regard to the use of salt for the purposes of agriculture, great difference of opinion existed as to its utility and advantages in manure. He was not quite certain that some indulgence might not be given to salt used for cattle; but he apprehended that, even in that case, the increased consumption would not be very great. In short, there was no fact stated by the hon. gent. which was not included in the bill now under the consideration of the House. He would beg leave, however, to read to the House an extract from a paper signed by the

proprietors of several extensive salt-works, in consequence of their having heard of the motion which the member for Rochester (Mr. Calcraft) intended to make. Those proprietors who resided principally in the county of Chester were decidedly of opinion that his motion would ultimately be injurious to their interests. (*Hear, hear.*) Under all these circumstances, the House would do well to postpone the consideration of this important matter until the bill in question had been fully discussed; and, upon these grounds, he felt it his duty to move the previous question.

Mr. Tremayne observed, that all the persons concerned in the fisheries in the west of England were of opinion, that the bill to which the right hon. gent. had alluded would be extremely detrimental to their interests. They thought that rock salt would be of no service to them whatever, and therefore he trusted that gentlemen would not make up their minds till the question had been discussed in a Committee. He should certainly give his support to the motion.

Mr. Curwen verily believed, that this unjust, oppressive, and impolitic tax, cutting up the very resources of the country by the roots, would not stand one moment before the body of evidence which would be brought before a committee. He was exceedingly glad to find, by the notice of the motion which the right hon. gent. gave last evening, that he was at length alive to the extent and consequences of the general distress that now prevailed—a distress so great and universal, that Ministers themselves were at last compelled to propose the adoption of a measure wholly unparalleled in the history of this country. Ought we not, then, to go into a view of our foreign commerce and domestic resources, and to see whether we could find employment for this unemployed portion of the community. The repeal of this tax would be the means not only of increasing our agriculture, but of enabling the labouring classes to purchase wholesome food at a cheap and easy rate. Two hundred years ago, it was said that the Dutch made of the fisheries above two millions; but we did not now make above one million and a half, and the Dutch made ten millions. In Holland every fifth man was a fisherman; whereas we had not above 60,000 fishermen. If at this time we were compelled to maintain a million of people from want, they must cost the nation five millions some way or other. A noble lord (Castlereagh), whom he did not then see in his place, said that if he could not employ the people otherwise, he would employ them in digging a hole and filling it up again. He was by no means prepared to go this length; but he would say, if you can employ 500,000 people, it would be worth while to give a bounty of four millions for the fisheries. He thought there was no probability that our manufacturers would ever be able again to manufacture to the amount they had done: a considerable

alteration had taken place in the views and policy of foreign states, and they would now begin to manufacture for themselves. The great export from this country formerly was grain: it was the great source of our wealth, and the principal commodity on which we relied. Was it impossible, then, to recur to that species of merchandise? Was there, in fact, any other mode, under the altered state of the country, and of the nations of Europe, to which we could resort? It behoved us to set out upon a system which was likely to carry us through our difficulties, and not to embark upon uncertain speculations. Up to 1760, we exported from two to three millions in grain; but since that time nearly a million of persons had been transferred from agriculture to manufactures, which had occasioned a considerable increase in the consumption of the higher kind of food. The use of salt in the feeding of sheep and cattle, and for the purposes of manure, was of the utmost importance. He was quite sure, that in feeding of stock an immense saving might be made. Salt was also a very material article in the manufacturing of iron; it not only rendered it more malleable, but likewise infinitely a better quality. Lord Dundonald, to whom the country was under very great obligations, had discovered that it was extremely useful in making soap; and there could be no doubt but that it might be employed with considerable advantage in many other manufactures. The country had certainly experienced very great relief from the discontinuance of the income-tax and the malt-tax; but he heartily wished that the right hon. gentleman had kept the malt-tax, and given up the salt-tax. Nothing could tend more effectually to alleviate the distresses of the country, seeing how this unjust and impolitic tax presses upon the poor man. Every poor cottager, whose earnings amounted to 30*l.* a year, pays 30*s.* on five stone of salt. Compare this (said the hon. member) with the man of 10,000*l.* a-year, who pays but 10*l.* When we called upon the labouring classes to contribute to their own support, ought we not to give something out of which they could contribute to that support? In the present situation of the country, he was aware that the right hon. gentleman could not afford to diminish the revenue; but by repealing this tax we should be able to draw a greater revenue from agriculturists and manufacturers. He was firmly persuaded, that the Chancellor of the Exchequer, even if he could have carried the renewal of the income tax, (than which a more oppressive and destructive tax never existed,) would not have been able to collect it. (*Hear, hear.*) If, however, the salt-tax were to be repealed, and, in lieu of it, the right hon. gent. were to lay a tax on the tenant, there was not a farmer that would not put money into his pocket from the benefit he would derive from it. A tenant of 100*l.* a year would save 20*l.* by the use of salt in this way. "It would be (said the hon. gent.) a saving to me of 200*l.* a year on 130

head of cattle and 500 sheep." If the right hon. gentleman were to put a duty of one per cent. on houses—if he were to put 5*s.* on each cottager now paying 30*s.* for salt, he would be putting 25*s.* into their pockets. There could exist no doubt whatever, but that substitutes for this tax might be found, though, certainly, commutations were not a very popular measure, since we often had the original tax re-imposed upon us. The right hon. gentleman and the House might look to the Committee on the Poor Laws; but it was in vain to look to them, unless some means could be devised to give vigour and activity to the great and overwhelming population now unemployed. Nothing was more likely to induce the lower orders to support their privations with fortitude and patience, than to see a disposition in the House to go into a Committee on this subject. He again declared, that he thought a substitute might be found by which the lower classes of the people, who ought to be relieved, might be relieved. He wished he could hear the right hon. gentleman get up and give that cheering hope, that we might see the population again employed. He (Mr. C.) thought that the repeal of this tax would employ many thousands of thousands, and therefore should give his hearty concurrence to the motion.

Mr. Robinson gave every credit to the hon. gentleman for the fairness of his motives, in bringing this subject before the House; and he hoped that he would also give him credit for impartiality, in the view which he took of the subject. There certainly was something extremely interesting to our feelings, in the pamphlet alluded to, which, no doubt, had led to the consideration of this matter; but the more he reflected upon it, the more he was convinced that the view which had been taken of the question, was founded on a very exaggerated idea of its advantages. Unless there was sufficient ground for supposing that the repeal would be attended with those advantages, the House should pause before they were fully satisfied as to the substitute they should adopt. The hon. mover had abstained from recommending any commutation for this tax; but the hon. gentleman who had just sat down, had departed from that example, and given the House his notion of a substitute. He (Mr. R.) had great doubt whether his proposition would not impose a more grievous burden than that which he proposed to take off. It was said, that it would vivify our manufactures; and would send to the fisheries all who were acquainted with a maritime life, in order to obtain a livelihood. These were the magnificent prospects they gave us; but he was afraid that we should not derive any of those benefits which they so fondly promised. With regard to the fisheries, he did not believe that the want of employment arose out of the duty on salt. Fish was at this moment sold at the lowest price at which it could be sold by the persons who caught it, at 2*d.* a pound; but the almost difference in price occasioned by the

duty, would not amount to a fraction of a farthing, compared with the 2*d.* It was not the duty, therefore, which could prevent the consumption. The people who caught the fish did not complain of the duty on salt, but they said they wanted a market. But whatever impediment the salt duty might be to them, would be removed by the bill before the House. With respect to mineral alkali, he had to observe, that there was a particular spring in the North of England, which was supposed to be not a common brine spring, though he believed it was, and the persons to whom it belonged were enabled to manufacture salt and mineral alkali, without being subjected to duty or being liable to any of the regulations of the Salt Laws. But had any body purchased from them? No, and they had become bankrupts. One of the uses of mineral alkali was dyeing; but the difference occasioned by the Salt Duty on one yard of cotton or linen would not amount to the fraction of a farthing, and therefore, it could not prevent the cotton printer from selling cheap.—Mr. Parkes had enumerated a long list of articles in the manufacture of which great advantage would be derived from a repeal of duty; but if they looked to most of the articles, they would be found of inconsiderable consequence—sal-ammoniac for instance. Why, the whole used in the country did not exceed two hundred tons—the additional expense occasioned by the duty on the article on which it was employed, was but as a drop of water to the ocean. Mr. Parkes said it was used by ingenious chemists in making experiments in corrosive sublimes and calomels. Many members of that House might have occasionally experienced great benefit from a dose of calomel, but he really did not think that the Tax on the quantity of salt used in these articles could amount to much.—He certainly was obliged to Mr. Parkes for publishing the book—it gave him much information with respect to subjects with which he was before unacquainted; but he thought he had swelled his list with articles which could hardly be well taken into consideration in a question of this kind.—Lord Somerville, who was one of the best judges on these subjects, had calculated that one thousand sheep would require a ton of salt in the year. The expense of a ton of salt was 30*l.* So that the charge of this improvement in the treatment of sheep, which was to ameliorate their mutton, and even their wool, would not be more than 6*d.* or 7*d.* each sheep in the year. Was it possible then, that it was the expense of salt which had prevented its general use in this way? In manure also salt was said to be useful. It was applied either by sowing it on the land, or by mixing it in compost. But what was the quantity required for these purposes? About a bushel per acre. (Mr. Curwen said across the House six bushels.) He was surprised to hear a practical man say so—as he was convinced the use of salt in such proportion would entirely destroy vegetation. It was used

on arable land to the amount of one, two, or three bushels an acre—but take the greatest of these quantities—it would not exceed 3*l.* an acre, which was cheaper than any other manure which could be applied. It was pretty evident, therefore, that the dearth of salt at present could not be an obstacle to the use of it. There might be many reasons against the use of salt in these ways—there might be prejudices against it, but it was evident, that it was not necessary to repeal the duty to enable the persons interested, to apply it to all the purposes of agriculture, if it were really beneficial. While it was obvious, that the reasons chiefly urged for the repeal of this tax were nugatory, it became the House, in the present state of the finances, gravely and seriously to consider before it consented to cut off 1,500,000*l.* from the revenue. In this instance, too, when it was proposed to repeal a tax of long standing, he thought it might fairly be urged, that the person who proposed to abolish the tax, should at the same time point out the means by which the deficiency thus created was to be filled up. As no such means had been pointed out, he could not think it expedient to acquiesce in the motion.

Mr. *W. Smith* was willing to take up the argument exactly where the hon. gentleman had left it. He had recommended the House to pause, and consider seriously before they adopted measures to cut off a source of revenue amounting to 1,500,000*l.* a year; but what were the measures his hon. friend had proposed?—what, but that the House *should* pause, and seriously consider the matter in a committee. He himself should object to such a measure without first going into a committee, in which alone the details of the subject could be thoroughly examined and sifted. But there was one point to which the hon. gentleman had very little attended: it was this, that by every committee that had sat on the subject, the abolition of the salt duty had been recommended. It was not rejected till it was debated in the House; they who had paused and considered the matter in a committee, had uniformly recommended the repeal. On such a subject, there was no necessity for aspersion or party feeling; and he believed that the hon. gent. himself would think the repeal a proper measure, if any substitute for the revenue could be found. The loss of revenue was, indeed, a serious consideration; but he (Mr. S.) was persuaded that none would ensue; however, if it should, was there nothing to set off against such a loss in the advantages that would arise from the repeal of the duty? At present the poor man paid by far the greater proportion of the tax; and for this reason, as well as the others that had been adduced, he wished it to be repealed.

Lord *Ebrington* supported the motion for a committee. If the repeal of the duty caused any deficiency in the revenue, that ought to be made up by economy; but no tax was

so injurious as that which operated on the lower orders.

Sir *G. Pole* objected to the continuation of the tax, and hoped it would be either repealed, or materially modified.

Sir *J. Newport* maintained, that the only practical means of trying all the bearings of this, or any other tax, was by examining the question before a committee; and the reasons urged by the hon. gentleman against going into a committee on this occasion, would go to preclude the House from entering into a committee on any tax whatever; but a committee had been appointed to inquire into the leather-tax last year, and a committee held on this very tax had strongly condemned it. Then the hon. gentleman had shewn a petition, the argument of which in effect was, “If you reduce the duty, a great many more will enter into the trade; and therefore we pray that our monopoly may not be disturbed.” But independently of the absurdity of this petition, he reprobated the practice of producing a pocket memorial fitted for the very occasion. Why were no memorials produced against the tax? Many had been addressed to Government by the fisheries and other bodies; but, at any rate, all the arguments adduced by the hon. gentleman, were in favour of going into a committee. It was doubtful, he said, whether salt could be usefully employed in agriculture—reason for going into a committee to inquire. It was possible that the revenue might incur a loss—reason for going into a committee to ascertain the amount. For his part, he believed that salt might be employed in agriculture to the greatest advantage; he had known part of a park laid down to grass, twenty-five years ago, with salt as manure; and so great had been the benefit, that though the rest of the park was dried up, sheep could still feed on the part where the salt had been applied. He thought Ministers would not discharge their duty to the community by little paltry temporizing expedients; but they would perform their duty, and the House would perform its duty, by going into a committee, and examining the whole question to the best of their power. It was not by assertion, not by pocket memorials, not by Exchequer bills, that the distress of the country could be relieved; it could be relieved only by economy, by examining into grievances, or by shewing at least, that inability to remove them afforded some extenuation for their continuance.

The *Chancellor of the Exchequer* said, that not one memorial against the salt-tax had been presented to the Treasury, nor any petitions, except those which were made against taxes of every description.

Mr. *Rose* admitted that the salt-tax did bear heavily on the poorer classes, but then it was impossible to find any productive tax that did not. There was no necessity for a committee, because the House was already in possession of all that could be urged against the tax. It must

be recollected, that a deficiency of 80,000*l.* had already been incurred, and a greater loss might be feared if the trade were given up by those now concerned in it. He did not believe that salt was ever much used in agriculture; and he had reason to know that the fisheries were not affected by the duty. With respect to the real burden on the poorer classes, it might be pretty accurately estimated, when it was considered that the consumption of salt for a man and his family, seldom exceeded 28*lb.* a year.

Sir T. Acland contended that this tax found its way into the poorest cottage. It prevented the preservation of meat, and especially of pig meat. The addition of 15*s.* on the pig which he killed at the end of the year, was a sum so great as now to preclude the poor man from profiting by almost the only opportunity he had of enjoying animal food.

Mr. Calcraft replied. No good reason had been shewn for refusing the motion. If the applications of interested individuals to the Treasury were to prevail against the general interests of the country, and against the opinions expressed in reports of committees of that House, he could not tell where such a system was to stop. If such was the course Ministers were determined to pursue, what hope could there be of any effectual remedy for the present difficulties of the country? The right hon. gentleman stated, that the revenue would suffer greatly if this tax was abandoned; and intimated, that those who proposed its repeal were bound to find a substitute. He, however, did not conceive that to be any part of his duty as a member of Parliament. He had pointed out a tax which was oppressive to the people, and injurious to the country; and on these grounds he thought it ought to be repealed, even though the Chancellor of the Exchequer, with all his ingenuity in the art of taxation, should be unable to find a substitute. He wished to remind the House of the opinion given in the Report of the Committee in 1801, on the subject of the salt duties. The right hon. gentleman himself was a member of that committee: and from his manner of treating the subject, from his opposing the motion without any reasonable argument against it, but relying on a paper which he produced from his pocket, it was probable that he still retained the same sentiments which he held at the time of that Report. The right hon. gentleman, it appeared, had been busily employed during the holidays, in endeavours to make out something like a case to defeat any application for the repeal of the salt duties, and he had of course collected every thing that could be said in their favour; but he hoped the House would not be influenced by the opinions of persons interested in the maintenance of monopolies. The right hon. gentleman regarded the various chymical articles, the extensive manufacture of which was prevented by the dearness of salt, as trifling; but these articles were no more trifles in commerce, than armorial bearings, hair-

powder, &c. were trifles in taxation. It was the addition of trifles that produced millions of revenue. The fact had been proved, that sal-ammoniac, calomel, and many other articles, the composition of which salt entered in, might be brought into the market, if the common salt were reduced in price; and whatever the right hon. gentleman might think, this was a matter of no trifling consideration to the country. He should not detain the House longer, as the subject had now been sufficiently discussed.

The House divided,

Ayes 70

Noes 79

Majority against the motion . . . —9

IRISH ELECTION LAWS.] On the motion of Mr. D. Brown, a select committee was appointed to inquire into the state of the Election Laws in Ireland.

LIST OF THE MINORITY

ON MR. CALCRAFT'S MOTION.

Atkins, Alderman	Lemon, Sir W.
Acland, Sir T.	Lyttelton, Hon. W.
Allan, George	Leigh, J. H.
Anson, Sir George	Mackintosh, Sir J.
Atherley, Arthur	Martin, Henry
Aubrey, Sir John	Martin, John
Blair, J. H.	Milton, Visc.
Bennet, Hon. H. G.	Monck, Sir Charles
Barham, J.	Morland, S. B.
Baring, Sir Thomas	Moore, Peter
Barnett, James	Newman, R. W.
Brand, Hon. Thos.	Newport, Sir John
Brougham, Henry	Ord, William
Burrell, Hon. P. D.	Ossulston, Lord
Bentinck, Lord W.	Palmer, C.
Barclay, C.	Parnell, Sir H.
Holland, John	Phillips, George
Babington, Thomas	Ponsonby, Rt. Hon. G.
Browne, Hon.	Power, Richard
Campbell, Gen. D.	Prittie, Hon. F. A.
Carew, R. S.	Proby, Hon. Capt.
Curwen, J. C.	Phillimore, Dr.
Dickinson, Wm.	Portman, Edward
Duncannon, Visc.	Protheroe, E.
Ebrington, Visc.	Ridley, Sir M. W.
Egerton, W.	Romilly, Sir Samuel
Fane, Jos.	Sharp, Richard
Jordon, Robert	Smith, William
Grenfell, Pascoe	Stanley, Viscount
Jascoyne, Gen.	Tremayne, J. H.
Hamilton, Lord A.	Tierney, Right Hon. G.
Hornby, E.	Waldegrave, Hon. W.
Knox, Thomas	Wilberforce, Wm.
Lamb, Hon. W.	Wilkins, Walter
Lefevre, C. S.	Wynn, C. W.

TELLERS.—Calfcraft, John—Davenport, D.

* The name of Mr. Saville ought to have been included in this list.

Sir B. Hobhouse paired off in favour of the motion with General Thornton.

HOUSE OF LORDS.

Monday, April 28.

Lord Sidmouth laid on the table the opinion of the law officers of the Crown, referred to in his circular Letter.—Ordered to be printed.

DEBATING SOCIETIES.] The Earl of *Darnley*.—It would be in the recollection of their lordships, that when the Seditious Meetings Act was under discussion, there was no objection which had been so much insisted upon by those who opposed the bill as the discretionary powers given to the magistrates; but he believed that even those who had urged that objection most strongly, had never anticipated a case so extraordinary as that to which he had called their attention when the House last met. At that time he was not fully acquainted with the facts of the case, and the nature of the society to which the licence had been refused; but he had found, upon inquiry, that the account in the newspapers was substantially correct. This society had existed for twenty or thirty years, and consisted of most respectable persons, members of the universities and inns of court; and they intended, as he was informed, to present petitions to both Houses of Parliament, which would bring the subject before the House in a more regular and formal manner. He did not think it proper, therefore, at present to go more at large into the case of that particular society; but he could not suffer a day to pass without asking, whether this was the construction really put upon the act by the framers of it, or by the Legislature. He conceived it impossible that such could have been their meaning. Application was made to the magistrates in behalf of this society for a licence, and they were informed, that it was the practice of that society to discuss literary, historical, and political subjects. The magistrates insisted that no licence ought to be granted, unless the questions were previously laid before them: and ultimately refused the licence, giving as a reason for the refusal, that the object of the act was to prevent all political discussion whatever. It was not on account of this society in particular that he was now speaking, but on account of all the subjects of this country. They had been taught to believe, that they were living under a free Constitution; and though he had not concurred in the provisions of the act in their utmost extent, yet even after that act passed, he had conceived that some freedom had still been left to the people of England to discuss political subjects; and that it was not the object of the act to prevent all political discussion whatever. He did not believe that the noble Secretary of State had interfered in this business as he had done on a late occasion in another matter. He could not believe that the noble secretary could have sent instructions to the magistrates to act as they had done; but rather thought, that the noble secretary would feel under some obligation to him for giving him this opportunity to explain. But if it was possible that such a construction could be put on the act, unless the House was willing to forfeit every claim to the confidence of the country, it ought not to lose an hour without proceeding to a revision of the act, in order to amend it, so as to prevent the possibility of such a misconstruction.

Lord Sidmouth.—This was a most extraordinary appeal to him; but he had no objection to state that, according to his belief, neither the framers of the act, nor those who supported it, ever intended that the act in question should put an end to all political discussion. He would be ashamed to give any answer to the noble earl's insinuation, that he (Lord Sidmouth) had interfered in this business. He was too little acquainted with the case to give any opinion upon it even in a private room, far less to give any opinion upon it in their lordships' House. He did not know who the magistrates were, except by name. But the true question was, what was the meaning of the act? Their lordships might examine that act and every clause of it; and see whether there was any clause which could by possibility bear such a construction as that which, according to the noble earl's statement, had been put upon it. When the petition should be presented, their lordships would then have an opportunity of discussing that subject.

Earl of Darnley.—It was not in consequence of any suggestion from him that the petition was to be presented: the parties had resolved upon it before.—Adjourned.

HOUSE OF COMMONS.

Monday, April 28.

DEMISE OF THE CROWN.] The Bill for the continuance of offices, notwithstanding the Demise of the Crown, was read a second time.

DEBTOR AND CREDITOR LAW.] Sir *S. Romilly* said, he held in his hand a petition signed by 80 persons in the county of Gloucester, complaining of the difficulties, delay, and expense, experienced in the recovery of small debts, and praying for legislative relief. This was a very important subject, and the grievances under which creditors generally laboured in this respect called loudly for a remedy. He had in his possession a letter addressed by a London attorney to the prisoners for debt in a gaol in Gloucestershire, instructing them in various practices of chicanery and delay, in the use of sham pleas, and in suing out writs of error before the signing of final judgment. The latter proceeding, it was added, would cost the debtor four guineas, and the creditor 2*l.* 19*s.*; but if the writ were made returnable in Parliament, the expense to the former would be but one guinea more, whilst it would cost the creditor 3*l.* He wished not, in his situation, to reprobate the practice of the common law courts; for it was the duty of Government, as the general guardian of the subject's rights, and of the interests of justice, to adopt proceedings which should put an end to so manifest an evil. If he might be allowed to suggest any additional regulation, it would be, that no writ of error should be allowed without the certificate of two barristers.

Mr. Lyttelton made a few observations to a similar effect, when the petition was read and ordered to lie on the table.

Lord Palmerston presented a petition from the University of Cambridge, against the bill for allowing leases of tithes.—Ordered to lie on the table.

CATHOLIC PETITIONS.] Sir J. Newport presented a petition from the Roman Catholics of Waterford, praying for relief from their present incapacity to hold certain civil and military offices.—Ordered to lie on the table.

Sir H. Parnell said, he held in his hand a petition from the great body of the Roman Catholics of Ireland, soliciting the attention of the House to the laws which imposed certain restraints upon them. The petitioners considering that the domestic nomination of their bishops was the principal security required, would willingly assent to some arrangement for that purpose; and in this disposition their prelates concurred. The hon. baronet conceived that this was a conciliatory proposal, couched in proper and respectful language. The outline of the plan consisted in this—that whereas the Pope had at present the ultimate appointment of bishops, by possessing the power of refusing to adopt the postulation of the electors, a power which in fact he never exercised; it was undertaken to procure a *concordat* from the Pope, agreeing that none but native-born subjects should ever be raised to the prelacy, and that the election should be exclusively in the hands of the native clergy. They further offered to bind themselves by an oath to attempt nothing against the safety of the State, or the present settlement of property. These provisions seemed to him to guard effectually against the only serious danger that could be apprehended, and he hoped would make a favourable impression on the consideration of the House, previous to the approaching decision which they would be called upon to pronounce. With regard to the veto, it was his duty to explain their views, and he was enabled to do it in a single sentence. Their objections remained, and were insuperable, because they arose from a firm persuasion that a Protestant nomination of Catholic bishops must inevitably end in the extirpation of the Catholic religion. This was their conscientious belief, and as such, was entitled to respect. He would say farther, that if this general outline should be thought capable of improvement, by additional regulations and provisions, they would be met in the same spirit of conciliatory adjustment by the petitioners. (The hon. member then moved that the petition be brought up.)

General Mathew expressed his happiness at the fair prospect which now presented itself of the final settlement of this question. The Catholic bishops, clergy, and people at large, were sincerely desirous of laying every information on this subject before the Legislature. Dr. Murray, titular archbishop of Dublin, and Dr. Everett, titular archbishop of Cashel, were perfectly prepared to furnish the most satisfactory explanations to both Houses of Parliament. He (General M.) had never heard any rational men

declare, that Catholic emancipation should not be granted if proper securities were given; and he was authorized and empowered by these very bishops, who were now in this country, to say, that they were quite prepared to give every proper and reasonable security. (*Hear, hear.*)

Mr. Webber observed, that he had lived in habits of intimacy with several most respectable Roman Catholics, and could bear testimony to the great merits of a very large proportion of the persons professing that faith. His objection to granting the Catholic claims could not, therefore, be supposed to arise from any considerations of private character; it emanated entirely from a view of the system itself. It was his firm belief, that the success of this measure could lead to nothing else than the entire subversion of the Protestant establishment in this country.

Mr. Blake was surprised to hear the hon. gentleman say, that the House, by granting the prayer of this petition, would subvert the Constitution. He begged to tell the hon. gentleman, that the journals of the House recorded, that the emancipation ought to be granted; but that they should deliberate on the nature of the securities to be given. The only question, therefore, now was, whether domestic nomination be sufficient. He did not rise to defend those persons who might be said to have agitated the kingdom of Ireland unnecessarily on this subject; but he trusted such measures would be speedily adopted as might prevent the eternal agitation of this question.

The petition was then brought up and read. On the question that it do lie on the table,

Sir J. Nichol rose, and desired to protest against the assertion of the hon. gentleman who had last spoken, that the question was now reduced to the mere nature of the securities to be given. Whenever the proper time arrived, he should enter into the subject without any feelings of religious antipathy; but he must now observe, that since the last discussion of this matter, the circumstances which had occurred in the United Kingdom, and in Europe, were not such as to place this question on a more favourable footing.

It was then ordered that the petition should lie on the table, and be printed.

Mr. W. Smith presented a petition from the Roman Catholics of Warwickshire and Staffordshire, praying for relief from disabilities.—Ordered to lie on the table, and to be printed.

PARLIAMENTARY REFORM.] Sir R. Fergusson presented a petition from Dumfries and its vicinity, praying for Retrenchment and Reform. It stated, among other matters, that the Spencean doctrines were wholly unknown in that town; and particularly mentioned the state of the representation in Scotland, which the petitioners considered no representation at all.

Ordered to lie on the table.

DEBATING SOCIETIES.] Mr. Wilberforce presented a petition from a certain society, called

the Academical Society, instituted for the purpose of literary, political, and philosophical discussion, and the promotion of general knowledge. He believed the members of this institution, and the whole conduct of the society, to be highly respectable; and yet they had been refused a licence (*hear, hear, hear*) by a gentleman who had shewn a total ignorance of the nature and objects of the bill that had lately passed the House for the prevention of seditious assemblies; they therefore prayed relief from the House.—The petition was then read. It stated the society to have originated at Oxford in the year 1793, and to have been established in London in the year 1798, for the purposes of literary, historical, and political disquisition; restricted, however, by the exclusion of controversial theology, and the discussion of any living character. The members were only such as had been at one of the Universities in England, Scotland, or Ireland, or the college of Maynooth. At the passing of the former act against seditious assemblies, a licence had been granted them, and continued from time to time: but on the passing of the act in the present session, a licence had been applied for at the Justice-hall in the Old Bailey, on Tuesday, the 15th of April, and refused on Friday the 18th, by two of four magistrates present, because, as one of them said, it was the object of the act to prevent all political discussion whatever. The petitioners regretted that they were thus driven to intrude themselves on the notice of the House, but prayed that relief might be afforded them.

Mr *Grant* spoke to the general respectability and orderly conduct of the Academical Society.

Sir *M. W. Ridley* hoped, that some hon. gentleman on the other side would say that the intention of the law had been mistaken; if no such answer was made, he should give notice of a motion for leave to bring in a bill to amend the former act.

Mr *B. Bathurst* professed himself ignorant of the motives of the magistrates on the present occasion. On the allegation of the petitioners, it appeared that the magistrates had refused the licence, because they thought it was the intention of the Legislature to prohibit all political discussion—he must entirely disclaim any such intention on the part of the Legislature.

Lord *Milton* was as ignorant as the right hon. gentleman of the motives of the magistrates in the present instance; but he hoped, that some mode might be found of keeping the act operative as to its good purposes, and entirely suppressing the possibility of such abuses as the present.

Mr *Brougham* thought that the conduct of the magistrates could not be inquired into: the House having passed the law, and having vested great discretionary powers in the magistrates, could not, with consistency, reprimand the exercise of that discretion. But the present occurrence might lead them to consider how cautious they ought to be in passing such a law, and

vesting such a power in magistrates at large. There might indeed be no danger in vesting these powers in the right hon. gentleman opposite, or the hon. member for Yorkshire; after the manly avowal they had made, all alarm must be removed, as to any intentions or wishes of theirs; but here, on the first alarm, on the report that some man had discovered that there did exist somewhere some society with an uncouth name, the House had passed a law, vesting these powers, not in such men as the right hon. gentleman, or the hon. member for Yorkshire, but in such men as Aldermen Domville and Joshua Jonathan Smith, (he mentioned them to their honour,) and he hoped, that when such men had thus decided in the manner they might think most agreeable to certain powers above them, it would be a warning to the House to pause before they granted such powers on any future occasion. The petition before the House was most moderate in its language, and very respectably signed, but it did not state the blunder of these magistrates in terms half strong enough; they had not only gone out of their way to prevent all political discussion, but had entered into seminaries instituted purely for the purposes of education and diffusion of knowledge. Nor had they alone done this: a seminary of a similar description had been *put down*, as it was called, by the Vice-Chancellor of the University of Cambridge: on what grounds he knew not; but he knew that this act afforded the pretext.

The petition was then ordered to lie on the table, and be printed.

DISTRESS, AND WANT OF EMPLOYMENT.]

Mr *Brougham* said, it had often been his painful duty to lay before the House the complaints of large portions of his Majesty's subjects, but he never performed this duty with feelings so distressing as at that moment, both because the evil was so much more extensive in its pressure than at any former period it had been, and because the prospect of relief compared with the urgency of the case, was faint and unsatisfactory. The petition which he had to present, was signed by nearly the whole of the labouring population of the great town of Birmingham. To prepare this petition, no public meeting had been held, not even any public notice had been given that the petition lay for signatures, but three copies having been laid in different parts of the town, and the fact having become known, in less than forty-eight hours, 11,000 names were affixed. At each of the places where the petition was placed, several persons of respectability attended to prevent any person from signing more than one name, and to exclude all those who were under 21. In a few days more the signatures amounted to 12,500, and to prevent a concourse of people from the neighbouring villages, it was deemed expedient not to suffer the petition to remain longer, lest tumults might be occasioned by the multitudes which would flock together. It was, therefore, from the town of Birmingham alone that the signatures

were collected, which might be calculated to represent a population of fifty or sixty thousand souls, probably the whole of the poor population of that town. This petition proceeded on no theories whatever, it urged no arguments or views connected, however remotely, with party questions. It was a statement, in humble but earnest and impressive language, of the degree of misery, approaching nearly to despair, to which that once flourishing town was now reduced. Before he moved that the petition be read, he should state, that the misery which was felt was far from decreasing. There had, a short time ago, been a temporary influx of orders; but that was found to be temporary, and the distress was greater than ever. The statement which he had made on the 13th of March, he had found had been too much corroborated by the accounts from Birmingham. It was then clearly shewn that the misery, far from diminishing, was on the increase. The average assessment of the poor's rates during the last twelve months was nine shillings and four pence in the pound—the average of the last six months was at the rate of twelve shillings—of the last three months thirteen shillings—of the last week 14s. 4d.; and this average fell short of the sum actually expended in the same proportion as 14s. 4d. fell short of 17s. 8d. The expenditure had, for several weeks, been 4 or 500% above the sum actually raised by the rates, and 100% per week above the expenditure of any former period of distress, however great. These facts would be sufficient to awaken the attention of the House; but he should not deal fairly with the House or the petitioners, if he did not state his opinion that the distress was to a great degree beyond the power of the House to relieve. It was mere vanity, not to speak disrespectfully of the proposal of the Chancellor of the Exchequer, for any one to expect, that a loan of a million, or a million and a half, could produce any sufficient relief. This was manifest by the fact, that to relieve the persons who had signed the petition in his hand, near half a million yearly would be required on a moderate calculation. How was it to be expected then that the sum would spread over not only the inhabitants of Birmingham and a population three times as great in its vicinity, but those districts which, though they suffered less, still suffered dreadfully? Greatly though he lamented the necessity and their want of power to relieve it, it was proper to state that no one immediate step could afford any tolerable prospect of permanent amelioration, except that general change of policy (*har*) which was the only sort of relief which statesmen should consider, though not so immediate as that of which a vain and delusive semblance was now held forth. What relief that change of policy did afford, might be safely granted by Parliament, and beneficially received by the country—it would be deeply rooted and stable in its effects on the people at large, and even at this time, with a

view to immediate relief, would not be altogether ineffectual.

The petition was read, and ordered to lie on the table.

RELIEF OF THE LABOURING POOR.] On the motion of the *Chancellor of the Exchequer*, the whole House resolved itself into a Committee, to consider the propriety of a grant of Exchequer Bills, for the relief of the labouring classes of society.

The *Chancellor of the Exchequer* rose and said, that before he proceeded to explain the purpose of the proposition which he had to submit to the Committee, he should read the two Resolutions in which that proposition was comprised. The first Resolution was—

“That his Majesty be enabled to issue Exchequer Bills not exceeding 1,500,000*l.* to be distributed in Loans, by Commissioners appointed by Parliament, for the Employment of the Poor of Great Britain in Public Works, and the Relief of Manufactures, on condition of security for repayment.”

In the next Resolution, which related to Ireland, there was a difference as to form, both because there existed no parochial funds in that country, and on account of another circumstance which he should afterwards explain. This Resolution was—

“That the Lord Lieutenant of Ireland be empowered to advance out of the Consolidated Fund of that Kingdom, a sum not exceeding 250,000*l.* for the completion of Public Works, or the encouragement of Fisheries in Ireland, under condition of repayment in a time to be limited.”

On every former occasion when grants had been proposed to Parliament for any local purpose, a special Committee had been previously appointed, for the purpose of ascertaining the distress, and submitting to the House a specific plan for its relief. In the present case that course of proceeding was unnecessary, both from the notoriety of the general distress and the information from committees, by whom, in various shapes, accounts of that distress had been received. As to the sums which it was proposed to apply to public works, the grounds on which the grants would be recommended would differ from those on which Parliament had formerly been applied to for assistance in similar cases. The course in former instances had been to point out the benefits to the country in its commercial relations from the completion of the work, in favour of which an application was made. But the commissioners, who had the disposal of the money, would particularly consider the influence the prosecution of any public work would have on the employment of the present unemployed population. Their decision would be directed by the compound consideration of the utility of the work, and of the relief which would be afforded by the persons employed in it. There were a great variety of public works which had already received the sanction

of Parliament, which languished on account of a deficiency of funds necessary to prosecute them. Of many, parts were already finished, which were useless until the whole was completed. Many urgent applications had been made to the Government in behalf of these works, to which it had been intended the attention of Parliament should have been called in a direct manner; but it was now considered that it would be more beneficial if the money was placed at the disposal of Commissioners quite unconnected with Government, and who would be named in the body of the bill. These Commissioners, he should propose, should be empowered to advance sums, by way of loan, to corporations and other bodies, for the purpose of making harbours or canals, or to trustees of roads, or to any persons engaged in public works now in progress, or about to undertake them. These advances were not to be confined to those undertakings which the Parliament had sanctioned; for instance, the laudable association for the encouragement of fisheries would be a very proper institution to receive aid. Works could thus be brought to completion without ultimate expense to the public, if, as he trusted it would prove, and as had happened on former occasions, the interest on the money advanced had defrayed the expense of the commission, and the other charges attending the loan. The transaction would in that case be not less advantageous to the public at large, than to the individuals immediately concerned. In Ireland it would not be practicable to nominate a similar commission, without such a delay as would defeat the purpose of the grant, which was urgent in its nature. It would be necessary to enter into a correspondence with that country, to know what gentleman would undertake a duty which would entail some trouble without any prospect of reward. To avoid that delay, the sum appropriated to that country would be placed at the disposal of the Lord Lieutenant, to be applied to the purposes he had mentioned. Having detailed that part of the plan which referred to the completion of public works, he felt much greater difficulty in entering on the subject of advances on the security of the Poor's Rates. He had never thought that any thing could be done towards the relief of the agricultural population, by the advance of any such sum as he then proposed to advance. The agricultural interest was to such an extent identified with the State, that he could not conceive any circumstance by which it could be so far separated from its prosperity or difficulties as to receive relief from any sum which Parliament could wisely advance to it. He was afraid also that loans to the agricultural districts, in aid of the Poor's Rates, would encourage the practice of curtailing the fair wages of labour, and of supplying the deficiency by assistance from the Poor's Rates. They might also be tempted to throw on the Poor's Rates of the present year those for whom they might otherwise find em-

ployment. On those accounts the relief of the agricultural distress did not form a part of the measure. When the Bill was before the House there would be found clauses which would guard against such an idea. The advance to be granted to parishes was never to exceed the half of the rate of the last year, and no advance was to be made to any parish except in cases in which the rate was double the average of the two preceding years. Though the measure did not embrace the relief of the agricultural districts, it was hoped to afford a temporary relief to that species of distress which had that night been brought under the notice of the House, and it was to communications from the place from which the petition that night had been presented (Birmingham) that the present measure was in part to be attributed. Undoubtedly that distress was lamentable, but he thought there were reasonable hopes of a speedier relief than the hon. and learned gentleman (Mr. Brougham) seemed to anticipate.—By this grant, indeed, he was induced to calculate, that such an important impulse would be given to the industry of Birmingham, as probably would afford the means of permanent relief to that town, which had suffered so particularly in consequence of the transition from war to peace; that that transition had materially affected Birmingham, would be obvious from this fact, that during the war no less than three millions of small arms had been manufactured there for the use of the Allies, independently of those provided for our own supply; and of course the cessation of such a demand, in consequence of the restoration of peace, must produce a most material result. But it was in this respect only that the trade of Birmingham had suffered, for it appeared that the official returns of the Exports of Steel and Iron in the last three years were as follows:—

In 1814	-	-	-	1,094,000lbs.
1815	-	-	-	1,127,000lbs.
1816	-	-	-	1,074,000lbs.

Being in the last year nearly the same as in 1814. The Hardware and Cutlery, which formed a distinct article, were as follows:—

In 1814	-	-	-	354,000lbs.
1815	-	-	-	371,000lbs.
1816	-	-	-	790,000lbs.

Here it would be seen, the amount of exports under this head, had only fallen ten per cent. in the last year below what it was in 1815, while it fully doubled that of the exports of the preceding year. The money value of the steel and iron exports was as follows:—

In 1814	-	-	-	1,145,000 <i>l</i> .
1815	-	-	-	1,280,000 <i>l</i> .
1816	-	-	-	1,095,000 <i>l</i> .

The right hon. gentleman concluded from the whole that the manufactures of Birmingham had not fallen off, except in articles for the purposes of war, and, therefore, he was led to believe that the distress which afflicted that town was merely in consequence of the cessation of the demands of Government, while, with re-

spect to foreign trade, that town had suffered no material diminution.—In this conclusion, indeed, he was confirmed by the information of those who were best acquainted with the trade of the country, and most competent to judge upon the subject. From such sources, he learned that the loan of 30 or 40,000*l.* to the manufacturers of Birmingham would be of material service under existing circumstances.—For the distress of Birmingham, as well as for that which affected other parts of the country, he felt the most lively interest, and therefore he rejoiced in the exercise of private benevolence to alleviate that distress. But he was always aware that private benevolence could not suffice to afford permanent relief. Yet while it was in activity, he was impressed with the conviction that it would not become Government to interfere. But the fact was, that the resources created by that benevolence were nearly, if not altogether, exhausted, and therefore it became the duty of Government to contribute its aid for the relief of the industrious poor, not only by every practicable economy in the public expenditure, but by an actual loan to those who had an opportunity of giving employment to industry. He felt indeed so strongly the peculiar situation of Birmingham, as described in the petition presented by a learned gentleman (Mr. Brougham), and so fairly animadverted upon by that learned gentleman, that he should have conceived himself bound to submit a distinct proposition with regard to that town, but upon consideration it was deemed more just and expedient to extend the means of relief to other places, which were also suffering by the pressure of the times.—That due provision would be made by the Commissioners to be appointed to guard against the misapplication of these means there was every reason to conclude, and as to the details of the plan to be pursued for this desirable purpose, he thought it better to leave those to be arranged by the wisdom of the House, while he should be ready to afford every explanation in his power with respect to the views of his Majesty's Ministers. What views might be entertained by other gentlemen, or what objection might be urged against the plan which he had submitted, he could not presume to anticipate; but that plan was liable to revision, and it would, he trusted, be put in the most perfect, practicable shape, by the consideration and judgment of the House. His proposition at present was, that the Resolutions which he held in his hand should be adopted, and, when printed, submitted to further consideration on Friday next, or on any other day which might appear most convenient to the House. But he begged leave to observe, that dispatch was of the utmost importance in a question of this nature, and that no delay in the arrangements proposed should be allowed that could possibly be avoided. The right hon. gentleman concluded with proposing the first Resolution, That his Majesty be enabled to issue Exchequer Bills, not exceed-

ing 1,500,000*l.* to be distributed in loans by Commissioners appointed by Parliament, for the employment of the Poor of Great Britain in Public Works, and for the relief of Manufacturers, on condition that due security be taken for the repayment of these loans.

Mr. Ponsonby rose, not to make any captious objection to the right hon. gentleman's plan, which he did not yet correctly understand, but to observe that the right hon. gentleman had not stated the mode in which the repayment of the proposed loans was to be secured; this was certainly an omission which it was desirable to supply. The omission was, perhaps, casual, but it was one of such importance, that he hoped the right hon. gentleman would favour the House with some explanation as to the manner in which, and the time when, it was proposed that these advances should be repaid.

The Chancellor of the Exchequer stated, in reply, that it was his intention to leave the details as to the execution of his plan to be considered and adjusted by the House. He had, however, no objection to present an outline of his views with respect to the repayment alluded to by the right hon. gentleman. In the first place, he proposed that the Exchequer bills to be issued should be payable in three years, that is, in 1820; and that security should be taken for the repayment of the several advances by instalments, so that the whole should be repaid to the commissioners by the time when the Exchequer bills became payable by the State. But that, in case it should be expedient for the completion of public works to allow a further time, the commissioners should be empowered to extend it for six or seven years from the period of making the loan. It was also proposed that the several loans should bear an interest of five per cent. while the Exchequer bills should be issued at their present rate of 34 per cent. and the difference would of course be for the advantage of the public. The securities to be taken for the proposed advances would be naturally had from those persons who were interested in the manufactures or public works, to which those advances would be made, probably from the proprietors, and would be for the commissioners to look to the adequacy of those securities. None would, of course, offer security for the loans, who were not fully convinced of the utility of the public works or manufactures, for whose benefit those loans were to be made, and of the competency of such establishments to provide an adequate indemnity, or of their inadequacy if left in an imperfect state.

Mr. Blake said, it was with much diffidence he obtruded himself again upon the attention of the House, but as it was upon a question of so much importance as the present, it might be possible for the most humble individual to suggest something which might turn out to be useful. He trusted the House and the right hon. gentleman would excuse him upon the present

occasion. The principle of the proposed plan he took to be an advance of money for the relief of the labouring classes, usually employed in agriculture only. [Here the Chancellor of the Exchequer corrected Mr. Blake's mistake, and stated, that the relief proposed was not intended exclusively for the agriculturist.] Mr. Blake said, he regretted to find he was in a mistake. He regretted doubly his having been so, because he thought the landed interest ought now, especially that it is comparatively so depressed, to meet a larger share of the attention of the House than the commercial interest. It was plain the plan was not to operate as a substitute for the poor laws further than as its effect would be to diminish the number of persons who would otherwise be obliged to resort to their aid. He submitted, that on the proper application of the funds, which it was proposed to raise, depended the success of the plan; for if a beginning should be made by giving direct assistance to those who usually laboured in the arts and manufactures—they would be enabled, it was true, to continue their usual avocations, but in the end Parliament would increase their stock on hand, and thereby remove their prospect of a market. (*Hear, hear, hear.*) The only effectual relief, he said, which could be found for the manufacturer was a market. If a market were found for the manufacturer, you at once supply him with money, and a market will always ensure a supply more than equal to the demand. (*Hear, hear.*) He was sorry to hear that it was intended to expend so much money in public works; this would depress further the price of land. Land was the grand source of our commercial prosperity—it was the source of our revenue. Public works were generally understood to mean works of ornament rather than of productive utility, and the money expended on them should be repaid by a taxation on land; but if the money should be expended in the enclosure and cultivation of waste lands, and in the extending and improvement of the inland navigation of the country, the very produce of this expenditure would not only repay the sum borrowed, but it would also leave a considerable surplus to the owners of the soil, and at the same time create a circulation of money, which would open a market for the manufacturer, and thus would relieve every class of the population. But if this effect was to be looked for in England, how much greater and more beneficial must it be in Ireland! In England, improvement might be said to have arrived almost at perfection, but in Ireland nature had done more than in England, yet there she was totally unassisted by art—(*hear,*)—nay, in some instances, artificial canals were made, upon a plan of magnificence which would lead one to suppose that it was intended to subdue rather than assist the natural advantages of the country. The Irish, ardent to imitate England, did so upon a plan of magnificence utterly inconsistent with the hope of remuneration by

trade, and thence the derangement of their canal speculations—but if, instead of imitating the English, whose country is suited to such undertakings, the Irish did only connect their numerous navigable lakes with each other, and with the sea, the experiment would produce, in a very short time, a noble accession of wealth to themselves, and increased strength and prosperity to the general interests of the empire. It was under this view of the subject he conceived it to be his duty to suggest to the right hon. gentleman, that the funds intended for Ireland would be best applied to works of the description to which he had just adverted.

Mr. Phillips declared his inability to comprehend the nature of the security alluded to by the right hon. gentleman. Did the right hon. gentleman mean to confine the proposed loans to public works actually begun? [*"No, no,"* from the Treasury Bench, "they are to extend to works to be begun."] As these loans were to be granted for the construction of public roads, how, he would ask, were the parochial rates to be relieved by pledging these rates to the persons who should become security for the repayment of these loans? Such a plan would, in his opinion, rather tend to augment the rates, and to aggravate the evil so loudly complained of. Then as to manufactures, it was a delusion to conceive that this plan would afford any relief. For to his knowledge the manufacturing towns did not want capital to give employment to labour, but a market for the sale of their productions. (*Hear, hear, hear.*) It was, therefore, a mockery to suppose that the proposed advance would be productive of any advantage to the manufacturers of the country, and it was equally delusive to say that the distress of the country was (with the exception of the harvest) only of a temporary nature; for the fact was, that they were broken down by the pressure of taxation.—(*Hear.*) This was the great evil, that by taxing every article of export rendered us unable to sell our produce or manufacture on reasonable terms, especially to foreigners. Again, as to the system of securities proposed by the right hon. gentleman, it was obvious that the establishment of such a system must interfere most injuriously with the transfer of property. For who could calculate that under such a system any property purchased might not most unexpectedly be swept away by an Exchequer extent, or an extent in aid?—(*Hear, hear.*) The whole system of the right hon. gentleman was indeed pregnant with difficulty and delusion, while the only effectual way of relieving the distress of the country was to reduce our public establishments, and to introduce a rigid economy into every branch of the public expenditure, to which he feared neither the right hon. gentleman nor his colleagues were in any degree disposed.

Mr. Grenfell expressed a wish to know in what way it was intended to advance the pro-

posed loans, whether in specie or in bank-note—whether the Exchequer bills were to be put into the hands of the Bank, there to remain with interest accumulating upon them for three years, or lent at once to the parties from whom they required securities to be taken? He also desired to know whether it was intended to issue Exchequer bills of 100*l.* or 50*l.* each, and so to render them a part of the circulating medium of the country?

The *Chancellor of the Exchequer* replied, that the intention was to issue Exchequer bills, as in former cases, at 100*l.* or perhaps at 50*l.* each, to the parties giving the required securities, and thus from the regulation of interest, they might be taken at par, and so become a part of the circulating medium of the country. But he should enter further into the details on a future occasion. With respect to the observations of an hon. member (Mr. Phillips,) he had no hesitation in stating, that he was completely of opinion, the distress of the country was only temporary. Indeed, if such was not his opinion, he must regard not only the present, but any plan that human wisdom could devise, as a mere delusion, and insufficient to remove the evils complained of. But the object and calculation of the project which he had submitted was to relieve the distress of an unfavourable season, which he hoped very unlikely now to occur; and in so doing, it was proposed to follow the examples of 1793 and 1811, neither of which had been found productive of inconvenience.

To a question from Lord A. Hamilton, the *Chancellor of the Exchequer* observed, that personal security would be required for parishes, where, as in Scotland, there were no *Poors' Rates*.

The Hon. Mr. Lamb expressed a hope that it should go forth to the country, that the object of the right hon. gentleman's plan was not to afford what was called relief, but to provide employment for the poor. He was most anxious that this should be distinctly understood, and that no delusion should prevail, lest an idea should arise that it was meant to give away the public money, for the purpose of encouraging idleness or prodigality. As to the security to be taken, he trusted that adequate provision would be made to guard against the evil of allowing the occupier of land to mortgage that land, without the consent of the proprietors, for otherwise great confusion must ensue, and the landlords would ultimately suffer considerable injustice, especially where any material rise at present existed in the *Poors' Rates*.

Lord Cochrane disapproved of the plan under consideration, unless inasmuch as it might be considered as the repayment of some part of the money which had been unjustly taken from the people. In any other view, it appeared to his mind to be a complete delusion, for the great evil consisting in the burden of taxation, no effectual relief could be afforded, but by the reduction of that burden. This was the evil

which bore down our manufactures, and which destroyed our trade. For it was nonsense to say, that the prohibitory decrees of foreign Governments could prevent the sale of our commodities, if the manufacturers could afford to sell them at a reasonable rate. It was notorious, that all the navy of England could not guard against smuggling into this country, and it was a mockery to pretend that any foreign Government could prevent the introduction of our manufactures, if foreigners were not able to undersell us, through the weight of taxation to which these manufactures were subjected. That was indeed the great obstacle to our commerce, which the superiority of our machinery and the ingenuity of our artists were totally insufficient to overcome. The funds and the taxes were then the principal enemies of our trade, and while they existed in their present state, it was idle to pretend that trade could be restored, or that the country could be relieved by a plan like that of the right hon. gentleman, which proposed to advance a sum which was not, in fact, equal to the amount of the *Poors' Rates* for three months. For our *Poors' Rates* were known at present to exceed 12 millions per annum. The noble lord here endeavoured to shew that if a sponge were at once applied to the public debt, no injury whatever would arise to the nation, and that common justice demonstrated the necessity of reducing the interest of that debt, in order that the fundholders should bear their due share of the public burdens, from the pressure of which they were at present exempted, through the enhancement of that circulating medium which was so materially depreciated when they lent their money.

Mr. Parnsonby conceived, that any benefit that could be derived from the plan under discussion, could be derived only by bringing it quickly into effect. He would therefore anxiously avoid throwing any obstacle in its way. The plan would undoubtedly be useful; it would be of use to interpose in any shape for the relief of the present distress; it was gratifying to every humane feeling to alleviate, even in the smallest degree, the suffering that prevailed throughout the country. Any objections he might have to the measure he would postpone till the bill was brought in. At present let the resolutions be passed, or a report be made of the progress of the Committee, and let the bill be brought in as soon as possible. When the details of the measure were thus laid before them, he would enter freely into the discussion; he would use every possible means of preparing himself to consider it in all its aspects; and he would most willingly offer every assistance in his power to render it as useful as possible. At the same time he would not be bound by having given his assent to the Resolutions, or to the Report, from making such objections, or offering such alterations, as he might think necessary or proper.

The *Chancellor of the Exchequer* expressed the highest satisfaction at the candid and liberal

view the right hon. gentleman had taken of the subject. Nothing was more improper than to enter into the details of the measure in the present stage. He therefore reserved several explanations he had to give till the proper opportunity for offering them. As to the remarks made by a noble lord (Lord Cochrane), he thought them altogether unworthy of examination or reply.

Mr. *Ponsonby*, in consequence of the last observation that fell from the right hon. gentleman, rose to say, that to oppose the measure was, in his opinion, inexcusable. Objections might be stated to several parts of it, and he would in due time offer some objections; but he thought it very wrong to oppose the measure itself.

Lord *Milton* would fain have the measure proposed to be precisely understood. Its first and immediate object was to furnish employment; its ultimate object was to afford relief.—Now he had some doubts whether such a measure was at all practicable. In the first place, it was not want of employment that caused the distress, but want of markets, and want of funds for contributing to the Poor Rates; and from this last circumstance arose the principal objection he had to mention. It was proposed, that when the Rates rose to a certain ratio, money should be lent by the Government upon the security of those very Rates, that is, when the Rates became bankrupt, money should be lent, for which those same bankrupt Rates should be the security. He would beg leave to suggest the dividing of the resolution into two resolutions: one regarding employment where that was possible, the other, security upon the Poor Rates. To the most material parts of the plan he meant to make no opposition.

Sir *B. Brydges* said, he should rejoice if the assistance given by Government could be greater than was proposed. It was the only mode of relieving the people, for labour was the foundation of wealth; without labour the people could not be happy, or the State prosperous.

Sir *J. Newport* adverted to the influence of the apprehension of becoming liable to a Crown process. If extents of the Crown were so formidable to persons who became debtors of the Crown for objects of their own, was it likely that many would be found willing to incur such a liability for purposes of a merely charitable nature? He was afraid that consideration would prove greatly detrimental to the operation of the measure, unless some means were adopted to guard against it. With regard to public works, such as canals for instance, he believed that any loan advanced by the Crown would be reluctantly received, for it might operate to the injury of the private creditor of such works, and to the injury of his security, in case of the Crown coming in as a creditor, upon the ultimate failure of the design. He owned, he did not see at present how the proposed plan could

have any advantageous operation; at the same time he was far from feeling any disposition to oppose a scheme for relieving the distresses of the country, if it had but the slightest probability of being feasible.

The *Chancellor of the Exchequer* observed, that it would be a provision in the bill, that the Crown should not have priority over any other creditor, except with the consent of the creditors themselves.

Mr. *Babington* felt much difficulty to understand how the money was to be applied. Were manufactures to be encouraged by it in the country? If so, the consequences would be most injurious; no other manufactures could come into competition with those supported by such means, and consequently they would cease; so much capital would be thrown out of circulation, so many hands would be deprived of employment. He had occasion, in his part of the country, to see instances of this evil. Where bounty was bestowed, five times as many were deprived of work as were employed through such forced means; wages, too, were increased in consequence of such application. The evils altogether arising from creating manufactures by means of a bounty from Government appeared to him insuperable. To roads he saw no such objection; he believed that to be a highly proper mode of giving employment.

The *Chancellor of the Exchequer* said, he must abstain at present from entering into the details of the various modes in which the money was to be employed; he would postpone that to a future and more suitable opportunity. Work in any shape was the object in view; any species of work that might not prove injurious was the thing proposed. He agreed entirely with the hon. gentleman as to manufactures. It was not by any means manufactures in such circumstances that were to be attempted. Any public work that would give employment to the idle, and not injure any other interest, would be encouraged.

Mr. *Lyttelton* was anxious to prevent unfounded expectations from this measure. It assumed two points that were not warranted by the state of the country. It assumed a want of capital; and this assumption was unwarranted, for the great complaint was want of employment for capital. It assumed, that if capital be wanting loans can supply its place. This too was false; for what produce are we to derive from these loans? They are to be employed in public works; what works are these? Unless they be immediately productive, they are of no benefit in the view now under consideration. Roads, canals, bridges, are to be made. If those who now carry on these works are unable of themselves to go on with them, or to carry them to a greater extent, any others must become losers by attempting them. What use or benefit can be proposed by forcing forward such works beyond the demands and interests of the

country? The fisheries he waived for the present; he believed some encouragement might be given to them with advantage. It was proposed to give relief to the distressed parishes. When the rates came to a certain ratio; when they became very nearly bankrupt, then some relief was offered; but these bankrupts must find security. It would have been generous to afford them some eleemosynary aid when they came to this ruined state; but still they must give security. He would wish to be informed what was meant by personal security. If there be any real property it must be in the first instance attached; the Exchequer will lay hold of that, and then the person is seized and thrown into gaol. The whole plan was perfectly illusory. The only means of relief must be found in protecting agriculture, in restoring activity of our various manufactures, and in improving our commerce. These things the Exchequer can never create; it is by other means they can be re-established.

Mr. C. Grant, Jun.—The great object is to afford relief, to give succour to the starving. It is better to do so by labour than by mere bounty. Industry, moral habits, and contentment, are thus promoted. The objections to manufactures set up by money from the Government are equally applicable to agriculture. They are applicable to any productive employment. When the excess of capital has produced stagnation, and stagnation excess of capital, any forced stimulus must be injurious; but by employing the poor on roads, bridges, and canals, they are immediately relieved, and their labour is hereafter useful.

Sir M. W. Ridley inquired, whether in lending money to parishes, personal security would be required, in addition to the security of the poor rates' fund; and whether the commissioners to be appointed were to act gratuitously?

The *Chancellor of the Exchequer* replied, that personal security would certainly be demanded. With respect to the commissioners, he hoped that as, on former occasions, persons of respectability had been found willing to lend their services gratuitously for the benefit of the poor, there would not be less liberality manifested on the present.

Mr. Brougham said, he agreed with what had fallen from his hon. friend below him (Mr. Ponsonby), and that it would be most painful to his feelings if he should find himself compelled to interpose any obstacles in the way of the present measure. It would be arrogance in him, however, imperfectly as he yet understood its nature, to argue upon its general character; and he could only express a hope that it might be found practicable, and calculated to overcome many of the objections to which it at first appeared liable. At the same time he wished to take that opportunity of expressing one or two doubts that prevailed in his own mind. In the first place, as to the manner in which the money

was to be employed. It was evident, that it would be chiefly, if not entirely, applied to the promotion of public works. As to the idea of parish officers becoming manufacturers, it was so preposterous, that its absurdity hardly required to be illustrated. It was impossible they should be able to carry on any branch of manufacture, either with benefit to the community or comfort to themselves. The idea was equally absurd, also, as applicable to agricultural pursuits. Public works, therefore, of some kind or other, would be the objects to which the money must be applied. But then a difficulty immediately occurred. What now kept public works from going on? Was it the want of capital solely? He was afraid not.—He was afraid it was the want of a demand for public works, and that canals, bridges, and roads, were not now wanted, for the same reasons that other productions of labour were not wanted. If they were found no longer to answer the views of private adventurers, it was not likely they would ever tempt persons to become debtors of the Crown for the sake of carrying them on. If, on the other hand, they were desirable speculations, would not the money that was necessary be borrowed in the usual way? For it would have this advantage, that no Exchequer process could be issued against the borrower, and it appeared that the usual Crown process was to be employed in recovery of whatever sums might be lent. With respect to canals, he believed there was nothing which had been more overdone in this country than that description of improvement. Besides, the assistance in that way must necessarily be very limited, for he understood it was not unusual to expend half a million of money in the completion of a single canal. Then, as to roads and bridges, he believed there was no slowness even in the present distressed state of the country, in making roads where they were wanted. The advantage was so evident, and the benefit so immediate, that capital to undertake them was seldom deficient. Perhaps application might be made for assistance to finish a bridge or two, but even there his own hopes were not very sanguine. With regard to parochial relief, he doubted whether any great advantage would be derived from that part of the plan. He would take Birmingham for example, from which place he had that night presented a petition, signed by upwards of 12,000 persons out of employ. He might fairly, however, estimate the male population of that town and its neighbourhood, who were capable of work, at 25,000. According to the proposed plan, by which the relief afforded to a parish was to be in the proportion of one half of what it annually paid in poor's rates within a certain period, Birmingham would be entitled to receive only 20,000*l.* having paid for some time past at the rate of 60,000*l.* a year for the relief of its poor. But suppose to that were added 50,000*l.* for a canal, a road, or a bridge.

The whole relief which that sum would afford, at 10 shillings a week for labour, would only be to employ 2000 out of the 25,000 for one year, and upon such wages as were hardly sufficient for the support of life. He entertained considerable doubt as to the probability of finding respectable persons willing to accept any such loans, under the obligation of entering into recognizances, or of being subjected to extents in aid. Let the right hon. gentleman (the Chancellor of the Exchequer) be as rigorous as he pleased in looking out for good securities, but at the same time let the money be advanced to those securities on the same terms as any capitalist in the city of London would afford the loan. Unless that course was adopted, corporations perhaps, with a view to the jobbing of favoured individuals, may accept the terms; but he was confident individuals, or associated bodies of persons, would be extremely slow in committing themselves to obligations so severe in their operation. He was also solicitous to be informed how the distribution of these funds was to be managed. He was not disposed to indulge so harsh an opinion, that any undue influence in the application was intended, but he was confident that every thing depended on satisfying that House and the country that none will or could take place. He trusted, therefore, that such a selection of commissioners was intended, and as the service was to be gratuitous, a selection could be well made of the most respectable and independent characters, such as would give confidence to the expectations of the people. Before it were possible to give effect to the decision of Parliament, that was, probably at the end of three or four months, the exercise of any improper influence, or even the suspicion of it in the distribution of this loan, in the event of a general election, might produce the most injurious and reprehensible effects. Before he sat down he could not help throwing out for the consideration of the Chancellor of the Exchequer, in place of the intended issue, the propriety of remitting the arrears of the property tax for two or three years, or he would say altogether. Such an alleviation at this moment would be attended with the most effectual assistance to a most suffering class, while the fair dealer met no greater impediment to his claims than what arose from the severity with which those arrears were collected. He had felt it his duty to make these few general observations, reserving to himself the right of entering fully into the discussion of the subject when it was again submitted to the consideration of the House.

Mr. *Butterworth* recommended that a portion of these funds should be applied to the erection of parochial school-houses.

The first resolution was then put and carried.

On the second resolution, for voting the sum of 250,000*l.* to be applied to the use of the public works and fisheries of Ireland,

Sir *F. Flood* mentioned, that he could not let the present opportunity slip without making a few observations. He expressed his surprise at the short measure of relief meted out for his native country, considering her merits and sufferings. Ireland had a claim over every other part of the empire. What had her conduct been? She had been patient under suffering, while here they had been meeting in *Spitalfields* to subvert the laws of the land. (*A laugh.*) Yet that patient, meritorious island, the right hand of England, was in a state of almost absolute starvation. He had travelled over five counties of it lately, and found the poor had nothing to subsist upon but their half-boiled potatoes and their prayers. (*A laugh.*) Let the people of Ireland have justice done them. They had contributed more than their share to the victorious war that terminated in a glorious peace; and they did not, like the inhabitants of England, desert their country, and emigrate abroad to spend their money. The number of rich emigrants, who gave to foreigners the bread of their own countrymen, was a serious evil. They were now leaving the country like shoals of herrings. (*A laugh.*) People of all ranks, nobles and commoners, earls and lords, were removing to distant lands. They ought to be made responsible for the money they draw from home, and the people whom they impoverish. They profess to have the object of amusement for their emigration; but if they want amusement out of their own country, "let them come (said the hon. baronet) among us." (*A laugh.*) Instead of that they run to Dover, from Dover to Calais, from Calais to Boulogne, and from Boulogne to France. (*A laugh.*) He wished 20 per cent. was laid on all absentees who emigrated beyond their own country. He would allow none to be abroad for more than two or three months, unless they could produce the certificate of a physician that their health required a change of climate. (*A laugh.*) He mentioned those things to shew how different the people of Ireland were from the other parts of the empire, and to prove that they deserved a greater measure of liberality on this occasion. "Let the Chancellor of the Exchequer (said the hon. baronet) give us the money without looking at repayment? (*a laugh*) for we want nothing but capital to be the rival of any nation on the face of the earth."

The resolution was then agreed to. The House resumed, and the report was ordered to be received to-morrow.

HOUSE OF LORDS.

Tuesday, April 29.

The Royal assent was given by commission to the Irish Arms and Irish Peace Preservation Bills, and some other public and private bills.

HOUSE OF COMMONS.

Tuesday, April 29.

SALT DUTIES.] Mr. *Lushington* moved the second reading of the Salt Duties Excise Bill. He observed, that the object of the bill had been misconceived: it was intended not to oppress but to relieve the fisheries, by giving them the liberty to use rock salt, and thus bring to a certainty those experiments which had been successfully made in several instances. The bill was not founded on the representations of commissioners of excise, but on the evidence of persons interested both in the salt trade and in the fisheries. The trials which had been made led to a sanguine belief that rock salt was perfectly applicable to the purposes of curing and preserving fish. He thought it absurd that the law should be suffered to remain as it was at present, depriving the fisherman, even if he were inclined, of the right to use rock salt in his business. The use of it for this purpose had been already found productive of the greatest benefit in the Isle of Man.

Mr. *Calcraft* declared, that being perfectly satisfied with the impression which the agitation of this question had produced on both sides of the House, it was not his intention to trouble them with any additional observations during this session. In the next session, however, he hoped to be able, with the assistance of those hon. members who concurred with his sentiments on this subject, to relieve the public from this grievous, unjust, and impolitic tax.—He could not sit down, without disclaiming the intention of recommending any commutation for this tax; and, least of all, that any additional burden should be imposed on the article of beer. (*Hear.*)

The bill was then read a second time.

FINANCE COMMITTEE.] Mr. *Peel* moved, that the estimates for the miscellaneous services of Ireland should be referred to the Committee of Finance.

Mr. *Tierney* observed, that the Chancellor of the Exchequer having declared that it was not his intention to propose any loan, or issue of Exchequer bills, for the service of this year, it was highly important to know what his system of finance would be.

Mr. *D. Gilbert* said, that direction had been given to the different offices to furnish all the necessary information to the Committee. It was in the contemplation of the Committee to direct their attention to the income and expenditure of the present and the succeeding year.

Mr. *Tierney* thought that the House ought to be informed of the actual amount of Exchequer bills which had been purchased by the Bank.

The Chancellor of the Exchequer said, that while a particular subject was before the Committee, they could not be expected to report

generally on all the matters referred to their consideration.

Mr. *Tierney* desired the House to remember how he was scouted by the opposite side when he recommended the appointment of two committees. (*Hear, hear.*) It was now obvious, from what the right hon. gentleman had said, that if his proposition had been acceded to, this inconvenient delay would not have arisen; but now he feared that the final Report of the Committee would not be laid before them till the month of June.

The motion was then agreed to.

THIRD SECRETARY OF STATE.] Mr. *Tierney*, in rising to call the attention of the House to the office of a third Secretary of State, first begged leave to recal to their recollection the motion which he made on this subject last session, in which, unfortunately, he did not succeed. That motion was, "That a humble address should be presented to his Royal Highness the Prince Regent, to represent that his faithful Commons, relying on the disposition expressed in the speech from the throne, to concur in measures of economy, humbly prayed that the division of State-offices, which took place in 1794, by which the business transacted by the Home Department was transferred to a new office, created for the War Department, be revised, and the business of those offices restored to the footing in which they stood in the year 1798." His intention was now, not to renew that motion, but to vary its form. He did not mean to move that the office of third Secretary of State should be abolished, but to move, that a committee should be appointed to consider of that subject. In bringing this question under the consideration of the House, he acted from a thorough conviction, that he had no chance of success but from inquiry. His object in making this motion was, to save to the public the expense of a third Secretary of State: and this he thought might be done consistently with the public service and the good of the country. There was now an additional inducement for him to move for a committee to inquire how far a third Secretary of State was necessary, since the Lords of the Treasury themselves appointed a committee last year for purposes to which this subject particularly related. That committee, by a Treasury minute of the 5th of April, 1816, was required to examine and report what offices had been created since the year 1793; but they confined their inquiry to offices established since the war, considering, no doubt, that former offices were of too sacred a nature to be touched. Now, it was precisely the spirit of that appointment which he meant to adopt. The office of third Secretary of State was created since the commencement of the war; it arose entirely out of the war, and how it escaped the notice of the three persons named on that committee, was to him perfectly unintelligible. In calling upon the House, there-

fore, to adopt his proposition that night, he merely called upon them to do that which the Treasury had sanctioned: he merely required of them to do that which the commissioners to whom he had alluded, (Mr. Ryder, Lord Binning, and Mr. Sturges Bourne), even upon the shewing of Ministers themselves, ought to have done.—He declared most solemnly, that he would not vote for the abolition of one office from which he would not also exclude his own friends, if they were ever placed in the way of making such appointments: if they considered them necessary, he would not hesitate to assert that they ought not to come into office. (*Hear, hear, hear.*) It might be said that he himself had no chance of ever becoming first, second, or third Secretary of State; but if he had, he would not fill one of those offices unless he believed them absolutely necessary. But he maintained, that if there were a transfer of business, and a consolidation of offices, the service required might be equally well performed. A great part of his Majesty's Ministers had nothing to do. There was the Chancellor of the Duchy of Lancaster (an ancient office indeed), but he had nothing to do: there was the Lord Privy Seal, he had nothing to do. It might be proper to retain some of these ancient officers, but still those only ought to be retained who had some employment; and at all events the performance of labour should be the only claim for salary. (*Hear, hear.*) But if there must be a Secretary for the Colonies, why should not that Secretary be the President of the Board of Control; or why not the individual who now filled the office of under secretary? He was aware that the reason urged last year against appointing the President of the Board of Control to this duty was, that not being a King's Secretary, he could not take the King's pleasure. He (Mr. T.) doubted whether the thing were so; but at all events this was no more than a gross pretence, and there was in reality no more necessity for a third Secretary of State than for a third archbishop. (*A laugh.*) Though he was certain that the noble Lord (Bathurst) in the department of third Secretary of State could not impute any motives of personal hostility to him; yet he felt it exceedingly unpleasant to be thus attacking a particular office year after year, and to offer to throw such a load on Lord Sidmouth as might perhaps kill him. (*A laugh.*) He did hope therefore that Ministers would for once come forward themselves, and spare an individual so disagreeable a duty. Unless they did this, all temporary expedients were but vain: they might suspend the Habeas Corpus, but they could not suspend the spirit of inquiry and discussion that now pervaded every class of the community: they could not by any other means lessen the burdens or alleviate the distress of the country. They might have recourse to coercive measures; they might, for a season, silence the loud expression of public opinion; but by no other means than economy could they

tranquillize the spirit of the people, or persuade them that there was any wish to correct the abuses they complained of. He should therefore move, "That a Committee be appointed to take into consideration the business now remaining to be executed by the Secretary of State for the War and Colonial Department, and to report their opinion, whether the continuance of the same be any longer necessary; and whether the duties performed by the said Department may, without inconvenience to the public service, be transferred to any other offices, and with what diminution of charge."

Mr. Goulburn said, it was indispensable that there should be a responsible Minister through whom the colonies might make known their wants; and who, by devoting himself solely to their service, might be competent to explain and support their respective interests. The right hon. gentleman had said, that he (Mr. G.) was competent to this; he felt flattered by the right hon. gentleman's good opinion, but was convinced that such an arrangement would be impracticable: there was no other office to which the proposal, if feasible at all, was not equally applicable; and yet the right hon. gentleman could hardly contend for its application to the other great offices of State. But the right hon. gentleman would do well to consider the necessity of having a competent Minister in this as well as in the other great departments; and if he looked to the relief from expense, he should also see whether there were not disadvantages to counterbalance the saving that might be effected. The great excellence of the British system of government was, the freedom of discussion in that House, and the advantage of having a Cabinet Minister competent to give information on every question; there was the additional security, that no act of the Crown could take place without the consideration of these Cabinet Ministers; but the proposal of the right hon. gentleman would go to withdraw this security from one great branch of our empire and resources. The colonies, too, had a peculiar claim to the care of responsible Ministers, exclusively devoted to their interests. All other parts of the empire had their own representatives, who could speak to and defend their local interests: it was not so with the colonies; and if they could not be heard by their Minister, they must run the hazard of being neglected or sacrificed to the interests of others. The colonies were more numerous now than at any former period; they were hourly becoming of greater importance, the business resulting from them had materially increased, and he could not think so ill of the country as to believe it would sacrifice the welfare and happiness of thousands for a saving of 12,000*l.* We were not to consider these colonies merely as the appurtenances of grandeur and the gratification of national vanity, but to weigh the rights of the people, and their individual claims to protection. The abolition of the office in question would tend

only to the mismanagement of the colonies, and the sum saved to the nation would be lost in the diminution of the happiness of the colonists. To those who thought that the colonies were only an incumbrance on the country, it might be that these reasons would not carry any weight with them; but with those who, like himself, considered them one of the great sources of our glory, and one of the great supports of our power, affording resources in war, and increasing our commerce in peace; with those who thought them important under every consideration, it would not be doubted that they had a right to due attention, and that that attention could only be bestowed on them by a Minister exclusively attached to their interests.

Mr. *Marryat* concurred entirely with the motion. From all circumstances, political and commercial, the question was proper for consideration.

Mr. *Broune* thought that the removal of a Secretary of State might tend to destroy the satisfaction and confidence of the colonies. In one island, great jealousy had recently existed, on account of the policy adopted at home; but all parties were reconciled by the conciliatory manner and tone of Lord Bathurst.

Mr. *Barham* spoke in terms of praise of Lord Bathurst's conduct, which had given additional confidence to the colonies; but their confidence did not depend on any individual: they trusted chiefly to the wisdom of that House. All they expected was a reasonable and just attention. The question was not about Lord Bathurst or Lord Sidmouth, but whether the colonial business could not be transacted in one office as well as in another. He saw no necessity of losing the services of his hon. friend opposite. His wish was, that the colonies should not be burdensome unnecessarily to the mother state. Some objects the colonies desired, and others they deprecated; but they had never expressed a desire for the establishment of any particular office. He did not think therefore that the House could forbear to go into the proposed committee.

Sir *M. W. Ridley* observed, that what had been said about the great increase of business might certainly be a fair argument for keeping up a number of clerks, for making entries and doing other matters, but not for the continuance of the third Secretary of State. It was necessary to make retrenchments; and he thought the abolition of the sinecures in the way proposed visionary as to any speedy effects. His hon. friend never meant to cut off communications with the Secretary of State's office; yet a saving might be effected of 12,000*l.* a year. Every reasonable and proper reduction of expenditure should now be made, on a system of economy, to be forced on Ministers, if they declined to adopt it, in order to relieve the country; and there never was a time in which the House could do so with more grace than the present.

Mr. *Wilberforce* felt with others much obliged for a proposition to save 12,000*l.* a year; but it

was indispensable that we should find a good Government and Administration for our colonies. Such a saving might, therefore, prove an improvident and unjust purchase. He did not think that the business could be beneficially conducted by another department. We seemed bound in justice to the colonies to provide a separate, efficient, and dignified department for purposes so important.

Mr. *Smyth* observed, that before 1768 the business was done by one Secretary, and that the creation of the new office was unfortunate, as it was accompanied by the signals of rebellion. It did not appear that two Secretaries might not do all the business. Mr. *Burke* proposed this in 1782, by arrangements of the departments. He admitted that the duties of the office of his hon. friend opposite were very laborious, but he thought that a consolidation would diminish them.

Lord *Milton* remarked, that Ministers professed economy and voted for prodigality. All who knew his hon. friend (Mr. *Wilberforce*) must know his sincerity; but he seemed to make some mistake in his usual discrimination, between governing well and governing much. He seemed to attribute too much importance to the bustle of an office. Whoever considered the public affairs in the American war, or in the war to 1801, might see that the same necessity, if any, for the office, did not now exist. He was anxious that the House should review our colonial expenditure, as he thought great prodigality existed in it. Some of their committees were so unfortunately composed, that they were not much disposed to inquire into these things. He then alluded to the Report, in which no notice whatever was taken of the third Secretary of State. As the question had been previously agitated in the House, he thought it was the duty of the committee to consider and to report upon it. Had the committee said that the office was necessary, it might have been a work of supererogation to bring it again before the House; but as the matter stood, he thought it a gross dereliction of duty in the finance committee to make no examination into this particular office.

Mr. *Protheroe* spoke in opposition to the motion.

Mr. *Porsonby* had heard the necessity of this office of third Secretary supported by an argument of a nature so extraordinary, that he could not suffer it to pass unobserved. It was an argument that, if good for any thing at all, was excellent proof of the necessity of a fourth Secretary of State. The duties of this office were of such a superior kind, that they required the undivided attention of a Secretary of State. What then became of those duties during the whole of the war? Another argument was, that the third Secretary had written a most conciliatory letter, at a time when considerable agitation existed in one of our colonies. Though no reason could be assigned for continuing this office, yet such was the humility of temper,

such the mildness of disposition, such the benevolence of nature, attributed to him who held it, that it must be continued for the sake of conciliating the colonies: but he would yield to no such argument. It was not to the character of any individual that the colonies must look; it was not from any individual they expected conciliation, but from the good sense of that House; it was not from the pleasure of a Secretary they would receive laws, but from the wisdom of Parliament: it was not to proclamations, and other deeds of that nature, they were to attend, but to their own assemblies. What was it that the House were invited to do? It was not to save one, two, or three thousand pounds; but they were requested to inquire whether 12,000*l.* could be saved; and he was convinced they could not be justified in refusing such an inquiry. The reasons for continuing or abolishing the office would appear before the committee. Last night a proposal was made by the Chancellor of the Exchequer for the relief of the distressed; he (Mr. P.) had declined entering into the details of that proposal, and would still reserve to himself the liberty of remarking freely upon its merits: but the proposal was an acknowledgment of the great distress of the country, and of the necessity of stepping forward in support of the distressed. In such a state of things, the smallest saving was of importance. By this plan of relief they rendered it necessary to collect additional revenue from the people to pay the interest of the loan. When they applied to them for this purpose, might it not be objected, "You claim from us a few thousands for the relief you afforded us, but you refused to inquire whether 12,000*l.* of the public money could be saved."

Mr. B. Bathurst said, the duties of the office could be executed by only a single individual; an individual of address and attention, who should take a particular interest in that province, and attend to its duties with undivided assiduity. All expressed themselves satisfied with the manner in which the present secretary had discharged his duties. This was gratifying to him; but the question was, whether the business of this office could be administered in conjunction with any other department. The debate of last night had no reference to this subject. They (his Majesty's Ministers) were animated with the strongest desire to alleviate the distresses of the country. He would challenge any gentleman to point out one instance in which they had not attended to Retrenchment, and promoted economy to the utmost of their power. Gentlemen who had had opportunities of thoroughly knowing the nature of the duties to be performed in this department did not consider its existence unnecessary. The occupation of mind it called for rendered it of the greatest importance. In a different state of the country it might perhaps be dispensed with. When all the effects and immediate consequences of the

war were at an end, it might perhaps find its way to the sinecures: but while the country remained in its present state, it was indispensable. He must, therefore, object to the motion.

The House then divided, when there appeared—

For the motion 87—Against it 190—Majority 103.

DEBATING SOCIETIES.] Sir M. W. Ridley, in rising to move for a copy of the petition of the Academical Society, in Chancery-lane, to the Quarter Sessions of London, for a license to hold their meetings according to the provisions of the late act, said, that it would not be necessary for him, after the conversation that occurred last night, to trouble the House with many observations. The question would be discussed more at large on a subsequent occasion; for he now understood that the case of the Academical Society was not the only instance in which an unwarrantable and oppressive construction had been given to the act. There was another society called the Philosophical Society, nearly in similar circumstances, on whose application to the magistrates for a licence he intended to give notice of a motion. The City Philosophical Society was established in 1808, for the discussion of political and philosophical subjects. It of course came under the regulations for checking seditious meetings, and was under the necessity of applying for a licence, which it did at the Quarter Sessions of London, on the 14th of April. The House would be surprised to hear that the bench of magistrates had not complied with the application. The licence was refused, but on grounds different from those assigned for resisting the petition of the Academical Society. The magistrates did not require it to abstain from any topic of discussion, as a condition for licensing its meetings, but required a list of the subjects it was to discuss, and a definition of what its title or constitution would allow it to introduce. The society refused to comply with this condition. Its meetings were in consequence suspended, and he was sure he should astonish the House, when he mentioned, that the Recorder of London was present, and concurred in the views of the Bench, as one of the magistrates. If the magistrates of London, who were accustomed to expound the law, and to hear it expounded, who were men of education and information, with a learned judge at their head, were thus ignorant of the true construction of the late act, what would be the consequence of leaving its provisions to be interpreted by other magistrates, not so well informed, with a less vigilance public to watch them, and with fewer facilities of legal correction? (*Hear, hear.*) The extent to which the zeal or the ignorance of such men might carry them might easily be conjectured; and the danger to the liberties of the people from their conduct might easily be admitted,

when he mentioned, that in one part of the country a Mineralogical Society had been refused a licence, because the magistrates were of opinion that the study of mineralogy had a blasphemous tendency. (*Hear, hear, and a laugh.*) The hon. baronet said, he was far from accusing the magistrates of London of any evil intention; he merely wished to state that they had mistaken the proper construction of the act. The right hon. gentleman opposite (Mr. B. Bathurst), and the noble Viscount, (Secretary for the Home Department), had admitted the misinterpretation; they had admitted that neither the framers of the late bill, nor the Legislature, could intend to understand by its clauses regarding philosophical societies, what the magistrates in the cases alluded to had understood by them; but nothing had been done in consequence, and if Parliament did not interfere, all freedom of debate or discussion was at an end. (*Hear.*) If the noble Secretary could find time to write circulars to abridge the liberties of the subject, it might have been expected that he would have made some exertion to explain to magistrates in so essential a point the meaning of the law, and instruct them in a more judicious discharge of their duty. (*Hear, hear, hear.*) The hon. baronet concluded by moving for a copy of the petition to the magistrates of London, by the Academical Society that meets in Chancery-lane, for a licence, on the 18th of April.

Mr. B. Bathurst had no objection to the motion, and would have abstained from any observation at present, had he not been called up by the allusion, which the hon. baronet had travelled out of his way to make, to a noble relative at the head of the Home Department. It had been said, that the noble Secretary might be better employed in writing letters to instruct the magistrates in the interpretation of the law, than in writing circulars to abridge the public liberty. The hon. baronet had assumed here two things which remained to be proved, and which he, when the proper opportunity offered, might shew to be unfounded—namely, that the circular alluded to was contrary to law; and that the Secretary of State was bound to instruct magistrates in the proper construction of the late act. Till the former of those points were proved, the noble Secretary could not be accused of abridging the liberties of the subject. He had acted on the best advice, and what he had done would be found conformable to law and justice. With regard to the second point, he denied that it was the duty of the Secretary of State to instruct the magistrates in the interpretation of acts of Parliament. (*Loud cries of hear, hear.*) Such was the doctrine held by an hon. and learned gentleman (Mr. Brougham) who had said that magistrates were to exercise their own discretion and judgment in applying and understanding the laws, untrammelled by the instructions of a Minister. The question with regard to the circular was, whether it was ac-

cording to law—a point which might be argued on a future occasion. With regard to the case of the Mineralogical Society, the construction of the act was so absurd, that any law, however easily understood, might be perverted to any purpose by persons who could so far transgress the common rules of interpretation, as had been done in that case.

Mr. Brougham allowed, that the right hon. gentleman (Mr. B. Bathurst) was right in quoting his observation, that it was not the duty of Ministers to instruct the magistrates in the performance of their duty; and he (Mr. B.) found fault with Lord Sidmouth's circular, because it directed magistrates how to fulfil their functions and execute the law. (*Hear, hear.*) His hon. friend (Sir M. Ridley) had not chalked out this line of duty for the noble Secretary, nor approved of his writing circulars of one kind or another. He had merely said, that, instead of instructing the magistrates to abridge the liberties of the subject, Lord Sidmouth would have been more laudably employed in explaining an oppressive law in their favour. He had not required from him an explanatory letter in one case or another, but merely stated the preference that should have been given to an endeavour to interfere in favour of liberty, than against it. Without delivering any opinion, whether or not the doctrines in the circular were conformable to law, he (Mr. B.) thought the great question with regard to Lord Sidmouth's conduct, was to be decided on other principles—namely, whether a Secretary of State could expound the law to magistrates, and tell them authoritatively how to perform their duty. The only expounder of the law that the Constitution allowed was Parliament. (*Hear, hear.*) Upon whose authority did Lord Sidmouth proceed in expounding the law?—Upon the opinion of two individuals, two servants of the Crown—the Attorney and Solicitor-General. Upon the legal, professional, hired, and paid for dicta of two officers, the Secretary of State had directed the magistrates of England what class of men they were to punish, and how they were to proceed in executing the law; and had thus been guilty of one of the most unconstitutional acts that ever a Minister committed in the exercise, or rather the transgression, of his duty. (*Cries of hear.*) He hoped the notice taken of the late acts, and the disgraceful conduct to which they gave rise, or for which they furnished the pretext, would operate as a warning and caution to magistrates. An extraordinary zeal seemed to prevail, and descended to all the gradations of office, even lower than on former occasions. He alluded to the conduct of the town-clerk of Liverpool on a late occasion, which had filled the country with indignation from one end to the other. (*Hear, hear.*)

Alderman Atkins defended the magistrates of London. They only required a definition of

the subjects to be discussed by the Philosophical Society.

Mr. *Tierney* said, the society called their subjects of discussion philosophical, and asked what definition the worthy alderman himself would give of philosophy?

Mr. Alderman *Atkins* confessed himself puzzled.

LIST OF THE MINORITY

ON MR. TIERNEY'S MOTION.

Anson, Sir George	Milton, Viscount
Atherley, Arthur	Monck, Sir Charles
Aubrey, Sir John	Moore, Peter
Banks, Henry	Mosely, Sir O.
Bastard, E. P.	Morland, S. B.
Burrows, Sir W.	Newman, R. W.
Bauham, Jos.	Neville, Hon. R.
Baring, Sir Thomas	Newport, Rt. Hon. Sir J.
Barnett, J.	North, Dudley
Bennet, Hon. H. G.	Nugent, Lord
Birch, Joseph	Orl, W.
Brand, Hon. Thos.	Osborne, Lord F.
Brougham, Henry	Ossulston, Lord
Campbell, Gen. D.	Peirse, Henry
Calvert, Charles	Power, Richard
Carter, John	Ponsonby, Rt. Hon. G.
Coke, Thomas	Powlett, Hon. W.
Carew, R. S.	Prittie, Hon. F. A.
Duncannon, Viscount	Proby, Hon. Capt.
Ebrington, Viscount	Phillimore, Dr.
Elliot, Rt. Hon. W.	Pym, Francis
Fazakerley, N.	Ramsden, J. C.
Fergusson, Sir R. C.	Russell, Lord G. W.
Fitzgibbon, Lord W.	Scudamore, Robert
Fitzroy, Lord John	Sharp, Richard
Gtattan, Rt. Hon. H.	Shelley, Sir J.
Grenfell, Pascoe	Saville, Albany
Grant, J. P.	Smith, John
Gordon, Robert	Smith, Sam.
Hamilton, Lord A.	Smith, Abel
Harcourt, John	Smith, Wm.
Heron, Sir Robert	Smyth, J. H.
Hewith, H.	Speucer, Lord R.
Knox, Thomas	Tavistock, Marquis
Lamb, Hon. W.	Tierney, Rt. Hon. G.
Lambton, J. G.	Teed, John
Latouche, Rob. jun.	Walpole, Hon. Gen.
Lewis, T. F.	Waldegrave, Hon. W.
Lytelton, Hon. W.	Warre, J. A.
Marryat, J.	Wilde, Gen.
Macdonald, James	Wilkins, Walter
Mackintosh, Sir J.	Wynn, C. W.
Martin, John	Williams, Owen
Mathew, Gen.	

TEIIFRS—Calcraft, John—Ridley, Sir M. W.

PAIRED OFF.

Barnard, Viscount	Hill, Lord Arthur
Cavendish, Lord G.	Lefevre, C. Shaw
Cavendish, Hon. H.	Lloyd, J. M.
Cavendish, Hon. C.	Molyneux, H.
Curwen, J. C.	Parnell, Sir H.
Foley, Thomas	Philips, George
Foley, Hon. A.	Ponsonby, Hon. T. C.
Folkstone, Viscount	Russell, R. G.
Guise, Sir Wm.	Western, C. C.

. Lord Sefton voted, and the Hon. F. S. Douglas paired off in favour of the motion, and their names are by mistake omitted.

HOUSE OF LORDS.

Wednesday, April 30.

[LORD SIDMOUTH'S CIRCULAR LETTER.] Earl *Grey* stated, that in the opinion of the law-officers of the Crown, there was a reference to an opinion given by their predecessors, in 1801, in the cases of *Thomas Spence* and *Alexander Hogg*; and as he trusted there would be no objection to the production of that document, he would now move for it. The subject was one of as great magnitude and importance as any that ever was brought under their lordships' consideration; and it was of the highest consequence that every possible information respecting it should be produced. The doctrines now promulgated in the circular letter of the Secretary of State, upon the authority of the law-officers of the Crown, certainly involved a most important novelty in the practice of the Constitution, and a violation of the law, according to the best opinions. He would, however, say nothing farther on the subject at present, but move for the opinion given by the law-officers of the Crown in 1801, referred to in the opinion now laid on the table.

The Earl of *Liverpool* had not sufficient official knowledge to enable him to say whether there was any such opinion in the office. It might turn out, that the law officers in 1801 had acted upon their own opinion on the subject in the cases of *Spence* and *Hogg*; and that there was no opinion upon a case laid before them by the Secretary of State. He hoped, therefore, the noble earl would postpone the motion till the proper inquiries should be made, in order to ascertain whether there was any such opinion in the office.

The Lord Chancellor was not at present acquainted with the cases referred to; but if the noble lord would postpone his motion, he would take care to inform himself.

Earl *Grey* agreed to postpone the motion till Friday or Monday, expressing his doubt whether the cases referred to would be found to bear at all upon the subject of holding to bail by justices of the peace, on account of such alleged offences as those stated in the circular letter.

HOUSE OF COMMONS.

Wednesday, April 30.

[CLERGY REGULATION BILL.] Mr. *Manners Sutton* rose to move for leave to bring in a bill to amend and consolidate the different acts for regulating the residence of the clergy.—In the first place, he begged leave shortly to state what the course hitherto pursued by Parliament had been toward the accomplishment of that end, viz. the enforcement of residence on the benefices held by spiritual persons. The act of Henry VIII., whatever had been its merits ori-

ginally, or its ultimate practical inconvenience, remained in full force till the 43d of the present King. This act, which was then substituted for the former statute, was prepared by his right hon. and learned friend, the member for the University of Oxford, (Sir W. Scott,) and gave certain powers to common informers, which had been perverted a few years ago into an instrument of grievous injustice and oppression. To such an extent had the system of persecution been carried, that Parliament felt itself bound to interfere by the extraordinary step of enacting, that all the existing prosecutions under the statute should be suspended, and the temporary act of the 54th of the King was passed. The clause by which it was made temporary, was not founded upon the consideration that the evil also was of a temporary nature, but for the purpose of affording a future opportunity of bringing the whole subject in the form of some general and digested measure before the attention of the House. This was expedient, both for the defence of the clergy, and for the due performance of their duties to the public. The act of the 54th was on the eve of expiring, the consequence of which would be the revival, in all its parts, of the act of the 43d, and the exposure of the clergy to all those hardships and inconveniences from which it had been judged necessary to relieve them on a former occasion by a very unusual proceeding. Assuming, therefore, that it was not proper to leave the law in its present state, or to throw the beneficed clergy headlong into the grasp of common informers, he apprehended that it was still advisable to recur to the general principle and leading provisions of the 43d of the King. Many of its enactments were excellent, and the country at large was under the highest obligations to his right hon. and learned friend for the success with which he had executed a stupendous undertaking. The measure which he was proposing to introduce fell very far short indeed of the labour employed in the preparation of that act, which was the production of deep research, and of distinguished talents. Its author had undoubtedly been assisted in the execution of the task by possessing the entire confidence of that House, of the clergy, and the public; and thirteen years' experience of its beneficial effects had shewn that this confidence had not been misplaced. All the real inconvenience had arisen, not out of the act itself, but of an extravagant abuse of the powers vested by it for a necessary purpose in the common informer. He considered that, by checking the liability to the repetition of that abuse, he should be furthering the end of the act itself, and carrying into effect the intentions of the Legislature. (*Hear, hear.*) If he could flatter himself that he had now laid a foundation for the adoption of some new proceeding, it appeared to him that there were in this view but two courses to be pursued—either to revise

the temporary act of the 54th of the King, or to pass the bill which it was his desire to introduce. The first was open to all the objections that applied to temporary laws; and if, upon the general principle, such a system was deemed vicious, it was calculated in this instance to produce particular disadvantages. It left the minds of the great body of the clergy, who were men of retired habits, and living at a distance from the capital, in an unsettled understanding of the existing law, and under constant apprehensions that every session of Parliament would bring some new alteration. This change and uncertainty tended likewise to cast odium on their character, and create prejudices in the public mind, from the opinion that new laws were perpetually required to coerce the clergy, as if they were less zealous in the discharge of their duties, less correct in their habits, and, in one word, less professional than they were formerly. Although in his conscience he believed the fact to be directly the reverse, yet, when once this impression was received, it opened a wide door to slander, and led to a disposition in many to hold up some particular individual as a fair example of the whole body. He hoped, therefore, that his bill would at least be examined and discussed, before the House resolved again to have recourse to a temporary enactment; conceiving, as he did, that, if possible, such a measure ought to be avoided. The bill had been prepared in a quarter which must necessarily possess the respect and confidence of the clergy; he meant, that it had been framed by the bench of bishops, and he need hardly add, with that care and industry which might be expected from their stations, their responsibility, and, as he should say, from their peculiar fitness for the undertaking. It contained not any new code of laws, although its object was not confined simply to the enforcement of residence, but extended also so far to the regulation of curacies as to embody in one act all the statutory penalties affecting either the beneficed or the stipendiary clergy. The act of Anne, for regulating the stipends of curates, had been amended by the 56th of the King, which had been since amended in all its parts by the act of the 53d. All the provisions of this latter statute were substantially introduced into his bill for the convenience of bringing the two subjects together, and not for the purpose of legislating anew respecting them. He hoped he had now said enough to shew the general spirit of the combined measure he had in contemplation. Its great principle was, as far as possible, to promote residence. So long, however, as pluralities continued, and men were subject to sickness or infirmity, some exceptions must be allowed; and one of the regulations of the bill provided in such cases, that an absence thus occasioned should be supplied by a licensed curate, with a remuneration adequate to the la-

bours he performed, and the responsibility he incurred. There were also some additional regulations with regard to the occupation of farms by the clergy, the law of which had remained in its present inconvenient state since the Revolution. Upon the whole, he trusted that, whilst the measure would effectually secure the clergy from oppression, it would, at the same time, provide for the just rights and interests of the public, and that it would appear especially, that whatever could tend to lower or degrade the character of the former had been studiously avoided. If he should obtain leave to bring in the bill, it was his intention to move that it be read a first and second time, for the purpose of then leaving the blanks open, and printing it for the use of members, till a day should be appointed for taking it into consideration. He believed there would be no objection to this proceeding, and should therefore now move for leave to bring in a bill "to consolidate and amend the laws relating to spiritual persons holding of farms, and for enforcing the residence of spiritual persons on their benefices, and for the support and maintenance of stipendiary curates in England." (*Hear, hear.*)

General Thornton signified his assent to the motion, but trusted that the laity were still to retain the power of interfering in the discipline of the church whenever it should appear to be neglected.

Mr. Babington wished to know, as the subject was of great importance, what were the principal amendments of the existing law which the hon. and learned gentleman intended to submit.

Mr. Manners Sutton felt some difficulty in at once answering the question of the hon. gentleman, as the alterations were of a nature to be best understood when examined in the bill itself. With regard to the 53d of the King, the clauses providing for the support of stipendiary curates were differently arranged, but the principle remained substantially the same.

Mr. Brougham did not desire that the hon. gentleman should go through all the clauses in detail; but if there were any substantial difference, it would be better to communicate it to the House, as it was proposed that the bill should pass through two stages without discussion.

Mr. Manners Sutton replied, that the bill would follow the course pointed out by the act of the 43d of the King, and conclude by re-enacting the provisions of the act of the 53d, with regard to the allowances to curates; and as to the subject of farming, would allow the clergy to take a farm to the extent of 20 acres, with licence from the bishop, not merely with a view to the sustenance of their families, but of enabling them to add to the convenience of their glebe land. The regulations for enforcing residence had been abused by the former, not upon their substance, but their letter; and with a view of remedying any inter-

mediate inconvenience, the bill would provide for suspending all prosecutions for six months farther, after the expiration of the act of the 54th. For the purpose of guarding against any possible trap which might be left open, the ecclesiastical year was made to begin on the 1st of January, and end on the 31st of December; and it was enacted, that all licences for non-residence should in future be limited to two years, always ending on the 31st of December. By this means, the bishops, being always aware of the expiration of these licences, would enjoy a security which it was not easy for them to possess, whilst every separate licence had a particular duration. On the stipendiary clergy, the alterations consisted in little more than in what might be called a dislocation of the clauses in the former act.

Lord Ebrington observed, that the expectation of this measure had excited much apprehension in the clergy generally, as it was believed that it contained some regulation for enlarging the power of the bishops, at the expense of the parochial clergy. This was one reason for not pressing the bill over two stages without inquiry. He wished to know whether there was any clause enabling the bishop to appoint a curate, wherever he thought the duty was not adequately performed by the incumbent.

Mr. Manners Sutton said, there certainly was a clause of that description, but it conferred no new power whatever; it merely provided a shorter process of executing what was already law.

The bill was brought in, read a first time, and ordered to be printed.

[SALT DUTIES.] The Chancellor of the Exchequer moved, that a select committee be appointed to "consider of the use of Rock Salt in the fisheries; of the regulations respecting the use and storing of refined salt, and of the allowances of salt duty free for the Fisheries; of the duties on Foreign Salt imported, and of the state of the duties upon mineral and other alkali; and to report their opinion thereupon to the House."

After a few words from Lord Lascelles and Mr. Curwen, the motion was agreed to, and the Committee named.

[POOR RATES.] Lord Lascelles rose, pursuant to notice, to move for leave to bring in a bill to make lead mines chargeable to the Poor Rates. His lordship observed, that it would not be proper to subject the adventurer to these rates, inasmuch as the mines were matters of great risk: all he wished was, to render the proprietors chargeable to the relief of the poor. An opinion had gone abroad, that he intended to charge the adventurer; but this he did not mean to do. If the House should permit him to bring in the bill, he would merely move to have it read a first time, and that the second reading should stand over till the 19th of May. In the interval, the House would have an opportunity of considering how far leases would be affected

by the stipulations in existing leases for the payment of all Government and parochial taxes.

Lord *Milton* seconded the motion, and observed, that though this bill would establish a new law, it would not enact any new practice, as he had received information that, for upwards of twenty years past, the proprietors of these mines had been rated towards the relief of the poor.

Mr. *D. Gilbert* gave his hearty concurrence to this measure.

Mr. *Gurwen* said, that the proprietors ought to bear some part of the burden of relieving the poor; and he trusted there would be no objection to the introduction of the bill.

Sir *C. Monck*, Lord *Lascelles*, and another Member, said a few words, when the motion was agreed to, and the bill was brought in and read a first time.

POOR EMPLOYMENT BILL.] The *Chancellor of the Exchequer* brought in a bill to enable the Commissioners of the Treasury to issue 1,500,000*l.* in Exchequer bills, under certain limitations, for the furtherance of public works of utility, the encouragement of the fisheries, and the employment of the poor, for a limited time, securities being given for the repayment.—Read a first time and ordered to be printed.

The Window Duty Bill was read a third time, and passed.

Mr. *Lushington* brought in the State Lottery Bill, which was read a first time.

HOUSE OF LORDS.

Thursday, May 1.

SEDITIONS MEETINGS.] Earl *Spencer* presented a petition from the Academical Society, in Chancery Lane, similar to the one presented from the same body to the Commons. (See page 748.) His lordship did not intend to propose any farther proceeding than that the petition should be laid on the table; he ther believed that no redress could be given.

The Earl of *Darnley* could not help saying, that the petitioners had very serious cause of complaint. There was nothing in the act that could bear the construction which had been put upon it; but when their lordships saw that magistrates for the county of Middlesex had so misconstrued it, they would consider how liable it was to be misconstrued by magistrates for other places, who might be presumed to be less enlightened. It was well worth while, therefore, to consider, for the sake of the public, whether some steps ought not to be taken with a view to amend the act, so as to prevent the possibility of misconstruction; though he did not pledge himself to propose such a measure.

The petition was laid on the table.

The Window Duty Bill was brought up from the Commons, and read a first time.

HOUSE OF COMMONS.

Thursday, May 1.

WOOL TRADE.] Mr. *Burrell* said, he held in his hand a petition relating to a very important subject, viz. to the laws which regulated the growth, trade, and manufacture of wool. The petitioners, who consisted of a number of respectable wool growers in the neighbourhood of Bighthelmstone and Shoreham, in the county of Sussex, considered themselves much aggrieved, that there should be so little restraint on the importation of foreign wool, whilst the prohibitions on the export trade gave the manufacturer a monopoly of all wool of British growth. He would remind the House, that the price of this article had lately fallen 50 per cent. or from 3*s.* to 1*s.* 6*d.* per lb.; and yet he believed that few gentlemen perceived any alteration in the price of clothes. The petitioners, in order to prove to the House the great reduction in the value of Wool grown in the United Kingdom, caused by a prohibition of export, and their being prevented seeking a better market, when their own is overloaded with foreign wool, referred to a work published many years since, by the Rev. *John Smith*, intitled "Memoirs of Wool," and from which extracts are made in *Adam Smith's* "Wealth of Nations." They prayed the House to protect them from a ruinous foreign competition, ruinous, because arising from countries in which the occupiers of land are not subject to Poors' Rates and other charges; or if this prayer should not be granted, they at least asked permission to seek a remunerating price elsewhere, when their home market is glutted with Wool imported duty free; and on the strongest principles of equity, if they were still to remain subject to a free and unrestricted import, they respectfully claimed at the hands of the House, as free and as unrestricted export.

Mr. *Weston* had a similar petition to offer to the House, signed by six hundred respectable wool in the county of Essex, praying that the House would take this subject into its serious consideration. The distresses under which the agriculture of the country laboured, had been recognized in the last session of Parliament, and a committee appointed to inquire into the best means of relieving them. Whilst the manufacturers however had been heard, no opportunity of stating their case had been afforded to the wool growers.

Lord *Lascelles* observed, that at the appointment of the committee alluded to, it was found impossible to investigate the whole subject; and the consequence was, a resolution to limit the inquiry in the first instance to the state of the wool trade. The result was, that it appeared that wool had borne a sufficient price up to that period, and had not therefore affected the agricultural interest. The committee sat before Easter, so that

there was ample time for hearing the evidence of the wool growers, but not one attended to make any communication. With regard to the general question of policy, he must oppose the prayer of these petitions at all times, but he thought the distress of the manufacturing interests an unanswerable objection to it at the present period.

Mr. D. Gilbert had a similar petition from certain growers of wool at Lewes and Eastbourne; and although he agreed generally with the principle of the noble lord, he thought some alteration might take place in the laws affecting importation without any injury to the wool trade.

Mr. F. Lewis was strongly of opinion, that it was the duty of the House to go into a full inquiry upon this subject. The whole system of these laws was a reproach to the country, and presented an anomaly more pregnant with absurdity than any part of what was called the commercial system.

Mr. Curwen urged the necessity of an inquiry on the subject: but admitted that it would lead to a very wide and important investigation, comprehending not merely our domestic interests, but our foreign policy.

Mr. Shiffner remarked, that all the petitioners required was, such a duty on imported wool as would secure to them a fair remunerating price for that of their own growth.

The petitions were then presented, and ordered to lie upon the table.

CATHOLICS.] Mr. Grattan said, he had a petition from the corporation of Dublin, the presenting of which by himself, he trusted, would not be held, any more than on a former occasion, to derogate from the ancient privilege of that city, of presenting its petitions to the House in the person of its mayor. The prayer of this petition was, that the House would make no concessions to the claims of the Roman Catholics. As the member for that city, he deemed it his duty to present it, although he totally and entirely differed from the opinion of the petitioners; but he owed too much respect to those who had done him the honor to elect him for their representative, to pass any observation or criticism upon it, and he should move that it be read, hoping only that he might be allowed to lament what he would not presume to condemn.

The petition was read, and ordered to lie upon the table.

PARLIAMENTARY REFORM.] Sir F. Burdett presented a petition from the freeholders and other inhabitants of the town of St. Ives, in Huntingdonshire, praying for a Reform in Parliament.—Convinced as he was, and as the petitioners appeared to be, that every political evil under which they laboured, was in some way or other connected with the notorious corruptions of that House, he hoped they would persevere in firmly demanding their constitutional rights, and felt great satisfaction in presenting this petition.—Ordered to lie on the table.

WELCH JUDGES.]—Mr. Ponsonby, in rising to call the attention of the House to the propriety of suffering the Welch Judges to sit in Parliament, said, that the great number of communications which had been made to him on the administration of justice in Wales, induced him to alter the shape of the motion of which he had given notice. (See page 643.) He could assure the House, that he had not spoken to one gentleman who approved of the mode of administering the laws in that part of the kingdom. He should therefore feel it his duty to move, instead of his original notice, that a select committee be appointed to "inquire into and report to the House their opinion touching the laws relating to the administration of justice in Wales."

Sir W. W. Wynn seconded the motion; and observed, that this subject deserved the most serious investigation.

Lord Castlereagh had no difficulty in concurring with the motion; but wished it to be recollected, that the mode of administering justice in Wales was distinguished from that which pervaded the other parts of the country.

Mr. Ponsonby was desirous of having it understood, that he did not mean to cast a slur on any particular parties: he complained generally of the mode in which justice was administered in Wales.

The Attorney-General said, if the question which was fixed for to-night had been brought on, he should have thought it his duty to have explained some matters which related more particularly to himself in his judicial capacity. He was extremely anxious to have an opportunity, which indeed now presented itself, of speaking on that subject. (The hon. and learned gentleman here defended himself against a charge of having postponed the Chester circuit for a week on account of a special retainer which he had received to go to Launceston in Cornwall. He denied that he had neglected the claims of public justice for the sake of private lucre. The cause at Launceston was tried on a Friday, and he was at Welchpool the first assize town, even before the sheriff was ready to go to church.)

Sir M. W. Ridley said, he had received information on which he could rely, that induced him to suppose that the Chester circuit was delayed beyond the usual period. He did not know whether the Attorney-General could take special retainers. In his opinion, and according to his information, there had been great inconvenience on the part of the gentlemen of the bar, from having the circuit postponed: and he trusted that the observations which had been thrown out would prevent the recurrence of this circumstance. (Hear, hear.)

The Attorney-general would only say, upon his word of honour, that he did not think the delay had been attended with any inconvenience to the bar. When Lord Ellenborough was Attorney-General, he took special retainers to the last.

Mr. C. W. Wynne said, that he had been that circuit for 7 years, and the Chief Justice had always thought himself at liberty to make very great deviations in fixing the time of the assize. In the present instance he did not think that any inconvenience had been occasioned by delay. With respect to the motion then before the House, for appointing a committee to inquire into the administration of justice in Wales, he thought it extremely wise and proper, and gave it his entire assent.

Mr. Abercromby by no means wished to prolong the conversation on this subject, as he did not think this sort of discussion was calculated to raise the character of the professor which was not too popular already within the walls of that House. (*Hear, hear.*) Considering the matter in the most favourable point of view, he had every reason to believe that the assize was not held by two days later than it ought to have been. The gentlemen of the bar certainly complained of it as a great inconvenience.

After a few words from Mr. Hall, Mr. Barham, Sir J. Nicholl, and Mr. Davenport, who all concurred in the motion,

Mr. Macdonald rose and expressed a hope that this would be the last time that these two offices (of Attorney-General and Chief Justice of Chester) would be vested in the same person. (*Hear, hear.*) Very considerable inconvenience must always arise from this union, and he trusted the Committee would direct their attention particularly to this subject. (*Hear, hear.*)

The motion was then agreed to, and the Committee was named, consisting of Mr. Ponsonby, the Chancellor of the Exchequer, the Attorney-General, Mr. Wynn, Sir A. Pigott, and others.

USURY LAWS.]—Mr. Sergeant Onslow, in moving for leave to bring in a bill to repeal the laws that regulate the rate of interest, did not propose to go into the subject at length, as it had been fully discussed on a former occasion; he must, however, remind the House, that these laws were not only attended with no good effects, but were productive of the most pernicious consequences; and though they had now existed for a great length of time, and derived some sanction from their antiquity, it was a most mistaken notion as to the views of the first framers, which had supported the sanction they enjoyed, and the prejudices which prolonged their existence. These laws had originated in a wish to open, not to limit, the rate of interest. Before their enactment it had been forbidden to take any interest at all on the loan of money. Every profit, even the smallest, derived from such a loan, was branded with the name of usury; and it was with a view not so much to limit the rate of interest, as to protect those who took any, that the laws in question were framed. He had last year proposed a repeal of these laws, but was advised by the friends of that measure to delay for a short period, and he was glad he did; for in the interval

the republication of Mr. Bentham's admirable work on the subject had served very generally to enlighten the public mind. The unanswerable arguments and clear statements of that gentleman had fully shewn the inexpediency and mischief of these laws; and it was, therefore, the less necessary for him to enter at length into the arguments against them. It was perfectly clear, that the more restraints were laid on money transactions, the higher always was the amount of interest actually paid on loans; and the effect of these regulations had only been to oppress and ruin the sinking tradesman; who, but for them, might have saved his credit by obtaining a temporary assistance at the fair market rate of the commodity. He had been told, on a former occasion, that all this might be true, but that the repeal of these laws would have an ill effect in the contracts made for loans on the credit of the public funds, which being regulated by the legal rate of interest, the public at least was a gainer by borrowing money at that rate. The fact, however, was the very reverse of this; and the loans contracted for by the public were, in reality, never affected by the legal rate of interest, but regulated, like all other money transactions, by the relative state of demand and supply, the credit of the borrower, and the opportunities of the lender. It was true that, at the time that argument had been used, some circumstances then affecting the price of stocks gave it the appearance of having weight; but those stocks had now risen 10 per cent.; the rate of interest paid by Government had lowered in just the same proportion as in every other quarter, and the argument could no longer have any force. Other objections that had been urged, were the apprehension of detriment to the landed interest, and loss to those who had borrowed money on mortgage. It was proved, that the fluctuations which the rate of interest might experience, in consequence of the repeal of the usury laws, would induce the lenders of money on mortgage security, frequently and suddenly to call in their principal, and expose the borrower to the danger of a foreclosure, or to the expense and trouble of repeated conveyances and reconveyances: but that inconvenience had been felt, and was daily felt, under the existing system to a much greater degree than it possibly could under any other. Nothing was more common than for a lender to call for a repayment of his principal at a time when the market rate of interest, being 6 or 7 per cent., it was impossible for the mortgagor to prevent a foreclosure, except on the most ruinous terms: either he was driven to sell his land at a time of sudden depression, when half its value could not be obtained, or (as he was precluded by law from raising money on the usual security at 6 or 7 per cent. if that happened to be the market rate) he was compelled to borrow by granting annuities at the most exorbitant rate. The common mode of late years had been, to grant annuities for a term of ninety-nine years, deter-

minable on three lives, at fifteen per cent. : or determinable on four lives, at fourteen per cent. He knew an instance of an honourable member, a most respectable man, who, being called on to repay money he had borrowed on mortgage for the improvement of his estate, could only meet the demand by borrowing at this ruinous rate. It was owing to this that estates had been sold for nothing in the very worst times ; for, though Courts set their faces as much as possible against foreclosures, yet they could not be altogether prevented. It had farther been objected, that the repeal of these laws would be hurtful to the monied interest, who would be tempted to loss by lending their money at high rates to speculators and projectors. He left it to the good sense of the House to determine, whether so circumspect a body as monied men were in general, would be likely to lose much from a neglect to exact sufficient security on their loans. It was absurd to conceive them incapable of directing their own affairs, and unjust as well as impolitic to intermeddle. Adam Smith had said, with great truth, that they were always more likely to lend to the thrifty than to the improvident. Besides, the word "projectors" was an unmeaning and idle word, conveying an indefinite interpretation, on an indefinite class of men. For himself, he deemed it impossible to draw any line, and say who were projectors and speculators ; and certain it was, that the most successful schemes, as well as the ordinary progress of improvement, must, in the outset, have been no other than projects, and the production of projectors. He was fully persuaded, that every part of the empire suffered from these laws ; but if any part suffered more than another, it was Ireland. Ireland had a fertile soil, a great population, a favourable climate ; it was deficient only in capital ; it was the want of that which repressed the national energy, and prevented any increase in the stock of national happiness. He should only add, that in moving for leave to bring in the bill he should not propose to fill up the blanks under a period of several years. The learned sergeant then moved for leave to bring in a bill for the repeal of the laws which regulate or restrain the rate of interest.

Sir F. Flood said, the measure had his cordial approbation, and he was convinced the good effects of it would be felt all over the country, and through Ireland in particular. Aristotle had said that all money was in its nature barren, but that was a mistake : let it once take its own way, let it once follow its own course, and its effects would be truly beneficial. Ireland wanted only capital and a resident gentry ; if it had those advantages, it would vie with any country in Europe ; but without money no country could prosper.

On the question being put, the *Chancellor of the Exchequer* said, he did not intend to oppose the bill, with the reasons and principles of which he perfectly coincided ; at the same time some difficulties must be anticipated when it was pro-

posed to alter a system of laws which had been so long established, and which were almost interwoven with every mercantile transaction. He had some doubts, too, whether the public mind were yet sufficiently prepared, and ancient prejudices sufficiently smoothed away, for the introduction of so great an alteration in our economical system. The state of public credit, however, was such, that the question might perhaps be now safely entertained. He was quite aware of the great disadvantages the landed interest had laboured under in the procuring of money, and he should give his opinion more fully on another occasion.

Mr. Lockhart objected to the measure, that it would place the monied interest in a state of fluctuation ; and if so, they who had borrowed money on mortgage would be in a perpetual state of change, and subject to the enormous expense of frequent conveyance and reconveyance.

Sir J. Newport contended, that those fluctuations were experienced at present, and the bill proposed could not possibly augment them. The effect of the present law (forbidding the loan of money at a higher rate than 5 per cent.) was so severe and ruinous, that the Legislature itself was obliged to open a door through which the law might be evaded. In truth, if they would have a fixed rate of interest, they ought to have enforced it ; but they had established a rate, and had not enforced it, and the lender was obliged to make up the risk he ran by augmenting the price of his commodity. The high rate of annuities, too, was, in some measure, owing to the necessity of the lender being paid for engaging in a transaction which was supposed to reflect more or less disgrace on all who were concerned. It was a notorious fact, that in every country where there was no law against usury, in Holland, in Flanders, in Switzerland, money was always at a lower rate than in those countries where there were legal restraints : and that in countries where there were restraints upon the money market, the rate was high in proportion to the strictness of the law ; in all cases those laws were invariably broken through ; and in Great Britain the breach was sanctioned by the annuity act.

Mr. Martin expressed his conviction that the repeal of the usury laws would lower the rate of interest.

Leave was then given, and Mr. Sergeant Onslow, Sir J. Newport, Mr. Brougham, Mr. Abercromby and Sir F. Flood were appointed to bring in the bill.

HOUSE OF LORDS.

Friday, May 2.

[SALT DUTIES.] Lord Holland presented a petition from certain salt manufacturers in and about Chesterfield, relative to the Salt Duties. Nothing, he observed, could more tend to the relief of the country from the present general

distress than a repeal of these duties. A measure, which it was irregular to mention, was in progress in another place, having for its object to afford some relief to the nation, and alleviate the pressure of the general distress; but a repeal of the Salt Duties would be a much more effectual remedy, without any departure from the ordinary course of Government. It was but justice, however, to the petitioners to state, that they did not pray for a repeal, but only for some regulation of these duties, which they thought would be beneficial.

The petition was laid on the table.

LORD SIDMOUTH'S LETTER.] The *Lord Chancellor* stated, that upon inquiry he had found, that in 1801 no case had been laid before the law officers of the Crown for their opinion; and formerly no opinion was given as to the power of magistrates to hold to bail for libels. The cases, however, which were referred to in the opinion of the present law officers of the Crown, he believed he could now state pretty correctly. On the 13th of April, 1801, a person of the name of Seale was charged on oath before Mr. Ford, a magistrate, with the publication of a libel, entitled "Society restored to its Natural State." The magistrate issued his warrant to apprehend him, and held him to bail to appear on the first day of the next term in the King's Bench, to answer to an information for the libel. He was called on his recognizance, and appeared, and no farther proceeding took place. That was the case referred to as the case of Spence. As to the case of Alexander Hogg, he was, in 1801, charged on oath before the Lord Mayor of London, with the publication of a libel, entitled "Trials for Adultery." The Lord Mayor granted his warrant for the apprehension of Hogg, who was apprehended accordingly, and held to bail to appear to an information in the King's Bench on the first day of the next term. The recognizance, he was informed, was prepared by the then Attorney-General, the late Mr. Perceval. Hogg was called on his recognizance, and appeared, but no farther proceeding took place.

Earl Grey.—From the statement of these cases by the noble lord, he did not understand that the power of the magistrate to hold to bail for libel was there called in question. They were acts of the magistrates which had passed without question. Whether Mr. Perceval, in preparing the recognizance, acted merely as a private counsel, or as the Crown officer, did not appear. At all events, the question had not been agitated; and these instances were not to be regarded as the solemn decision of a court of justice, or the solemn opinion of the law officers of the Crown upon a case formally submitted to them by the Secretary of State. He was very far, indeed, from being satisfied that the law was in this particular such as it was stated to be by the law officers of the Crown. In point of practice, as he understood, and he had taken very considerable pains to procure accurate information, this

mode of proceeding was altogether novel, and it was a doctrine and practice most dangerous to the Constitution. The Circular Letter, too, sent by the Secretary of State to the magistrates on this subject, was, in his opinion, a most unconstitutional interference by a Minister of the Crown with the ordinary administration of justice. He felt it his duty, therefore, to call for the case laid before the law officers of the Crown by the Secretary of State, and to bring the whole subject under discussion in their lordships' House; it was a subject which well deserved their lordships' most serious consideration. He would move for the case on Monday week, and proposed that the Lords be summoned for that day.—Ordered accordingly.

The New Street Bill was read a third time, and passed.

The Window Duty Bill was read a second time.

HOUSE OF COMMONS.

Friday, May 2.

POLICE COMMITTEE.] Mr. Bennet brought up the Report of the Committee on the Police of the Metropolis; and, in moving that it be printed, observed, that the attention of the Committee had been particularly drawn to the present system of licensing public-houses; to supply the deficiencies of which, it was his intention shortly to submit a measure to the House.

BREACH OF PRIVILEGE.] Mr. Bennet said, it was with great concern that he felt it to be his duty, as Chairman of the Committee appointed to inquire into the State of the Police of the Metropolis, to bring under the consideration of the House a Breach of Privilege contained in a book recently published, and which had been sent to the Committee by the author, purporting to be "A Vindication of the Magistrates acting in and for the Tower Division, from the Charges contained in a printed Work, entitled 'The Report of the Committee on the State of the Police of the Metropolis; together with the Minutes of Evidence taken before the Committee of the House of Commons,' by Thomas Thirlwall, M.A., Rector of Bowers Gifford, Essex; and Magistrate for the counties of Middlesex and Essex." Without making any comment on the general tone of the work, which was by no means respectful towards the Committee, he would only observe, that several passages were so extremely offensive to their feelings, and hostile to their privileges, that it was thought fit to summon Mr. Thirlwall before them, to require some explanation of his conduct. When Mr. Thirlwall appeared before the Committee, he avowed himself to be the author of the work in question. But before he (Mr. Bennet) proceeded to state what had taken place on that occasion, he would request the clerk to read from the book the passages which were the subject of complaint.

The clerk accordingly (after repeating the title of the work) read as follows:—

"I have inquired into the constitution of these Committees of the House of Commons, and the mode of their proceedings, and I have no doubt others will be surprised as well as myself at the description. My impression was, that a Committee is composed of a number of members who personally attend, that the evidence of every witness, and the whole entire evidence of each witness, are entered in the Minutes, *literatim et verbatim*, and printed for the use of the House.

"My information, however, has taught me, that my impression is most erroneous, and that this was not the mode at least pursued in the examination of witnesses, upon the charges against the magistrates of the Tower Division. During the examination of several of the witnesses, the Chairman only was present; Mr. Calvert is the only member I could learn who did assist him occasionally, particularly when the house of Hanbury was in question. This honourable member very much wished Mr. Fox, of Shadwell, to give his evidence, but the private explanation of that gentleman induced him not to insist upon it.

"A considerable part of the evidence given in was not entered on the Minutes, and a very material part that was offered was not accepted. I have not the smallest knowledge of the Chairman, other than by his occasional speeches as an Opposition member, by the name of Captain Bennet, from which I infer he has not dedicated much of his time to the profession of the law, and directed his studies to the nature of legal evidence.

"It is pretty well known my loyalty to my King and attachment to the Constitution; and I had almost said enthusiastic admiration of its forms. I have contributed my part in the worst of times to its safety. I hope, therefore, that my observations will not be tortured into any intentional disrespect to the Committee. I acknowledge its authority, and bow to its decisions. But when I make this declaration, it does not follow that I am bound against my conscience to admit either candour or impartiality in the proceedings, or that if the body of magistrates are to be tried, I should not prefer Mr. Beaumont bringing his charges before my Lord Ellenborough, rather than before a Committee of the House of Commons, with even Captain Bennet in the chair. I am not partial to the Committees in the time of Cromwell, nor to the Committees in France in the time of the Revolution. I do not wish to be tried by Committees. I protest against a trial by Committees, Inquisitions, or Star Chambers."

Mr. Bennet proceeded to state, that when Mr. Thirlwall appeared before the Committee, some explanation was required from him of the passages which had been read by the clerk. He would pass over that part of the explanation which related to himself personally, and confine himself to that which regarded the last paragraph which had been read by the clerk, beginning with, "It is well known my loyalty to my

King, and attachment to the Constitution," and ending with, "I protest against a trial by Committees, Inquisitions, or Star Chambers." The Committee observed to Mr. Thirlwall that this passage contained an innuendo strongly pointed against them, and proceeded to ask for explanation on the subject. The honourable member proceeded to read the interrogations and replies, which were to the following effect:—

Q. What grounds had you for accusing the Committee of want of candour and impartiality?
—I deny doing so.

Q. Do you wish that to stand as your reply?
—Yes.

Q. How do you reconcile that denial with the comparison of a trial by the Committee, and a trial before my Lord Ellenborough?—I merely stated that I preferred the one to the other.

Q. Did you not, in the passage just read, mean to insinuate that the Committee had neither candour nor impartiality?—I object to any question tending to criminate myself.

Q. Having stated, that you prefer a trial by jury to a trial by a Committee, you add, "I am not partial to the Committees in the time of Cromwell, nor to the Committees in France in the time of the Revolution. I do not wish to be tried by Committees. I protest against a trial by Committees, Inquisitions, or Star Chambers." What was your meaning in that passage?—I meant that which I stated.

Q. Did you mean to assimilate the present Committee to Inquisitions or Star Chambers?—No. No such thing. I had no idea of the kind.

Q. What then did you mean?—I meant to fill up a period.

Q. It is likely that this subject will be brought before the House of Commons. Do you mean to stand by the answers which you have just made?—I do.

Q. Have you any thing to add to what you have stated?—No.

The Committee endeavoured in this examination to induce the reverend gentleman to make such an explanation and apology as might render it unnecessary to submit the matter to the consideration of the House, but in vain. He must say also, that Mr. Thirlwall's manner and tone on the occasion were the very opposite of what might have been expected. That morning, however, he had tendered to the Committee an explanation of the obnoxious passages, and of some of the replies in his examination. With respect to the insinuation that the Committee had neither candour nor impartiality, to the question on which he had answered that he objected to any question tending to criminate himself, he now expressed his contrition for the passage. With respect to his answer to the question relative to the Inquisitions or Star-chambers, that he meant to fill up a period, he now corrected it by stating, that it was a rhetorical figure of speech; and that he had no intention of instituting a comparison between the Committee and the Inquisition, or the

Star-chamber. He added, that perceiving the publication had given offence to the Committee, he had directed his publisher to stop the sale of it. Taking, however, the whole nature and circumstances of the transaction into their consideration, the Committee deemed them to be of such importance as to require that they should be laid before the House. He wished to be entirely guided by the House with respect to the farther proceeding which it might be advisable to adopt on the subject, his only anxiety being that the privileges of Parliament should not be compromised on the occasion. The first step, however, would be to require the attendance of Mr. Thirlwall in the House. As the reverend gentleman lived at some distance from town, and as he had his clerical duty to perform on Sunday, it might, perhaps, be inconvenient to him to attend on Monday, on which day he should otherwise move for his attendance. He would therefore move

"That the reverend Thomas Thirlwall do attend this House on Wednesday next."

Sir O. Moseley, as a member of the Police Committee, corroborated in every respect the statement which had just been made by the honourable Chairman of that Committee. As he was not a member of that Committee at the time when the reverend gentleman published his book, he was not open to the charge of being influenced by any personal feelings in giving his opinion, that as the passage in question was, in his apprehension, a libel on the Committees and the House, it ought not to be passed over without due reprehension. He must add, that if any thing could exceed the impropriety of the reverend gentleman's evidence, on being called before the Committee to explain his statements, it was the general indecorum of his conduct while before them.

Mr. Lockhart observed, that the House would have ample opportunities of considering whether the work, from which the hon. gentleman had read extracts, was a breach of privilege or not. He was totally unacquainted with the parties in the case; but he could not refrain from noticing the peculiarity of the proceedings in the Committee. They were at least unusual, and indeed, he believed, without precedent. The Committee had entered into the consideration of a breach of privilege. Now he always thought that it was the duty of a Committee of that House, or of an individual member of it, under such circumstances, to make an immediate complaint of the breach of privilege to the House, and to the House alone. He always understood that a Committee of that House could never go beyond its instructions. The Committee in question was instituted to inquire into the Police of the metropolis, and not into the nature of any breach of privilege. Instead of complaining to the House of the breach of privilege committed with respect to them, they called a witness before them, and entered into an investigation of the breach of privilege themselves.

They put questions to this witness not tending to promote the inquiry which they had been appointed to pursue; but to draw from him a confession or a denial of his guilt. He apprehended that Committees of that House were not entrusted with inquisitorial powers of that nature. To him it appeared that it would be extremely dangerous, indeed, if Committees, instead of coming at once to the House, should enter on such investigations. He might be wrong; but he was not aware of any instance on record of such a proceeding. If, as he apprehended, it was contrary to the practice of Parliament, it behoved the House to pause before they agreed to the motion made by the hon. gentleman. He wished also to ask, with what view the hon. gentleman had read the explanation which had been given by the witness of the obnoxious passages in the work? Did he intend to lay it on the table of the House or not? If he did, it came in the shape of evidence heard by a set of gentlemen in a Committee, which had no right to enter into any such examination; to which the House and the House alone was competent. He hoped that some hon. member, more experienced in the usages of Parliament, would favour the House with his opinion on this, to say the least of it, doubtful point.

The Speaker said, he apprehended, that the present was the time at which the House should pronounce, whether the passage in the work adverted to, was or was not a breach of privilege. If not, the author ought not to be called on to attend at the Bar. From what had fallen from the hon. Chairman of the Committee, he did not collect that the Committee had inquired into the actual guilt in that respect of the author of the work. All that the Committee had done, which was not unreasonable, was to ascertain before they complained to the House, whether the party advisedly persisted in the expressions that he used, or whether he was disposed by explanation to do away that which, if unexplained, might be considered by the House a breach of privilege. As matters stood, therefore, it was for the House to determine, aye or no, if there was a *prima facie* breach of privilege in the reflections which had been cast on the Committee. If the House determined in the affirmative on that proposition, they would order the attendance of the party at the bar; if in the negative, they would proceed no further in the business.

Mr. Calvert observed, that he had very regularly attended his duty as a member of the Police Committee, and that it gave him great satisfaction to witness the attention and ability of the honourable Chairman. It was not a fact that the Chairman sometimes examined witnesses alone. The Committee was in general very fully attended. He (Mr. Calvert) vindicated himself from the passage in Mr. Thirlwall's publication, ascribing to him a wish to have the evidence of Mr. Fox, of Shadwell, on which the

private explanation of that gentleman induced him not to insist. The simple fact was, that he asked Mr. Fox whether he came to the Committee to give evidence, to which he replied in the negative.

Mr. *Wrottesley* merely wished to ask, if it would be improper to defer the motion before them until the alleged libel should be laid on the table, and printed for the consideration of the House?

The *Speaker* apprehended, that a complaint of breach of privilege must in all cases be disposed of at once. Those who were conversant with parliamentary usages, knew that any publication (generally speaking), reflecting on the proceedings of the House, or of any of its Committees, was a high breach of privilege. The only question for the House to determine was, whether or not the extract, which had been read by the hon. Chairman of the Police Committee, contained such a reflection.

The *Chancellor of the Exchequer* was of opinion, that the motion of the hon. Chairman ought to be acceded to by the House. When the reverend gentleman should attend, it would be for the House to take into consideration any circumstances of extenuation which he might submit to them. All that the Committee had done was, not to extort from the party any improper declaration, but merely to afford him the opportunity of making such an explanation as might induce them to forbear their complaint to the House.

Mr. *Wynn* contended, that on the very face of the transaction, the House had no discretion to exercise. With respect to any apology that might have been made by the individual in question, the House could take no cognizance of it, for it was not officially before them. It could not consider the explanation of the party, either as an extenuation, or as an aggravation of his conduct, unless that part of the evidence were reported to them by the Committee. There was but one course to pursue, namely to agree to the motion.

Mr. *S. Lefevre* bore testimony to the temperate, impartial, and judicious manner in which the proceedings of the Committee had been conducted by the hon. Chairman.

Mr. *Broderic* contended, that the Committee, in the course which they pursued with respect to the subject in question, had not exceeded their authority.

The *Speaker* suggested to the hon. Chairman of the Committee, that after the present motion should be disposed of, it would be his duty to move, that there be laid before the House so much of the Minutes of Evidence as related to the explanation given in the Committee. The House being in possession of that explanation, and hearing any thing further that the party might have to state at the bar, would then be enabled to come to an ulterior decision on the subject. At present, the only question before them related to the attendance of the party.

The motion for the attendance of Mr. Thriwall on Wednesday was then agreed to.

On the motion of Mr. *Bennet* it was then ordered, that there be laid before the House a copy of so much of the Minutes of Evidence taken before the Committee as related to the matter complained of.

Mr. *Bennet* immediately brought up that portion of the Minutes, which was ordered to be printed.

IRISH GRAND JURY PRESENTMENT BILL.]

On the motion of Mr. *Cooper*, and after a few observations from Mr. *Abercrombie*, Mr. *Prittie*, Mr. *Ponsonby*, Mr. *Peel*, Mr. *V. Fitzgerald*, and Sir *F. Flood*, this bill was ordered to be committed on this day six months. At the same time, Mr. *Cooper* expressed his intention of bringing on, before the close of the session, some measure to give effect to the material provisions contained in the present bill.

HOUSE OF LORDS.

Monday, May 5.

The Window Duty Bill was committed, and other bills were forwarded in their respective stages.

HOUSE OF COMMONS.

Monday, May 5.

LONDON TITHE BILL.] Sir *W. Curtis* moved the second reading of a bill which had been introduced for the purpose of providing specific annual stipends, in lieu of tithes, to be raised by rates, in such parishes within the city of London as were not destroyed by the great fire in 1666.—Several petitions had been presented against the bill, which were ordered to lie on the table till it came to be read a second time.

Dr. *Phillimore* now rose, and objected to the bill, as being repugnant to every principle of sound policy and justice. He recalled to the recollection of the House, that, in the 32d of Henry VIII, an act was passed, entitled "An Act for Tithes for London," the preamble of which expressly stated, that it was "for appeasing the contentions, strifes, and variances, which had risen and grown within the city of London, and the liberties of the same, between the parsons, vicars, and curates of the said city, and the citizens and inhabitants of the same, for and concerning the payment of tithes, oblations, and other duties, within the said city and liberties." The act then stated, that as well the said parsons, vicars, and curates, as the said citizens and inhabitants, had compromised, and put themselves to stand to such order and decree, touching the premises, as should be made by the Archbishop of Canterbury, the Lord Chancellor of England, the Lord Treasurer, the Lord President of the Council, the Chief Justice of England, the Chief Justice of the Common Bench, the Chief Baron of the Exchequer, and the other persons therein named, "for a final end and conclusion to be

had and made touching the premises for ever." "And to the intent to have a full peace and perfect end between the said parties, their heirs and successors, touching the said tithes, oblations, and other duties for ever," it was enacted, "That such end, order, and direction, as should be made, decreed, and concluded by the forenamed archbishop, lords, and knights, or any six of them, before the first day of March then next ensuing, of, for, and concerning the payments of the tithes, oblations, and other duties within the said city, and the liberties of the same, and enrolled in the King's High Court of Chancery of record, shall stand, remain, and be as an act of Parliament, and should bind as well all citizens and inhabitants of the said city and liberties for the time being, as the said parsons, vicars, curates, and their successors for ever, according to the effect, purport, and intent of the said order and decree so to be made and enrolled." In pursuance of this act, a decree was made on the 24th day of February, 1545, that the citizens and inhabitants of the said city of London, and liberties of the same, for the time being, should yearly, without fraud or covin, for ever, pay their tithes to the parsons, vicars, and curates of the said city, and their successors for the time being, after the rate following:—Of every 10s. rent by the year, of all and every house and houses, shops, warehouses, cellars, stables, and every of them within the said city and liberties of the same, 16½d.: and of every 20s. rent by the year, 2s. 9d., and so above the rent of 20s. by the year, ascending from 10s. to 10s., according to the rate aforesaid. And it was also decreed, (among other matters,) that if any variance, controversy, or strife, should thereafter arise in the said city for non-payment of any tithes: or if any variance or doubt arose upon the true knowledge or division of any rent or tithes, within the liberties of the said city, or of any extent or assessment thereof, or if any doubt arose upon any other thing contained within that decree; then, upon complaint made by the party grieved, to the Mayor of the city of London for the time being, the said Mayor, by the advice of counsel, should call the parties before him, and make a final end in the same, with costs to be awarded by the discretion of the said Mayor and his assistants, according to the intent and purport of the said decree. And if the said Mayor should not make an end thereof within two months after complaint, then the Lord Chancellor of England for the time being, upon complaint to him made within three months then next following, should make an end of the same, with such costs to be awarded as should be thought convenient, according to the purport of the said decree. This decree was afterwards enrolled in the High Court of Chancery. What, then, did the motion of the hon. baronet (Sir W. Curtis) go to? It went to repeal a law which had been the established law for nearly three centuries past. After the fire of the city of London, that is to say, in the 22d

and 23d Charles II, an act was made, entitled "An Act for the better settlement of the maintenance of the parsons, vicars, and curates, in the parishes of the city of London, burnt by the late dreadful fire there;" the preamble of which states, that "whereas the tithes in the city of London were levied and paid with great inequality, and are, since the late dreadful fire there, in the rebuilding of the same, by taking away of some houses, altering the foundations of many, and the new erecting of others, so disordered, that in case they should not for the time to come be reduced to a certainty, many controversies and suits of law might thence arise." It was therefore enacted, that the tithes of the several parishes, or sums of money in lieu of tithes, should be according to the several sums set against the respective parishes, whose churches had been demolished, or in part consumed; and it was also enacted, that if any variance or doubt should happen to arise about any sum so assessed as aforesaid, then, upon complaint made by the party aggrieved to the Lord Mayor and Court of Aldermen of the said city, within fourteen days after notice given to the party assessed, of such assessment made, the said Lord Mayor and Court of Aldermen, summoning as well the party aggrieved, as the others that made the assessment, should hear and determine the same in a summary way, and the judgment by them given should be final and without appeal: and in any parish or parishes where any impropriations were, the impropriators should pay and allow what really and *bonâ fide* they had used, and ought to pay to the respective incumbents at any time before the fire; and the same should be esteemed and computed as part of the maintenance of such incumbent, notwithstanding that act, or any clause, matter, or thing therein contained. This act, therefore, was a particular act, growing out of necessity, and was limited to that necessity. The former act, and the decree made thereupon, had settled all disputes between the clergy of London and their respective parishioners. This decree, he repeated, had been duly enrolled, and courts of justice had ever since governed their decisions according to its purport. For these reasons, he should certainly feel it his duty to move, that the bill be read a second time on this day six months.

Sir J. Shaw observed, that there had been nothing but disputes between the clergy and their parishioners from time immemorial. He entered into the hardship suffered by some of the citizens of London under the existing law; and contended that the present bill would prevent the recurrence of such disputes.

Sir W. Scott said, that the present bill was at variance with every principle of law and justice. The decision of the arbitrators appointed agreeably to the statute of Henry the 8th, had been duly enrolled and acted on from that time to the present. The law was formed on the express application of the parties con-

cerned. The property now attempted to be called in question was guarded and fenced by as strong security as there could be around any property whatever. Part of it was in the hands of lay impropriators, and could not be considered as differing from any other property. The present bill was neither more nor less than telling the lay impropriators and incumbents, that they were in future to be shut out from all courts of justice, and to be entirely at the mercy of the magistrates of the city of London, persons for whom he had the greatest respect, but who would be acting as judges in their own cause.

Mr. Alderman *Atkins* instanced the case of one parish, the half of which was in Middlesex and paid only 130*l.* a year, whereas the other half, in the city of London, paid upwards of 4,000*l.* a year. He contended that this was not the first time Parliament had interfered between the clergy of London and their parishioners. In many of the parishes the citizens were labouring under the severest privations.

Sir *J. Graham* opposed the bill, and said, that the payment in lieu of tithes was not a tax, but an undivided seventh part of the property. The fact was, that at present the lay impropriators and incumbents did not exact the full amount of their rights, for instead of receiving 2*s.* 9*d.* which they were entitled to, they did not receive more on the average than 10*d.* in the pound. They would, however, be very much in the wrong, after what had passed, if they did not levy the uttermost farthing. The most vexatious opposition had been made to the fair claims for tithes, and many persons in the city had entered into long suits with the tithe-holders, at the same time boasting that they supported the expenses out of the interest of the arrears which they withheld.

Mr. *Butterworth* had heard it remarked, that property in London had been purchased under the contemplation of the payment of 2*s.* 9*d.* in the pound. The contrary was the fact. He had some years ago purchased freehold property in the city of London, and he then paid a small commutation in lieu of tithes;—a short time after, the churchwarden purchased the impropriation for 4,000*l.* and demanded a rate, which if it had been paid, would have produced 4,000*l.* a year. He should support the bill, hoping the House would not allow an obsolete act to be revived, which would operate so unjustly towards a large class of persons.

Mr. *W. Smith* said, that so far from its being true that property had been purchased in contemplation of the payment of the high rate now demanded by the tithe-holders, he believed it could be proved, that in no one instance had this advanced rate ever been paid. Many persons had indeed purchased property in contemplation of the former rate, which had continued about the same from time immemorial. It was quite consistent with the ordinary practice of the Legislature to restrain extravagant rights which might be set up to the annoyance of the

public. By the 49*d.* of *Eliz.* Lords of Manors were restrained from taking fines, amounting to more than two years' purchase, who had previously a right to fines uncertain. He should therefore vote for a committee to inquire into the merits of the case.

Mr. *Gordon* said, if persons had purchased tenements without inquiring into the claims for tithes which might be made upon them, that neglect should not operate to destroy the right of the tithe-holder. This was not like the act of the 42 *Eliz.* a measure affecting the whole of the kingdom, but a local bill, which might be drawn into precedent to the injury of other holders of tithes. If a modus was pretended to be established, or if the registration of the award under the statute of Henry VIII. were disputed, those were questions to be settled in a court of law. It was remarkable that two parishes were omitted in the schedule of the bill, one of which, he understood, was the property of the city of London. (*Hear.*)

Sir *W. Curtis* explained. The two parishes omitted in the schedule, were not the property of the City, but of Christ's and Bartholomew's Hospitals. The reason they were omitted was, that they exacted only 2½*d.* instead of 2*s.* 9*d.* in the pound.

The House divided—

For the second reading 21

Against it 146

Majority against the Bill 125

SCOTCH MADHOUSE BILL.] Lord *Binning* said, that owing to some objections to this bill, he wished it to be read a second time, to be printed, and to stand over.

The bill was read a second time, and committed for the 23*d.* of May.

FINANCE REPORT.] The House having resolved itself into a Committee to consider the First Report of the Committee of Finance,

Mr. *D. Gilbert* rose and said, that he had always been adverse to the existence of those blemishes in our system to which this Report referred, and, therefore he had voted for their abolition upon both the Bills brought forward by his hon. friend (Mr. *Banks*). He disapproved not only of the existence of sinecures, but of the arrangement of those offices from which, while they were entirely executed by deputy, the principals derived considerable salaries. His disapprobation of sinecures rested upon what he conceived good grounds—they were originally instituted through caprice, and when they fell in they were too often disposed of without any consideration for public services. They were also frequently granted in reversion, and thus a great abuse appeared to him to take place not only in burthening the public but in supporting a system of favouritism. But another and a material objection to sinecures arose out of the general understanding that the country was decidedly hostile to their existence, and this hostility was known not to have been engendered by the circumstances of the present

crisis, but to be of long, very long, duration. This hostility too, it must be recollected, was sanctioned by the decisions of that House upon the Bills brought forward by his hon. friend and both those bills were carried almost unanimously.—Recollecting, then, those decisions, and considering the principles upon which they were grounded, he did not expect that any serious opposition would be made to the Report which he held in his hand. He was, however, given to understand, that some gentlemen disapproved altogether of the recommendation of the Report, while others thought that some additional offices should be abolished. With regard to the former, he concurred with their opinion as to the respect due to the principle of vested rights, but yet he could not admit that that principle applied to offices which, although originally of small amount, had afterwards from some casualty become productive of large salaries or emoluments; nor was there any deviation from this principle proposed in the Report, which was meant to operate when the vested rights ceased to exist. Therefore the principle of vested rights was religiously preserved by this Report. But the Committee, in recommending the abolition of sinecures, felt it their duty to propose some such substitute as should secure the means of a due reward for public services, by a system of pensions, which he did not think it necessary to detail, as the Report had been so long printed, and in the hands of every member. As to the course which he meant to pursue with a view to carry the purposes of the Report into execution, he was led, upon consulting those who were best competent to judge, to propose several bills, rather than attempt to consolidate all the objects in one bill. Such a consolidation would indeed, as he understood, be impracticable, in consequence of the different nature of the several offices referred to. For instance, the offices of the two Chief Justices in Eyre were quite sinecures; but some duties were attached to the office of Lord Warden of the Cinque Ports, as well as to that of Governor of the Isle of Wight, which duties, however, were performed by deputies. The former, therefore, should be abolished altogether, while, with respect to the two latter, it would be right to make some provision for the discharge of the duties annexed to them. The arrangement which the Report had in view would, he had no doubt, give general satisfaction to the country, although he was aware that no immediate saving could be effected. But although no immediate reduction of the public burthens would result from the measures which the Report proposed, yet, the adoption of these measures would afford a good earnest of the disposition of Parliament to satisfy the public mind, and to make every practicable effort for the reduction of the public expense; and if those measures were objected to, because their adoption would produce no immediate saving, he would say to those who made the objection, that they might on the

same principle object to the system of the Sinking Fund, because it did not immediately reduce the public burthens, although it had a natural and inevitable tendency to produce that benefit.—The hon. member concluded with proposing that the Chairman should be instructed to move for leave to bring in a bill for the “Abolition of the offices of Justices in Eyre.”

Mr. *Boswell* said, that, as an humble but zealous individual, he implored the House to proceed with anxious and trembling steps in these measures. He had read the Report throughout, and felt constrained to imagine only two grounds for it: one was, the supposed great influence of the Crown; the other, that the state of the finances required some strong measure like this to indicate the disposition of Parliament to economy. He believed, and would openly declare it, that the influence of the Crown was not too great. At no period of our history had it been less. It had gradually diminished ever since 1782. He was satisfied there never was within those walls, a more independent, or, to use an expression commonly applied to that subject, a more unmanageable House of Commons, (*Laughter*); and they were so, notwithstanding all the usual influence, and even the adventitious circumstances of a state of war, which had affected their election: any change should, therefore, be contemplated with much caution and considerable suspicion. Our political establishment was an intricate and complicated machine, which must not be wantonly touched or rashly altered. To the proposed measure he objected farther, that it substituted pensions for offices. He would submit, that a pension was by no means so gratifying to the feelings of any honourable man as an office hallowed by long custom. The saving proposed was remote and insignificant; half a generation must pass away before any saving could revert to the public, and then it might, perhaps, amount to some such sum as 2,000l.; while, on the other hand, pensions were to be granted after a long period of service had been gone through. This was a very unsuitable mode of bestowing rewards. Surely there were better ways of ascertaining merit than *time* of service. Brilliant talents and splendid exertions deserved and claimed reward independently of length of time in which they were displayed. Gentlemen who would thus restrict rewards did themselves great wrong. He would suppose, with reference to the hon. gentlemen on the other side, who so strenuously and perseveringly exerted their great talents to promote the welfare of their country, that the Prince's eyes were suddenly opened (*Laughter*) to perceive the justice of their principles, and the meritoriousness of their conduct; and would it not be extremely hard that his Royal Highness should be restrained for five years from bestowing any reward upon such merit? The tendency of this measure, so far as corruption was supposed to affect men's minds, would be to increase that

corruption. It would influence them to cling to office, since the power of rewarding them was so much restricted. The effect of the measure, besides, in increasing the pension list, was most seriously objectionable. (The hon. gentleman here proceeded into a calculation, that when 27,000*l.* was reduced in sinecures, 160,000*l.* would be added to the pension list; but objections having been made by those near him to the accuracy of the calculation, he dropt that view of the subject.) He objected to the abolition of Warden of the Cinque-Ports, because that office was suited to the dignity of gentlemen who had eminently served their country, and because he held a general control and superintendence in the district of the Cinque-Ports. But there was one office proposed to be abolished, which he, as a Scotchman, felt himself bound to support and maintain. It was that of Lord Justice-General. This office was founded on statutes and principles that could not be challenged. The act of Car. II. sec. 2. cap. 18. empowered the Lord Justice Clerk (that is, the clerk of the Lord Justice-General) and the other lords of justiciary, to judge in all matters criminal, and this superseded the necessity of the Lord Justice-General's presence on all occasions. And the articles of the Union explicitly recognized that office as one of the offices in Scotland that were to be continued. He was confident that every Scotchman would feel pride and satisfaction in the continuance of those offices that connected themselves with the independence of his country. He could not, therefore, consent to the proposed regulations of this high office; for they, in fact, would make the Lord Justice-General walk into the Civil Court, which was just as absurd as if they had ordered Lord Ellenborough to go from the King's Bench into the Court of Common Pleas. But he would not object to ordering the noble duke (the Duke of Montrose) who held that office, to preside in the court; let that be done, if it was thought necessary: his objection was to the abolition of the office; he would contend, that they were precluded by the articles of the Union from abrogating any office of that nature in Scotland.—He concluded by observing, that, humble as he was, he would most strenuously oppose the measure in every stage.

Lord Castlereagh commenced by saying, that though he had on a former occasion, when a bill somewhat similar to the one now proposed went through the House, stated his objections to the principle and object of the measure, he was willing to give his support to the bill now before them. He was one of those that distinguished between the old system of administration and the state of things that arose from the war. The power of the Crown, he would admit, had increased since the war began, but on the return of peace, when the war establishments were reduced, though things could not be restored to the state in which they were before 1792, the power of

the Crown had been more than proportionably diminished. He denied that the patronage of the Crown was excessive. It was not increased so much as the concurrent circumstances in the frame and action of society required. It was for this reason that he would give his support to the present measure, because it did not bear upon the influence of the Crown; and it was on the same principle that he did not agree with the bill brought in by an hon. gentleman opposite (Mr. Banks.) That bill went to augment the burdens of the country. According to the general scope and principles of that bill, whenever 27,000*l.* were reduced of sinecures, 130,000*l.* were added to the burdens of the people. The proposed measure was not liable to any such objections. It reduced sinecures on the death of their present holders, and thus recognized vested property; a principle which was always to be held inviolable. It gave to the Crown power of immediate operation; for when 2,000*l.* fell in, it was then allowed to grant rewards to those who should be found entitled to them. The hon. gentleman behind him (Mr. Boswell) had objected, that the pension-list would be increased by this mode. This would not be the case. By no possibility of construction could it be contended that the pensions would amount to a sum approaching to the sum reduced. When 42,000*l.* were withdrawn, it could not by any possibility be found that more than 39,000*l.* should be given away in pensions. These 39,000*l.* had also to be reduced according to the number of persons who may have died in the mean time, and also according to the number of persons who may return again to office; so that a large portion of this sum must always be, as it were, in abeyance. Upon viewing all the aspects of this branch of the subject, the presumption was, that above 30,000*l.* would never be bestowed in pensions according to this plan. Beyond this part the hon. gentleman did not seem to have read the Report. The pensions were to be in a progressive scale in point of time; so that in 12 years, only the sixth part of the money that was to fall in would be given in pensions, as none could be bestowed till two years had elapsed. Upon these grounds, he thought one objection he had entertained against the bill formerly introduced upon this subject was removed, as the amount of pensions was brought under some regulation, and a minor scale of pensions was adopted, while the lapse of time after leaving office was greater. Another great objection he had felt to the measure, as proposed by the hon. gentleman opposite, (Mr. Burke,) was the false notion it seemed to countenance, that any material relief could be afforded to the public by the abolition of sinecures. A gross delusion had been most industriously propagated on this subject. He was sure the hon. gentleman had not contributed to that delusion; but it was studiously inculcated, that sinecures were the source of great burdens to the public. Now the whole amount of sinecures did not exceed

100'000*l.* Suppose all these were swept away, and those most essential branches of administration connected with this support were abolished, it could not bear essentially upon the state of the country, or relieve the burdens of the people. What amount could really be reduced by the present measure he could not estimate; but it was not liable to the same objections, inasmuch as it did not profess to relieve pressing burdens by the abolition of sinecures. With respect to the patronage of the Crown, it would indeed be a strong objection to the measure if it were adverse to the influence of the Crown, and proposed any effectual restriction upon it. It would be a strong objection, if it merely went to abolish sinecures; for then the public would be deprived of a most powerful means of exciting and stimulating great and beneficial exertions. But since he formerly opposed a similar measure, motives had grown up which induced him to give his support to the abolition of sinecures. Industrious and corrupt exertions were made to delude the public upon this subject, and they were made to suppose, that if sinecures were abolished, distress would instantly vanish, and relief would be effectually obtained. There was a general impression and delusion, that certain offices occasioned all the distress and difficulty of the country. This delusion was connected only with the ultimate and insulated effects of a principle most sound and just in itself; but the delusive impression was by no means regulated by or made commensurate with the extent of its pretended cause. Certain offices had, indeed, through long continuance and change of circumstances, become overgrown. The principle was good, but long continuance produced circumstances that required some reform. There were two, or at most, three of this kind. These he had alluded to at the beginning of the session; and the voluntary resignation of an honourable and disinterested nobleman had relieved this question of difficulties that could not easily be removed. He, therefore, congratulated the gentleman opposite upon the success of his measures, and the abolition of all sinecures. At any rate, there was such a *distaste* for sinecures, that the abolition was salutary, and would go to destroy the rooted objections of many, and the delusion of the public; and it would gratify a portion of virtuous feeling in the nation, since feeling gentlemen had entertained a *distaste* (*a laugh*) for sinecures. It was very desirable to correct the false expectations spread respecting this subject, and the present measure would have that effect. It would not be a great saving; but, sinecures being bad in principle, it would operate as a cure to the impression and delusion that had gone abroad. Upon those grounds the measure would have his best and most effectual support. With respect to economy, the measure could not effect much in that view; but it would afford a satisfactory pledge

that every thing practicable was done for the relief of public burdens. If the House of Parliament supported and sanctioned this measure, it would dispel the wide-spread and mischievous delusions that prevailed. This was the great and decisive recommendation of the measure. As to time being made the criterion of services to be rewarded with pensions, he thought that time prevented the operation of favour and the suspicion of its operation. Eminent services were entitled to reward independently of time of service, yet even these could not often be ascertained without a considerable space of time for their display. In services of a ministerial nature, time was necessary to entitle them to reward; the qualifications were to be estimated either by time or at discretion. It was far better to make time of service the criterion, than to leave it to discretion. He was ready to admit that there was nothing to be deprecated more than a system of pensions; but he could not believe that there could exist any species of suspicion that honourable and cultivated minds, that had risen to office through the most arduous course of labour and duty, would be swayed by the prospect of any little reward they might be judged entitled to when they quitted office. The most eminent public services were not thus rewarded at once. Two years was the shortest period of service that could be found entitled to a pension. Under all the difficulties—for he felt that, from the sentimental tone of mind (*a laugh*) of gentlemen upon this subject, there were difficulties attending it; yet upon the whole he would give it his best support. The measure was judiciously framed as to the amount and distribution of the money. There was liberality towards the Crown in affording means of rewarding services. There was economy towards the public as it abolished sinecure offices. He would assure the hon. gentleman opposite (Mr. Banks) that his bill was carefully consulted in drawing up the present bills, and adopted so far as the objections he had already mentioned permitted; he, therefore, again congratulated the hon. gentleman on his success. He most anxiously hoped, and he would say for all his hon. colleagues, that they most anxiously hoped, that this measure would meet with the approbation and support of that House. The great objects to be attained were, the regulation of pensions by the sanction of the Legislature, the purification of public opinion from the poison infused into it by artful and mischievous misrepresentations: the Legislature, by its authority, would protect the public mind from the insidious delusion which was practised upon it. He was aware that the original impression was not easily effaced, yet the interposition of Parliament, by such a measure as the present, would affect the public mind, and counteract the progress of the poison with which it was infected. Upon these grounds the measure would have every support in his power.

Mr. J. P. Grant had heard the hon. chairman,

he had heard another hon. gentleman, and he had heard the noble lord, with every attention in his power; but he entertained a widely different opinion from them all on this subject. He must give the noble lord credit for good fortune, in having got the measure reduced into such a convenient form; but he could not congratulate the hon. gentleman near him, in the success of his bill; far less could he congratulate him on the satisfaction this measure would give to the country. It would afford no degree of satisfaction to any independent mind in that House, or to any intelligent individual in the nation. Least of all could he congratulate the House or the country upon the reasons by which the noble lord supported the measure, and the degree of support he gave to it. Its recommendations were, that it did not in the slightest degree affect the influence of the Crown; that it effected no economy, though that was the most important consideration at the present period. What then were the motives that induced the noble lord to give it his support? Why, because the measure was adapted to the poisoned public mind. It was not by reason, by argument, by conviction, or any such means, that the poisoned mind of the public was to be cured. The noble lord went willingly along with prejudices which he represented as pernicious, and gladly availed himself of the poisoned feeling that existed in the nation. He must therefore congratulate the noble lord; he was the only person in the nation entitled to congratulation. He was the more decidedly of this opinion, when he recollected the purposes for which the committee had been appointed. It was, if he had not misconceived the object, (for he had not been in the House at the time), to ascertain the state of our income and expenditure, in order to recommend the best measures to be adopted in the frightful situation into which the country had fallen. At the first part of the session the noble lord hurried forward, so that he superseded on the occasion the gentleman who was naturally expected to take the lead, to institute a committee to inquire into the circumstances of our situation, and to devise some mode of relief. The estimates of the year were last session found inadequate to the permanent establishment proposed. He had himself, after a minute calculation, found the deficiency to be upwards of 18 millions. This statement the Chancellor of the Exchequer did not venture to contradict; he did not venture to express any opinion of the incorrectness of such a representation. Now, then, came the investigation into the difficulties and resources of the country. Three months, wanting three days, had the committee been occupied with this subject, and the result of their long and painful investigation was *this report*! Here was their first-born, after a long period of gestation and many throes! What, he would ask, had they a right to expect after so long an investigation? First of all, a balance of our income and expendi-

ture; so that we might be informed of our real situation, and be enabled to judge what reductions were indispensably necessary. Instead of that, we had a recommendation of the reduction of small sinecure offices, and, together with that, the army estimates. He supposed in the next Report we should have the ordnance estimates, and, in a third Report, the navy estimates. Was it this that the country, was it this that Parliament, was it this that any reasonable person expected? Was the expectation of any one satisfied with this Report? He would appeal to the noble lord if this was the measure proposed at the beginning of the session, at least the measure he led the House to expect as the result of the investigation. He would ask the noble lord if the committee were not appointed to inquire into the income and expenditure of the country, and not to spend their time in the way that they had done? They had been going over the ground that other committees had trod before them; and recommending paltry savings instead of executing the business intrusted to them. He (Mr. G.) could not forget that other committees had been appointed for the purpose, and nearly in the words of the appointment of this committee; but the course they pursued was very different, and much more praiseworthy. They took into their consideration the whole state of our financial affairs, they made extensive inquiries and luminous reports, and brought the situation of the country fully before the House. There was a committee appointed, he believed, in 1786, that produced a Report in the course of a fortnight; and another in 1791, that brought the first-fruits of its inquiries before the House in a month. How different was the conduct and character of the present committee! It had now sat for three months, and all the evidence that it had given of its activity and usefulness was this paltry Report. What were the objects that it professed to have in view, and how had it executed them? In comparing its conduct with its instructions, it was remarkable that it began at the latter end of its commission. It was appointed, in the words of the order, to "inquire into and to state the income and expenditure of the United Kingdom, for the year ending the 5th of January, 1817, and also to consider and state the probable income and expenditure for the years ending the 5th of January, 1818 and 1819, and to report the same, together with their observations; and also to consider what farther measures may be adopted for the relief of the country from any part of the said expenditure." Forgetting that the former part of its instruction was the most important, this committee began with recommending the abolition of a few sinecures, which had already been inquired into by former commissions and embraced in a former bill of abolition. He would not go into observations on all the offices mentioned in the Report, but he could not help alluding to a few, and the reasons stated for

dealing with them as the committee had done. The first two sinecures that attracted notice were the two Chief Justiceships in Eyre, north and south of the Trent; and the ground on which their abolition was recommended was very remarkable. The committee did not condescend to give a reason for their opinion and advice: they merely said, that the view which the committee have taken of those offices is, that they may be abolished. (*A laugh.*) Conceiving that this absence of all reasons was a very good reason for abolishing the Justiceships in Eyre, the committee proceeded to the Exchequer, and report that *reasons* of a like nature exist for abolishing the office of the auditor and the four tellers. It had been before stated in Parliamentary Reports, that the Auditorship of the Exchequer was an important office, for discharging the duties of which it might be necessary to provide in some other way, if the office was abolished; but this committee did not hesitate about the matter. They decided that the Justiceships in Eyre ought to be abolished without assigning a reason for the measure; and then reported that, for the same reason, the office of Auditor of the Exchequer ought not longer to remain. (*A laugh.*) The Wardenship of the Cinque-ports, and the Governorship of the Isle of Wight, next came under the review of the committee, and were recommended to be abolished for the same reasons—that is, the view of the committee was that they were to be abolished: this view composed the reason why the Exchequer offices were to be abolished, and then this reason again became a rule for the rest. (*Hear, and a laugh.*) The committee in their investigations then proceeded to the second joint Paymaster of the Army, and recommended its abolition, because “it was wholly inefficient and useless with regard to all the duties belonging to the army.” Here at last there was something like a satisfactory reason given for the recommendation of the committee. The inutility to the public service of a place of emolument seemed to be sufficient grounds for its discontinuance. Having found out a reason at last, however, they carried it too far, and recommended, as a *matter of course*, the abolition of the Deputy Paymaster-general. This did not by any means follow, for a right hon. friend of his (Mr. Tierney) had lately recommended the abolition of a principal office, (third Secretary), though he had no objections to the continuance of the deputy or acting officer. The committee had recommended the abolition of one of the joint Paymasters-general of the Army, because to one of them there was no duty to be performed; but they afterwards relaxed in the application of this principle, and retained two joint postmasters-general for England and Ireland; for this good reason, because this office did not appear to your committee to come under the general description of those offices which form the subject of this Report. (*A laugh.*) Surely the same reason which made it inexpedient to

continue two joint paymasters-general of the army, applied equally to the abolition of one of the postmasters-general, where a greater saving might be effected with as slight a detriment to the public service.—The hon. gentleman next adverted to the offices recommended to be abolished in Scotland. The office of Keeper of the Privy Seal was to be continued at a salary of 1,000*l.*; but no reason was stated for this recommendation, except the pleasure of the committee. There could be no ground given why this useless and expensive sinecure should be retained. Whatever reasons existed for abolishing the rest applied equally to this. He then came to the office of Lord Justice-general of Scotland, to the abolition of which an hon. gentleman (Mr. Boswell) had strongly objected; but he (Mr. G.) saw no reasons for his alarm, as the dignity was not to be lost, but united with its rank, title, and privileges to the office of President of the Court of Session. In going to Ireland he could not but admire the manner in which the sinecures there were disposed of. The offices of no less than four officers, namely, of the Surveyor-General of Crown Lands, of the Keeper of the Records of Birmingham Town, of the Keeper of the Records of Parliament, and of the Clerk of the Paper-office, were to be executed by a public building. (*Hear, and a laugh.*) “These offices (says the Report) may be transferred to the building which has been constructed for the custody of the public records of Ireland.” The building was here to supersede the sinecureists, (*a laugh*), by the recommendation of this economical committee.—The hon. gentleman then stated the sums that might be saved by carrying into effect the abolitions recommended by the committee, as compared with the expenditure to be incurred by the pensions to be created by the recommendation of the same committee. The whole savings, making allowance for the payment of deputies in offices where the deputy was to be continued, would amount to only 51,171*l.*; and in lieu of this means of rewarding public service, if it were taken away, the committee recommended the substitution of a pension list, which would cost 42,000*l.* Out of this small saving of 9000*l.*, how much, he would ask, would remain to the public after the remunerations that would be given by the Treasury? Nothing would, in fact, be effected but a small saving in Ireland, and that would only take place after the death of 120 persons. Thus the public would be benefitted by the measure advised by the committee 40,000*l.*, at the expiration of the existing interests of 120 individuals; allowing that they died out in 40 years. At the arrival of that period our situation would be so much bettered; but, in the mean time, at the end of the two first years, 9000*l.* might be given in pensions; at the end of four years, 18,000*l.*; and so on till we arrived at 12 years from this, when the system would be in full operation, and when, consequently, 99,000*l.* or 41,000*l.* would be given

away in pensions. (*Hear, hear.*) He would leave the country to judge of this species of economy. (*Hear, hear.*)—Adverting to the question of the influence of the Crown, the hon. gentleman could not but say, that it had increased, and ought to be diminished. Its activity had been strikingly manifested within these few years. He was desirous not to see it farther extended. It was unfortunately not now confined to Parliament, but was diffused over all parts of the country. (*Hear, hear.*) He was not desirous of currying favour with the people, flattering their prejudices, or pretending to yield to their unreasonable demands, when their minds were poisoned, as had been the avowed object of a noble lord to night; but he would say, and he said it with perfect conviction, that he believed them generally right when no means were employed to delude them; and that their conclusions might be relied on as those of truth and justice, so far as their knowledge of facts extended. They had called for economy and retrenchment; and their voice ought to be attended to. They should be undeceived as to their situation and the arts employed to mislead them. They should be told that an incapable government, which had brought the country to the verge of national bankruptcy, did not deserve to regain their lost confidence and esteem by pretending to yield to their prayers, and instead of substantial, universal, and rigorous economy, claiming their praise for a paltry saving of a few thousands. (*Hear, hear.*) Instead of entitling the Administration to any credit, the present measure was, in his opinion, sufficient to excite a prejudice against it. (*Hear, hear.*) Any man who looked at the finances of the country would see sufficient cause of alarm, which this paltry measure would do nothing to remove. He knew that there were reductions proposed; he knew that the estimates were curtailed, but still there was a great defalcation in the revenue to meet the expenditure. The Chancellor of the Exchequer had last year taken, in the ways and means, the surplus of the consolidated fund at three millions; but instead of realizing this surplus, there was this year a deficit of more than three millions and a half. The only disposable revenue for the service of the year was the land and malt tax, and other items, that would not amount to more than six millions. He need scarcely say any thing more to shew the deplorable state of our finances, than that the whole of the national income was not much more than sufficient to pay the interest of our debt, without leaving any thing for the support of our establishment, or the payment of civil services; that our taxes could not be increased with any kind of exertion; and that the people were scarcely able to support their present burdens. (*Hear, hear.*) Was he asking too much, therefore, when he besought them to pause and consider what they were doing?—when he asked the House not to intrust the examination of the public accounts with a

committee who had yet proceeded not a step in their duty, and would only delude the country by bringing in bills at the end of the session, when the House was thin, and the measures could not be deliberately examined. He was not disposed to despair of the country if its Government were in abler hands. (*Loud cries of hear on the Opposition benches.*) This incapable Government should know, that there have existed examples of a Government successful in its foreign measures, and apparently prosperous, which had yet the canker of decay in its vitals, and was fast hastening to ruin. (*Hear, hear.*) A Government whose expenditure was so disproportioned to its income as ours was at present, was in a state of great danger, and could only be freed from it by a radical change of measures.—The hon. gentleman begged pardon of the House for extending his observations to such a length, and thanked it for the indulgence with which he was heard. (*Hear, hear, hear.*)

Lord Castlereagh explained. The honourable gentleman seemed to have misunderstood him, both with regard to what he said on the influence of the Crown, and the extent of the saving that would be effected by the measures recommended by the Committee.

Mr. Huskisson was at a loss to see, how those who supported the former sinecure bills could oppose this. (*Hear.*) He thought the hon. and learned gentleman (Mr. Grant), whose speech was so cheered by his friends on the other side, and who now, for the first time after the Easter recess, came to attend his duty in Parliament, was not just the person who would have come forward to accuse the committee of slowness in their motions, or negligence in their functions. (*Hear, hear, on the Ministerial benches.*) It was, however, probably a wise policy to put the hon. and learned gentleman in the front rank on this occasion; it was not probably convenient for his friends, who were present on former discussions, to occupy the ground which he now assumed. (*Hear, hear.*) He (Mr. H.) remembered when a right hon. gentleman (Mr. Tierney), whom he did not now see in his place, recommended the very thing which his hon. and learned friend had now reprobated; and expressed a fear that that would be done which his hon. friend now censured the committee for not doing. (*Hear.*) He recollected when that right hon. gentleman said, that a finance committee on such an occasion would be of no use—it would merely attend to some matters of figures, and that the Chancellor of the Exchequer would come to it with papers and accounts in his pockets, which would not fail to receive its sanction. That right hon. gentleman therefore recommended the committee to begin with useless offices (*hear, hear*); to look into them and abolish them first. He had not only done so, but he had been seconded by the voice of the country. Some hundreds of petitions were laid on the table of the House, the burden of whose complaint was sinecures. To them were traced

all the calamities which the country endured, and all the corruption which the petitioners reprobated. (*Hear, hear, hear, from the Ministerial benches.*) He would only refer the hon. and learned gentleman to the petitions that had been laid on the table of the House, as he was not present himself to hear them read. The public mind had been poisoned on the subject of sinecures. The committee, therefore, to counteract this delusion, began with sinecures. They did not enter into all the details of office, because former committees had by their reports rendered this unnecessary. They did not consider the history of those places, for instance, what were their former duties, why the duties had fallen off, or the emoluments become disproportioned to the payment of the labour they enjoined. The learned gentleman had criticised the Report in a style of pleasantry which he thought entirely misapplied, from an inadvertence to this circumstance. The hon. and learned gentleman shewed that he had not much studied the reports to which he referred, otherwise he would have seen the irrelevancy of his observations. Had the honourable and learned gentleman quoted the Report fairly, some of his criticisms would have been spared. Instead of stopping at the words, "the view that your committee have taken of the offices of Chief Justice in Eyre is, that they may be abolished," he should have read on, and he would have found it added, "without detriment to the public service." (*A laugh on the Opposition benches.*) This whimsical reason given for abolishing four offices in Ireland was produced by a similar omission in the quotation. The officers were not to be transferred to the building; but the documents that were under charge of these officers, by which their places might be abolished. (*A laugh.*)—The right hon. gentleman then adverted to the question of figures. The hon. and learned gentleman had separated the offices of England, Ireland, Scotland, and the colonies: whereas, in speaking of the saving to the public, they should have been mentioned together, and the amount of their salaries given. He would mention, that in Scotland the saving would be greater by the provisions of this Report, than by the bill of his hon. friend (Mr. Banks) on the other side. The offices were to be reduced as much as they could be, consistently with a due regard to the Articles of the Union. It appeared more consistent to join the title and privileges of the Lord Justice General to the office of Lord President than to consolidate it with that of King's Remembrancer, as was proposed by his hon. friend's bill. The opposition of the hon. gentleman beside him (Mr. Boswell) seemed more natural than that of the hon. and learned gentleman (Mr. Grant). The Report was important, not so much from its saving to the public purse, but its tendency to remove public prejudices, and to counteract the malignant poison which had been infused into the public mind. It surprised him how any one who advocated popular wishes or feelings

could oppose it. The measures it recommended were more restrictive than had ever appeared in any former bill. Formerly the pension list might be carried to 150,000*l.*: now by the provisions of this Report, it could not exceed 42,000*l.* Thus restricted was the principle of profusion and waste. (*Hear, hear.*) Never did any former plan so limit the means of remuneration to public services. He (Mr. H.) would not enter into the general subject of finance. (*Hear, hear, from the Opposition benches.*) The documents could not come into the hands of the committee till the 5th of April, and consequently the deficiency of the Consolidated Fund this year could not previously have become a subject of attention. What purpose would it have answered for the committee to have sent in a Report filled with accounts of the public debt, and fixed charges, which could be as well learned from documents on the table as from these reports? They were examining the estimates where a saving might be made, convinced that nothing could have been gained by a bare statement of revenue. The army estimates would be before the House on Wednesday, and by them it would be seen how the committee had been employed. It had been said by the hon. and learned gentleman, that the estimates last year were stated by Ministers to be calculated on a peace establishment. This he denied: it had always been denied on the side of the House to which he belonged, as often as it had been repeated on the other. Our expenditure and income could not be stated till the estimates were examined; so that the conduct of the committee was not so preposterous as the hon. and learned gentleman wished to make it appear. (*Hear, hear.*)

Sir J. Nesbitt complained that the select committee had sat from the 8th of February to the 27th of March, and had done nothing more at last than copy the provisions of a bill introduced by the hon. member for Corfe-Castle. The suggestion itself, of one Paymaster as sufficient for Ireland, had been before made by that honourable member, and was to be found amongst the recommendations of a former parliamentary commission. So inaccurate was the wording of the Report, that instead of appearing to be a work of time and labour, it bore all the marks of haste and precipitation. Why had not the former parliamentary report, with respect to public offices in Ireland, been honoured with the notice of the committee? That Report was drawn up on the spot, with all the advantages of local knowledge, and it was the duty of the committee, if they did not think proper to adopt it, to shew in what points it was defective or erroneous. He was satisfied that the pension-lists of the three countries were quite adequate to the remuneration of all the ordinary services of Government, especially in this time of general distress, and for every purpose, except those special cases of merit which ought to be brought under the consideration of the House.

Mr. Marryat was desirous of calling the at-

tention of the committee to one topic, which had scarcely been at all touched upon in the course of the discussion—he alluded to the subject of Colonial offices. Although two principles had been acknowledged as applicable to the regulations of all such appointments, they had unfortunately not been carried into practice. In the colony of Demerara, where, under the Dutch government, no sinecures were tolerated and residence was a necessary condition of office, we had established a different principle, and created a sinecure under the name of the *vendue* master. A variety of emoluments, which poured into the colonial treasury, and would have been sufficient to defray all the expenses of the civil government, had been given to a gentleman who had never visited the settlement. (*Hear, hear.*) A registrarship and receivership-general had also been created, and the appointment given to a right hon. gentleman, who, far from thinking his profits for doing nothing adequate to his merits, had twice raised his demands on the deputy who fulfilled the duties, and who had intimated that he should, in consequence, be obliged to raise his fees upon the colony. (*Hear, hear.*) What did not exceed 200*l.* or 300*l.* under the former government, now cost this country between 2000*l.* and 3000*l.* per annum. These abuses attracted great attention in a small community, and had a strong tendency to produce discontent, and to retard the progress of improvement. To protect the interests of the colonies, and to ameliorate the condition of their inhabitants, it was of importance that men of rank and character should be appointed to the chief situations, that European principles should be constantly infused, and that personal residence should be enforced. The greatest advantage which could be conferred upon them would be, to give them good masters and a good example. (*Hear, hear.*)

Mr. *Fremantle* made a few observations, in which he expressed his objection to the abolition of offices of great antiquity in the Exchequer, which were always held by persons of high rank, to whom the deputies, who discharged the duties, were bound in great pecuniary responsibility.

Mr. *Robinson* rose only for the purpose of noticing an allusion made by an honourable member (Mr. *Murray*) to a particular transaction between a principal and deputy, which, when the proper time should arrive, he doubted not would receive an explanation that must satisfy every honourable mind; but he thought it very unfair to intrude these individual cases in a debate upon general principles; and the more unfair, because such cases could not possibly exist any longer, a bill having passed three years ago to compel colonial officers to reside abroad.

Mr. *Murray* in explanation observed, that he knew not how any argument was to be maintained without particular facts to support it. With regard to the act which had passed for

enforcing residence in the colonies, it could only apply to the old colonies, and not to the conquered settlements, in which the offices were necessarily temporary.

Lord *Milton* said, his objection to the present Report was not that it went too far, but that it did not go far enough, nor was founded on any sound or intelligible principle. He thought the committee might have accomplished more, when he considered the former reports which they had before them, and the light they might have derived from Mr. *Burke's* celebrated speech upon economical reform. Mr. *Burke's* plan of retrenchment, in 1782, went much farther than he could induce the House to go along with him; and had he been less thwarted by his opponents on that occasion, much public discontent and irritation would have been prevented. The remarkably slow pace at which the committee had moved, seemed to him to indicate a disposition to do as little as possible, but to do just enough to acquire a little popularity. When the same reforms were formerly proposed by an honourable member (Mr. *Banks*), they were opposed by the members of this committee. He blamed them for having in their first Report made no distinct statement of the points to which they intended subsequently to direct their attention, not indeed in detail, which would have been impossible, but with regard to all the general branches of the expenditure. He made this observation with a particular reference to the diplomacy of the country, which appeared to him to have increased to an enormous amount. This part of the public service of Germany amounted in 1792 to 17,000*l.*, and in the year 1815 to no less than 38,000*l.* He concurred entirely in the propriety of abolishing the few offices pointed out as no longer necessary, and had only to regret that the committee had done so little, and had confined their attention to scraps and fragments of preceding inquiries.

Mr. *D. Gilbert* asserted, that he had always supported the sinecure bill introduced by the honourable member for *Corfe Castle*.

Mr. *Tierney* assured the committee that he wished to address them for a very short time indeed, upon a subject which had been so fully and ably argued by his honourable and learned friend (Mr. *J. P. Grant*.) When he said he believed that his honourable friend's observations had received no answer, he acknowledged that he was not in the House during the speech of the right hon. gentleman (Mr. *Huskisson*.) As, however, the hon. gentlemen on the other side seemed to think it a very triumphant answer, he would now afford them an opportunity for its repetition. His opinion of this committee he had already stated, and he would again describe it to be nothing but a screen between economy and the public business of the country. It was now three months since the committee had been appointed, and if economy had been the real object in view, there was not one word of

this Report which would be at all conducive to that end. They had nothing to do but to move, that the Report of the committee on sinecures be read, and immediately bring in the very bills that were now to be introduced. The present Report embraced not any one new topic, except the suggestion as to pensions: and this might have been made on the first day of their sitting, as well as at the expiration of 2 or 3 months. He was a member of a former finance committee, and attended one day, when he found the hon. gentleman below him (Mr. Bankes) diligently employed in pressing the principles now recommended by this Report, viz. that all offices in which there was no duty to be performed should be abolished; that where all the duties were discharged by deputy, the office of the principal should be also abolished; and that those offices in which the service and the emoluments were disproportionate should be regulated. The noble lord, (whom he was sorry to see leaving his place, because he feared he would not come back,) refused to hear a word of it; he would listen to no argument, and give no reasons, lest, as he said, it should endanger the measure in the other House. He was not averse to their recommending abolition, provided they abstained from all reasoning in defence of it. He (Mr. T.) was in the habit of finding himself in a minority two or three times a week, but the minorities in the House were as nothing compared to the minorities on such a committee. The noble lord succeeded in a division of sixteen against three, (*hear, hear*); and he (Mr. T.) refused to attend any longer, because he was sure that he should serve his country better by urging his opinions in that House. It was now proposed to introduce several bills upon the foundation of this Report, but what hope could they entertain that the lords would agree to them separately, and without having the entire subject at once before them? How could they be expected to agree in the first instance to a bill of abolition, without knowing any thing of the bill to come afterwards, giving to the Crown certain compensations for this loss in the means of rewarding public services? Suppose the lords were to appoint a committee of their own to inquire into this subject, the House would be completely turned round, and the whole session entirely lost. He would say nothing more than had been already said as to the bad manner in which the Report was drawn; but with all its defects, he heartily agreed with most of its suggestions; and he thought the country under great obligations (here the Chancellor of the Exchequer bowed): the right honourable gentleman need not bow, he was not alluding to him (*a laugh*); he gave no credit whatever to Administration for the work, but he thought the public was much indebted to the hon. gent. (Mr. Bankes), who had recommended all these measures five years ago. His hon. friend behind him (Mr. Fremantle) had disapproved of some of the alterations on the ground of the inconvenience they would occa-

sion to the course of Exchequer business. It was true, as had been said, that these offices were of great antiquity, that they were filled by men of high rank, and sometimes abused to the purposes of a gross job; but, with regard to the importance of their being held by such and such individuals, the practice not long since was to give them to children; and we were to trust to Providence that they would grow up fit and qualified for their appointments; a hope which, if not realized, we were content to let them laugh at us, and point to their patent places. When the responsibility of the acting deputy to his principal was referred to, he would ask where was the difficulty in the agent furnishing the same securities to the Government at once? The Committee knew that the auditorship of the Exchequer was now held by perhaps the ablest man in the country, and yet an Act of Parliament had once been passed to enable him to execute its duties by deputy, on account of its incompatibility with the office of First Lord of the Treasury. The House would do well to reflect to what extent the pension list was now carried. The amount of the pensions for England and Scotland, independently of those founded on Parliamentary grants, was 240 or 250,000*l.* This was a great burden on the country, and one to which the attention of the House ought to be seriously directed. Instead of 40,000*l.* which had been proposed as a reduction, he thought the saving in that respect might be very easily carried to the extent of 80,000*l.* He had no wish to deprive the Crown of its necessary patronage; but when he saw numerous pensions granted, for which no public service had been performed, he could not help concluding, that they were employed as the instruments of dirty political jobbing. The House ought to have all the pension lists on the table. With regard to the abolition of sinecures, proposed by the Report, though he must condemn the manner of the thing, it had his approbation in substance: that the Committee should propose to abolish sinecures was perfectly consistent with their duty; but upon what ground did they propose compensations? They would say that they imitated the Sinecure Committee; but that Committee was instructed by the House to consider what offices could be abolished, and what compensation ought to be given on account of such abolition. No such instruction had been given to the present Committee, and of course they very improperly took this part of the business on themselves. In the Bill introduced by the hon. gent. (Mr. Bankes), it was proposed to abolish the office of second Paymaster-General. The present Committee admit, that 2,000*l.* ought not to be paid for nothing, but then they would attach the remuneration to another office, that of the Vice-President of the Board of Trade. He did not know what were now the mighty labours of those offices; but in Lord Grenville's administration, the present Marquis of Buckingham discharged the duties both of the Paymaster and President. Why

might not the office of president of the Board of Trade be attached to some other office, as, for instance, that of Master of the Mint? It did not appear that the duties of the Board of Trade were extremely oppressive. The President was now abroad in Holland; in a trading country to be sure, but he was not employed in superintending the trade of this. It had been assumed, that there ought to be two Paymasters-General, because of the great responsibility of that office; but the fact was, that the duties had always been discharged by one, so that the country was, under this head, defrauded of 2,500*l.* a year. This was the spirit in which the Committee had proceeded. It had been said, that the consideration of the public income and expenditure was foreign to the object of the Committee: but he was of a different opinion. He would maintain the contrary proposition as broadly as his honourable and learned friend (Mr. Grant), who had been censured for stating it. The great object of the Committee was to see what savings could be made in order to diminish the expenditure. A right hon. gent. had said, that by and bye the Army Estimates would be before the House; next would come the Navy Estimates, which would be followed by the Miscellaneous Services, and so forth; and then, he said, the House would see the total amount of the demands for the public service. All this he believed was very true; but then, when was it to be done? By the month of June or July, when it will be too late to enter into the full consideration of the subject? And yet nothing was more urgent than that the attention of the House should be directed to this question; for, looking at all the receipts of last year as a rule for estimating those of the present, and taking the expenditure at the estimate of the noble lord, not now in his place, (Lord Castlereagh), there will be a deficiency to be made good of from 14 to 16,000,000*l.* How was this to be accomplished? The Chancellor of the Exchequer would not do his duty if he attempted to tide it over this year as he had former years: with so frightful a prospect before them, not a moment ought to be lost. The House ought to be informed of the measures to which the right hon. gent. proposed to resort in so extraordinary a crisis. He knew of no resources that the treasury had, except the 1,300,000*l.* arrears of the property tax, which the right hon. gent. would not find it easy to collect. He would not surely again hazard the boast of a surplus from the Consolidated Fund. Indeed, of the three millions he asserted he had to receive from that source, it was now confessed that he would have 600,000*l.* to pay. These certainly were fit topics for the investigation of the Committee. The right hon. gentleman seemed to think, that every thing went well with him because the stocks had risen. It was true, that there had been a rise, assisted by statements of the Chancellor of the Exchequer in that House, and of Bank Directors, Jews, and others out of it, who had an interest in making the funds "look upwards," as they called it; but no solid relief to

the country could be derived from this rise. The right hon. gent. had declared, that he would fund no Exchequer Bills, and that he would have no loan; but to some sort of borrowing or another he must inevitably be compelled to resort. Did he expect the stocks to keep up next year? That was possible, but it was also possible that those gentlemen who had now an interest in making the stocks rise might next year have an interest in making them fall. For his part, he was of opinion, that the funds would continue to rise for a time, but that when the right hon. gent. came to settle his accounts, the fall would be rapid. There was one topic more with respect to the finances on which he must take the liberty of saying a few words. Three or four times in his hearing, but when indisposition did not prompt him to address the House, the noble lord not now in his place had asserted, that he (Mr. T.) had given it as his opinion, that the peace establishment of the army could not be reduced below 19 millions, and then the noble lord, turning round to his friends for applause, entered into a flourish, which amounted to this—"You see what an excellent frugal Administration you have got; an Administration which has reduced the peace establishment to 18 millions instead of the 19, below which it was asserted it could not be carried." Now, all that was very fine on the part of the noble lord, only, unfortunately, he (Mr. T.) had said no such thing. On the occasion alluded to, he had assumed certain data. He had supposed, that the public revenue was to be the same as last year; that various heads of expenditure would also be the same; and that the peace establishment would be 19 millions; but he had never said that it ought not to be carried below that sum. On the contrary, he had declared, and now again declared, that if it was not possible to carry the reduction much farther, the country was in a state of bankruptcy.—He would now conclude by repeating, that he agreed in substance with the measures proposed by the Committee, though he must say that he never knew a Committee appointed by that House which had less efficiently discharged its duty to the country.

The question was then put on the first resolution, which was agreed to.

Mr. Tierney asked when the bills founded on the resolutions would be brought in.

Mr. Gilbert expected that they would be ready to be submitted to the House by to-morrow, or the following day.

The other resolutions, comprehending a variety of bills applicable to various offices, were then agreed to, and the *Speaker* having taken the chair, the Report was received.

Mr. Gilbert then proceeded to move for leave to bring in bills conformable to the resolutions, and the motions passed without observation, until he came to that, the object of which was to grant "Recompence of services in high and efficient offices," when

Mr. Brougham rose, and said, that though he did not intend to object to the present motion,

he wished to state his disapprobation of the measure, in order that he might reserve to himself the right of resisting it in its progress. He, therefore, now gave notice, that he should think it his duty to oppose the bill in all its stages, as it proposed to introduce a new and dangerous principle into the Constitution. It was the first time it had ever been attempted to recognize this system of pecuniary reward, and to declare, that men were to look to high offices in the State for mercenary considerations.

Lord *Milton* agreed in opinion with his hon. and learned friend. The remuneration proposed was to depend on continuance in office, and was therefore to be a temptation to political profligacy. If persons were thus to be induced to hold places for the sake of political influence, to go on with the loss of honour and character, they could not be respected by the public, and their continuance in office would be a curse to the country. Nothing could be more injurious to the public welfare than a measure which should make the holding of office a mere mercenary object, and on that ground he should consider it his duty to oppose the bill.

Mr. *Banks* protested against the principle laid down by the two last speakers. Many men were drawn from profitable professions, and induced to accept public employments; and it would be very hard if there were no means of compensating them for the loss they might sustain by changes over which they could have no control. But the principle of the proposed bill was not new, it was recognised in the bill which he had introduced for granting remuneration to persons who had held high offices in the Government, and which both the noble lord and the hon. and learned gent. had supported.

Lord *Milton* said, it was possible that he might have supported the measures to which the hon. gent. had alluded; but if he had done so, he must now say, that he had altered his opinion. When he saw a good reason for changing his opinion, he would never be ashamed to own it. He was not, however, perfectly certain, that the bill now proposed was the same as the former. The principle of this bill was, that the reward was to depend on continuance in office, and in that respect he conceived it differed from the other.

Mr. *Brougham* was in Parliament in 1812, when the bill alluded to was brought in, but no separate measure of compensation was then proposed. The object of the bill was the abolition of certain offices, but it contained a clause of compensation to the holders. He, for his part, was content at that time to let the bill pass with the clause rather than lose the great object of abolishing sinecures; he was obliged to agree to the one for the sake of the other, but the case was very different when a distinct bill for compensation was introduced; a shape in which the proposition had never before been submitted to Parliament.

Mr. *Canning* voted for the bill of 1812, and he well recollected, that that bill had for its ob-

ject not only the abolishing of offices, but the granting of compensations. The hon. and learned gent. had certainly a right to oppose the bill now moved for, and to change his opinion when he pleased; but no artifice of eloquence could reconcile his present with his past opinion, or give him a claim to consistency on this question. The noble lord (*Milton*) had acted with more candour. He had, with a proper manliness, declared, that he had changed his sentiments. The hon. and learned gent. might also change his; but he had no right to characterise the present measure as something new and dangerous.

Mr. *Brougham* thought he had made himself perfectly understood. He had distinctly stated the ground on which he had agreed to the former bill, though it contained a clause respecting compensations which he disapproved.

Mr. *Ponsonby* did not think that any artifice of eloquence was necessary to prove the consistency of his hon. friend. The bill contained two objects; and all that he had said was, that when they were presented together, he was willing to take the one for the sake of the other. The case was very different when the objectionable proposition was brought forward in a distinct shape. It was, however, very natural that the right hon. gent. should be an advocate for the right of changing opinion: the right hon. gent. knew that he had changed his own in a very signal manner—changed it in order to accept office under a noble lord, whom he had intigued against, with the view of expelling him from the cabinet, on the ground that he was unfit for his high office. It was, of course, no way surprising that the right hon. gent. should be very friendly to changes of opinion. He has already made some remarkable changes, and a day perhaps was not far distant when he might find it convenient to change again. (*Hear, hear.*) For his own part, he had to declare, that his opinion on this question had undergone no change. He was still for abolishing sinecures, and accompanying the abolitions with compensations. There was not only a great prejudice against sinecures, but also against those who held them, and they could not be got rid of too soon. With regard to pensions, however, the public could never be deceived as to the amount of the emoluments received by those on whom they were bestowed. The state of the pensions ought to be always clearly before the public; and with that view he intended soon to move for lists of all the pensions granted in England, Ireland, and Scotland, and from the four-and-a-half per cent. fund. It would then be distinctly seen, if the motion should be carried, to what extent the patronage of the Crown went with respect to pensions. (*Hear, hear.*)

The *Chancellor of the Exchequer* thought the House must acknowledge, that the right hon. gent. had defended his own consistency much better than that of the hon. and learned gent. near him; but it was extraordinary that in attempting that defence, he should find it necessary to make an attack on his right hon. friend (Mr. *Canning*). The hon. and learned gent. had sin-

gularly failed in his part of the defence; for if he disapproved of the clause for compensation in the former Bill, he might have moved to separate the two objects in the Committee, and thus have saved his consistency. With regard to the motion of which the right hon. gent. had given notice, he had no disposition to object to it. It was the wish of Government to give every information on the pension list, and on all subjects connected with the expenditure of the country. In reply to what had fallen from an hon. and learned gent. (Mr. Grant), he had to observe, that he had not entered into the financial situation of the country, because he expected that in a very few days an opportunity would arise for the full consideration of that subject. He should, in a few days, bring under the notice of the House, a proposition relative to an alteration in the Consolidated Fund, in doing which he would have to take a detailed view of the finances.

Mr. Tierney heard with some astonishment the intelligence given by the Chancellor of the Exchequer, that a new report regarding finances would be made in two or three days: he (Mr. T.) had expected, that it would have originated with the Committee; but the declaration was only one more proof that the reports were dictated by the Treasury, and adopted by the Committee.

The Chancellor of the Exchequer denied that he had said, that the Report would be presented in two or three days: the phrase he used was a few days. (*Laughter.*)

Mr. W. Smith maintained, that the epithet unmanly, was not applicable to the conduct of the hon. and learned gentleman (Mr. Brougham), or to any of his hon. friends. He did not feel at all disposed to shrink from any opinion he had formerly expressed, and upon that point he felt exactly as his hon. friends had expressed themselves. He who acted with straight-forward uprightness, applying his talents, under peculiar circumstances, and at particular times, for the public good, could not merit such an opprobrious term as unmanly. In 1812 he (Mr. S.) voted both for the abolition of sinecures and for the clause of compensation, because he hoped, by a smaller evil, to attain a greater good; and in doing so, and in avowing it, he feared the censure of no man, however coarse might be the expressions he condescended to employ.

Mr. Peel was not a little surprised, upon a question of consistency, to hear a gentleman speak who a few days ago (see page 587.) had most unjustifiably brought a charge of the same kind against a private individual, founded merely upon an anonymous publication. (*Hear, hear.*) It was singular, too, that he should be the man to complain of the use of coarse epithets, when he had himself branded the same individual, who had no means of personal vindication, as guilty of the basest and most corrupt inconsistency. It was, indeed, astonishing that he, of all men, should

stand up as the champion of consistency, and as the censor of recrimination. (*Hear, hear, hear.*) Honourable gentlemen on the other side might, perhaps, on some future occasion, be able to persuade the House, that their conduct, in this respect, had been irreproachable; but they would certainly fail in shewing that there was any thing monstrous or novel in the course of proceeding now recommended; for he held in his hand the bill of 1812, in which they concurred; the preamble of which distinctly recognized the principle of pecuniary remuneration, as just, wise, and honourable. It was, "And whereas it is no disparagement of any persons who have meritoriously served the Crown in high civil offices to receive permanent recompense where they need such assistance; and whereas, it is consistent with sound policy and true economy to bestow such honourable reward in consideration thereof; and whereas some offices, enumerated in the table, have been applied to the purpose, and ought not to be abolished without a substitution of some other and more certain remuneration in lieu of them, be it enacted," &c.: so that the greater portion of the preamble of the bill of 1812 was occupied with the pecuniary reward of meritorious services. (*Hear, hear.*)

Mr. W. Smith said, that after what had fallen from the right hon. gentleman, the House would not refuse him the opportunity of saying a few words. He did not accuse him (Mr. Peel) of irregularity in referring to the debate of a former evening, though, had it been worth his while, he might have corrected him, not only for the reference, but for the manner in which it was made. The reason why the right hon. gent. had now revived the subject must have been, that he was not present on the former evening; for, had he been in the House, had he attended to what passed, and had his recollection served him, he could not have been guilty of the enormous, the extravagant, misrepresentation with which he (Mr. Smith) had now to charge him. (*Hear, hear.*) The right hon. gent. had too much good sense and too much candour (in perfect sincerity he spoke it) to have attributed to him (Mr. S.) the expressions that had now been employed, when, in truth, what he (Mr. S.) had said in the previous debate, was merely levelled at the unwarrantable harsh censures applied by a person who had found it convenient to change his political opinions, to those who had not thought fit to follow his example. At least, this part of the complaint had not been answered either by the right hon. gent., or by the individual whose cause he now, for the first time, stood forward to advocate.

Mr. Lamb denied, that he or his friends could fairly be accused of inconsistency: he objected to this measure, because it definitively fixed the reward of services; whereas he thought a certain sum ought to be placed at the discretion of the Crown, to be disposed of in that way in the proportions that might be deemed proper.

Mr. Tierney again explained his reason for voting in favour of the Report: he considered

the suggestion of his hon. friend highly objectionable: if a sum were left to the disposal of the Crown, it would be all swallowed up in two or three months for the accomplishment of about as many jobs.

Lord *Ebrington* stated his reasons for voting in favour of the *Sinecure Bill* of 1812, and against the measure now proposed.

Mr. *D. Gilbert* insisted, that the difference between the two bills was merely formal. It had been deemed convenient to divide the clauses for the abolition of sinecures, and the reward of sinecures, into two bills, instead of submitting them to the House, as in 1812, on one sheet of paper.

Mr. *Lyttelton* was not surprised to observe a smile on the countenances of hon. gentlemen on the other side of the House: no doubt they held it to be a very ridiculous and superfluous thing for any man to vindicate himself from a charge of inconsistency: they wisely made no such attempts.

Sir *M. W. Ridley* contended, that some of the right hon. gentlemen on the Treasury Bench were most chargeable with inconsistency, for they had directly and strenuously opposed, in 1812, what they now came forward to support. If political tergiversation were a crime, many of them might be found guilty, and he was willing to place the characters of his hon. friend (Mr. *Brougham*), and of the right hon. gentleman (Mr. *Canning*), to the opinion of the nation and the world at large, without any apprehension for the result.

Lord *Binning* challenged the other side to state any question upon which his right hon. friend (Mr. *Canning*) had been guilty of tergiversation. (*Hear, and laughter.*)

The question was then put, and it was ordered that the bill should be brought in, as well as bills for the following purposes: Regulation of offices in the Exchequer of England and Ireland: Regulation of offices in the Mints of England and Scotland: Abolition of offices in Scotland: Regulation of the offices of Clerk of Parliaments, Signet, and Privy Seal Clerks: Regulation of the Board of Trade: Abolition of office of Commissary of Musters: Regulation of offices in Ireland. (These, together with the bill for the "Abolition of the Offices of Justices in Eyre," and the bill for "Recompence of Services in high and efficient Offices," constituted the whole of the objects recommended by the Committee in their first Report.)

HOUSE OF LORDS.

Tuesday, May 6.

The Window Duty Bill was read a third time and passed.

HOUSE OF COMMONS.

Tuesday, May 6.

WOOL TRADE.] Mr. *Heathcote* presented a

Leather Tax.

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petition from the wool growers of Hampshire, against the importation of foreign wool.

Sir *T. Baring* considered the subject of great importance, and wished to know whether it was intended to revive the committee which sat last year to investigate the matter?

Mr. *F. Lewis* could not help declaring, that in the committee of last session this subject had been treated in a very improper manner. He did not mean to say this in an unparliamentary sense, but it was a feeling which he was bound to express. In the next session he hoped the House would investigate the matter seriously.

Sir *C. Burrell* was of opinion, that some alteration should be made in these laws, which were extremely oppressive in their present operation.

Mr. *Curwen* said, he was a member of the committee of last session, and the general opinion was, that there existed no reason for complaint. There had been no petition from the wool growers last year; but, certainly, it was a matter of very considerable importance, involving a great number of interests; and though he was happy to find that it was not intended to press it this year, yet whenever the question came, he should not oppose going into it. The misfortune was, that we had always been legislating on particular interests; but in future it would be wiser to take a review of all our commercial and manufacturing interests, and not to encourage monopolies.

Sir *J. Graham* said, all the woolstaplers had been called on last year to give evidence before the Committee, and the agricultural interest might have given evidence also, but it was thought unnecessary, as their evidence would only have confirmed that of the woolstaplers. It was given in evidence then, that wool was selling at twice the price at which it had been at the end of the American war. He maintained that wool was now much higher than any other agricultural produce. It was not the wool growers in general, but only the growers of some kinds of wool, who complained of the present prices.

Mr. *Western* contended, that the object for which the Committee had been appointed last year, was not attained. The Committee was appointed just prior to the Easter recess—he had been obliged then to go into the country, and when he returned three or four days after the termination of the recess, he found that the Committee had put an end to their inquiries. In opposition to the statement of the hon. baronet (Sir *J. Graham*), he contended, that the wool growers had not had an opportunity of contradicting the evidence of the woolstaplers. The House were pledged to inquiry. He for his part did not see any objection to prosecuting the inquiry at this moment.

The petition was brought up, read, and ordered to lie on the table.

LEATHER TAX.] Sir *T. Arland* presented a petition from the Tanners of Devon, complaining of the pressure of the Duties on Leather, and praying for relief.

Mr. *Benson* wished to learn from the Chancellor

lor of the Exchequer, whether there was any prospect of the dealers in leather obtaining that relief to which they looked forward with such anxiety?

The *Chancellor of the Exchequer* said, he had considerable doubts, in so far as respected stock in hand. He did not despair that some relief might be afforded.—Ordered to lie on the table.

CONTEMPT OF COURT.] Mr. *Bennet* presented a petition from John Hammons, a prisoner in the Fleet, who was committed on the 28th of November, 1814, for a contempt of the Court of Chancery, and was still detained for the costs of that contempt. The petitioner had been unfortunate enough to marry a woman who had a Chancery suit. He and his wife were ordered to make a certain return, and being an ignorant man, and not understanding the nature of the order, the return was not made, and he was ordered into confinement for contempt. He had made the return however, some time since, but being unable to pay the costs, he was detained in prison. The hon. gentleman observed, such was the distressed situation of this person, that he must remain in confinement during the whole term of his natural life, unless the House should interfere to procure his release, as there was no likelihood whatever of his being able to pay the costs. Good God! was it possible, in a country which boasted of its justice, its freedom, its humanity, that any man should be incarcerated for years, merely because he was unable to discharge the fees of a court of equity? Alas! the case had too frequently occurred, and many had fallen victims to this barbarous mode of administering the laws. Last year, when he called the attention of the House to this subject, there was a wretched individual in the Fleet, who had been confined there under an order of the Court of Chancery, for no less a time than thirty-one years. (*Hear, hear, hear.*) The name of that man was Thomas Williams. He had visited him in his wretched house of bondage, where he found him sinking under all the miseries that can afflict humanity; and on the following day he died. (*Hear, hear.*) There were at this moment within the walls of the same prison, besides the petitioner, a woman who had been in confinement twenty-eight years, (*hear,*) and two others who had been there seventeen years. (*Hear, hear.*) This was a disgrace to England, a disgrace to the laws, and to those by whom they were to be administered. The Lord Chancellor on a former occasion had said, Why did not I know of these cases before? He had known of them since, and he (Mr. Bennet) did not find from the keeper of the prison, that his lordship had interfered to restore these wretched persons to liberty, to their families, and to the world. It was high time, then, that something should be immediately done, or “the law’s delay” would drive them to madness, or consign them to the grave. (*Hear.*) Whether his Majesty’s Government intended to make any regulations on this subject he could not tell; but the Lord

Chancellor was bound to consider it; and if his lordship neglected it any longer, it would be a great breach of his legal duty. (*Hear, hear.*)

Sir F. *Burdett* said, the House ought to take some steps to put an end to a grievance which was quite intolerable. He could understand the exercise of power by Judges in what was called contempts of Court, if it extended to nothing more than removing obstacles in the way of justice; but that a person should remain for his whole life a prisoner, and after 30 years’ confinement die in gaol, was what no person could possibly think of without shuddering with horror. (*Hear, hear.*) He should have thought that the benefit of the Insolvent Act might have been extended to persons under confinement for contempt. It was necessary, however, that some measures should be adopted to prevent a recurrence of this evil.

Mr. *Simcoe* said, every person must know that the Lord Chancellor, in the exercise of his judicial duty, was under the necessity of ordering persons into confinement when his orders were not attended to. If the party remained longer in prison than was necessary, it was not the fault of the Lord Chancellor, but his own. It was in his power to bring the matter forward by petition to the Court, and if he had no means of paying the expenses he might apply *in forma pauperis*.

Mr. *Bennet* said, it was an insult to a man when he had no money, to tell him he might apply *in forma pauperis*. It was well known that all these things were attended with expense. The present petitioner had never had a penny in his pocket—he had therefore no means of applying; it was a mockery, therefore, to tell him he could apply to the Court.

Mr. *Lamb* thought it a very great hardship that persons, after purging the contempt, should be detained in confinement for costs. He saw no reason why the provisions of the Insolvent Debtors Act should not be extended to these cases, as well as to those of common law.

Mr. *Bennet* observed, that the Commission appointed to inquire into the state of the Courts of Justice, had sat nearly two years without giving in any Report.

The petition was ordered to lie on the table.

EMBASSY TO LISBON.] Mr. *Lambton*, in calling the attention of the House to the papers that had been laid on the table respecting the late mission to Lisbon, premised, that a subject of deeper importance could not be brought under the consideration of Parliament. His object in rising was not to attack the character or conduct of an individual, but to point out and reprobate an instance of the grossest public misconduct, and a profligate waste of the public money. He should esteem himself unworthy of the country he represented, unworthy of the people of England, if he did not undertake to expose a transaction in every view so unjustifiable and pernicious; and he hoped the House would express such a sense of it, as to convince the

that their professions of economy were not mere sounds; and that if the expense of the past was irretrievable, at least some hope might exist for the future. It was well known that the whole transaction was the effect of the weakness of Government, of an absolute dearth of talents in every branch of Administration. In truth, no necessity whatever existed for this mission; it was the result of nothing more than the lowest political intrigue. To prove this, he should enter into a statement substantiated by the documents which had been laid before the House. In the year 1814, negotiations were entered into by Ministers to secure the co-operation of the right hon. gentleman opposite (Mr. Canning) and some of his friends. They had found it necessary to have some addition to their force; this necessity was announced by the appointment of Mr. Canning as Ambassador Extraordinary to Lisbon; Mr. Huskisson, Surveyor of Woods and Forests; and Mr. Wellesley Pole as Master of the Mint; and on the 30th of July, notice of these appointments was given in the public prints. The motives assigned for the appointment of an Ambassador to Lisbon, were two despatches from Lord Strangford, the Minister at the Court at Brazil, respecting the intention of the Prince Regent of Portugal to return to Europe. The first of these despatches had been received on the 24th of April, 1814, the second on the 26th of August. As these were the only authorities on which the measure rested, he should read them to the House. The first was in these words—"I should fail in my duty, did I not earnestly recommend to the consideration of his Royal Highness's Government, the speedy return to Europe of the Portuguese royal family. The Prince's own feelings, and those of every member of his family, are earnestly in favour of this measure. Some degree of apprehension may, perhaps, operate upon the mind of the Prince himself, to prevent him from coming forward as eagerly as the other individuals of the royal family would wish; but this sentiment would be easily removed; and his Royal Highness has explicitly stated to me, that as soon as ever Great Britain declares that his return to Portugal is necessary, he will accede to any intimation to that effect."—This, it would be observed, contained merely a declaration of the line of policy which Lord Strangford had thought fit to adopt. The next despatch was received on the 26th of August, and was in these words—"The glorious events which have given peace and independence to Europe, have revived in the mind of the Prince of Brazil, those eager desires to revisit his native country, which had been for a time suppressed. His Royal Highness has lately done me the honour to state his anxious hope that Great Britain will facilitate the completion of his wishes upon this subject, and that he may return to Portugal, under the same protection as that under which he left it. And his Royal Highness has during the last week intimated to me, four or five times, as well publicly as privately, that

in case Great Britain should send a squadron of ships of war to this place for the purpose of escorting his Royal Highness to Europe, it would be particularly and personally gratifying to his Royal Highness that ——— should be selected for this service." The blank he believed had been filled up with the name of Sir Sidney Smith. Now, on one or other of the despatches which he had read, the appointment of the Lisbon Ambassador must have been founded, if it had any foundation but the desire to find an appointment for the right hon. gentleman. It was ascertained that in the interval between the 24th of April and the 26th of August, no communication had been made from the Portuguese Ambassador to our Government; an Address had been voted for all the communications from the Portuguese Ambassador respecting the return of the Prince Regent of Portugal, and the answer was, that no written communication had been made. Indeed he could prove, that not only had the Portuguese Minister made no communication of the probability of the return of the Prince of Brazil, but he had asserted that the Government had quite misunderstood the intention of his master. The appointment could not have been in consequence of the despatch received in April, for it was only on the 6th of June that Mr. Sydenham was appointed, and on the 18th of July, when the noble lord had written to Mr. Sydenham, he had no contemplation of any other appointment. (*Hear, hear.*) It was still more impossible that the appointment could have been occasioned by the despatch received on the 26th of August, for that was a month after the appointment of the right hon. gentleman had been announced to the public in the newspapers. He supposed it would not be contended that the appointment did not take place until it was formally announced in *The Gazette*—the *evidentia rei*, the previous notoriety of the transaction, was a sufficient contradiction of any such idea, and he did not think any of the Ministers would stand forward in their places, and assert that the appointment did not take place in July. But if the right hon. gentleman had really been appointed for the purpose of welcoming the Prince Regent on his return, by what pretence could the appointment be justified in August, when the fleet intended to convey the Prince of Brazil to Europe did not sail till the 29th of October? It was morally impossible therefore that his Royal Highness could have reached Europe till the month of May following. He should now call the attention of the House to the expenses of the Mission.—On the 18th of July, 1814, Lord Castlereagh had written a letter to Mr. Sydenham, then the Minister at Lisbon, in which he stated, that it was the Prince Regent's pleasure that the expenses of the mission should be reduced to the lowest scale, and stating, that he could not contemplate any reasons for continuing the scale of expenditure which had been adopted during the peninsular war. He had been rather surprised to find this economical disposition in any production of the noble lord's,

but it was of short duration, for it was only ten days after Mr. Sydenham had been reduced to a salary of 5200*l.* a year, that the right hon. gentleman had been appointed with a salary of nearly treble that amount. On the 31st of October, in the absence of the noble lord (Lord Castlereagh) at the Congress, Lord Bathurst wrote to Mr. Canning, then at Lisbon, to inform him that he was to be allowed 14,200*l.* a year, on the same grounds on which Mr. Sydenham had been limited to 5,200*l.* Why such a change had taken place in the allowance to the Minister, while no change had taken place in the circumstances of the embassy, and when no chance existed of the immediate return of the Prince of Brazil to Europe, yet remained to be explained. The expense of Sir C. Stuart had been referred to, but that could form no precedent for the expenditure of the right hon. gentleman. Sir C. Stuart was a member, and the sole effective member of the Regency during the peninsular war. The case was very different when the war had ceased, and when the ambassador was no longer a member of the Portuguese Government. On the 30th of May, 1815, the right hon. gentleman had found out a reason for this increased scale of allowance. In a letter to the noble lord (Castlereagh) of that date, he stated, that "the rank of ambassador, which could make no practical difference in expenses, of which the salary (whether as ambassador or as envoy) supplied only a part, was politically important, as counterbalancing the positive loss of rank and influence, which would otherwise have been occasioned by the British Minister's being no longer a member of the Regency." The right hon. gentleman had by that time forgotten the letter of Lord Castlereagh, in which Mr. Sydenham was directed to reduce his expenses to the lowest scale. He seemed to have taken a former suggestion of his noble friend—to have two strings to his bow—for when he was forced to acknowledge that the object of his mission had ceased, as there was no probability of the Prince of Brazil's return to Europe, he contrived to discover, that it was essential to the political welfare of England, that his salary should be continued; he discovered, in short, that as Sir Charles Stuart had a large allowance, because he was a member of the Regency, so he (the right hon. gentleman) ought to have a large allowance, because he was *not* a member of the Regency. (*Hear, hear, and a laugh.*) The rest of this letter of the right hon. gentleman's was unimportant, except as it displayed talents for finance, which, though he had never display'd on any other occasion, he might exert in support of his friend the Chancellor of the Exchequer, in this season of financial difficulty. From all these documents it was evident, that the plain and almost avowed purpose of the mission, was to procure a place for the right hon. gentleman. He was therefore sent, with a salary of 14,000*l.* a year, to a capital where there was no court, and to which, even while it had a court, no am-

bassador had been sent for almost a century, and when he had amassed a sufficient sum, or when a place was provided for him, or when the job became too glaring, and called forth the public censure, he left the important business of the Lisbon Mission under the sole guidance of a Chargé d'Affaires (*hear, hear*); and during the whole of this mission, the only duty performed by him, was a fine speech to the Factory. (*Hear, and a laugh.*) The defenders of this mission had talked of the efforts which the right hon. gentleman had made to complete the abolition of the Slave Trade; and one of his friends, on a former occasion, had said, "that if there was the least chance that the abolition of the Slave Trade would be accelerated by this measure, the opposers of the appointment of the right hon. gentleman should pause before they called on the country to pronounce it a gross and scandalous job." He could prove, however, that since the appointment of the right hon. gentleman, the trade of Portugal in human flesh had increased instead of decreasing; and that not one single favourable declaration was procured from the Portuguese Government by the efforts of the ambassador.—Under all these circumstances, he called on the House to pronounce on the merits of this transaction; he called on them to make good the professions of economy that had been held forth at the commencement of the session, and to mark their sense of a case of most profligate expenditure. In no one instance had the confidence placed in Ministers been more abused: and never was there a time when the effects of such misconduct could be more severely felt. He trusted, therefore, that by their vote on this occasion, they would still retain a claim to the regard of the people, and be the means of protecting them from farther loss and disgrace. It only remained for him to move the following resolutions, founded on the documents then upon the table.

"That it appears to this House, That on the 18th of July, 1814, Lord Viscount Castlereagh addressed an official despatch to Thomas Sydenham, Esquire, then his Majesty's Minister at Lisbon, acquainting him that it was the command of his Royal Highness the Prince Regent, that during his residence at the Court of Portugal, he should confine his personal expenses within his ordinary allowances as Envoy Extraordinary and Minister Plenipotentiary, *viz.* 5,200*l. per annum*: That he had directed Mr. Casamajor to lose no time in removing the Mission from the house of the Marquis de Pombal, and that he could not anticipate any public grounds for continuing the expenditure of his Majesty's servants at Lisbon, on the scale on which it had been conducted during the war in the Peninsula.

"That it appears that under the pretence of congratulating the Prince of Brazil, on his return to his native dominions, the right hon. George Canning was appointed Ambassador Extraordinary to the Court of Lisbon, with the

increased emoluments and allowances belonging to that character, viz. 8,200*l.* as salary, 6,000*l.* as extraordinary, 1,500*l.* as outfit, and 3,180*l.* as plate money, amounting in the whole to the sum of 18,880*l.*

"That such an appointment, on such a scale of expense, appears to this House inconsistent with the recorded declaration in Lord Castlereagh's despatch to Mr. Sydenham, of the 18th of July 1814; was uncalled for by any change in the circumstances of the mission subsequent to Mr. Sydenham's appointment; and has been attended with an unnecessary and unjustifiable waste of the public money."

The first resolution having been put,

Lord Castlereagh said, he was perfectly ready to meet the charge on these broad and distinct grounds. And first, he should attempt to do away the odium which had been thrown on the appointment, on account of the alleged extravagance of the expense. The honourable mover had drawn a comparison between the salary of Mr. Sydenham and that of his right hon. friend, which he was not warranted in drawing. The salary of his right hon. friend was not 14,000*l.* a year. That sum was fixed at the extent which the whole expenses of the mission should not exceed. The salary was only 8,200*l.* a year, subject to all deductions, and did not exceed in amount what the Committee, in 1815, on the Civil List had recommended as the salary of an ambassador of the second order. It was true that, in his letter of the 18th of July, he had enjoined Mr. Sydenham to confine his expenses as much as possible; but he did not say that cases might not occur in which it would be necessary to alter the scale of expenditure; on the contrary, he could fully justify an approach to the amount incurred by Sir C. Stuart. But what was the case when he wrote to Mr. Sydenham? He had written without any knowledge of the peculiar local circumstances of Lisbon, without knowing that Mr. Sydenham had been writing to him on the judgment of the Duke of Wellington, that he must be ruined by his situation at Lisbon unless the Government allowances were increased. He had written, too, at a time when there was no Court at Lisbon, and no immediate expectation of the return of a Court. He would ask, therefore, whether, with a view to welcoming home the Sovereign of the country, it was not the duty of Ministers to consider how far the expenses should be increased when a mission was sent for the express purpose of that welcome?—The wish of this Government, that the Prince of the Brazils should return to Europe, had not been expressed for the first time, at the period to which the papers on the table related. It had been repeatedly urged that the presence of the Sovereign was essential to the interests of his country, and his absence was embarrassing to all the concerns of state, and the exertions made by us for Portugal herself. Indeed, the Duke of Wellington had encountered serious

difficulties from this circumstance during the last years of the war, on questions that could not be decided without reference to the Prince of Portugal. This was at a period when the war was carried on with vigour: but when it ceased, embarrassments were felt all over Europe from the absence of this Prince. In 1814, serious difficulties had arisen at the peace of Paris; nor did they terminate there, but were again experienced at the congress of Vienna; and the questions touching Portugal could not be satisfactorily settled. The same difficulties recurred in the campaigns of the second war; and the endeavour to bring the Portuguese troops to the aid of the allies failed, because the Regency could not authorize such a measure without sufficient instructions. The House would, therefore, see the necessity there was of pressing the return of the Prince to Europe; and there had been every reason to suppose that the Prince had designed to revisit Portugal as soon as there was any certainty of his not being again disturbed. It was true, that in the letter of the 18th of July he (Lord C.) had stated, that no change was anticipated, but he did not contemplate any certainty that circumstances might not occur which would justify a different scale of expenditure; and if the hon. gentleman argued, that Government did not contemplate the possibility of the Prince's return, he was entirely wrong: for they had long been in earnest hope and confidence that such an event would occur. That hope had been much increased after the peace of Paris in 1814, because one of the causes that had prevented a return to Europe was the unsettled state of the Continent, subject to every kind of casualty. But in July, after the peace had been established, Government thought the probability of the Prince's return much increased.—He could truly state, that the embassy was not fixed till the 26th of August, when the letter was received which left no doubt on the minds of his Majesty's Ministers. Did the hon. gentleman think that his Majesty's Ministers would despatch a squadron across the Atlantic for an excuse to set up an individual in an embassy, and expose themselves to obloquy? He was certain that the hon. gentleman could not be sincere: the thing was too ludicrous to be imagined. It would be a waste of time to answer such a supposition. The fact was, that his Majesty's Ministers did believe that the Prince was returning, and they thought it advisable to mark his return in the most respectful manner. This, he maintained, was not only wise and right, but, under the circumstances of the two countries, it would have been a most unpardonable neglect, if such an honour had been omitted. Every other power had sent its mission to congratulate, and it was therefore the more necessary for this country to do so. Portugal had been our ancient ally and most valuable friend; and on this occasion we had afforded her more assistance than any one country had ever afforded another. It was the

more incumbent on us to pay particular respect; and, had we failed, we should have been almost the only exception in Europe. The King of France had sent the Duke of Luxembourg, one of the first individuals of his court, and the Emperor of Russia had also sent an ambassador, though he now only retained a mission of the second order. Government, therefore, felt it incumbent on them to hail the return of the Prince, and the appointment of the mission was calculated to shew every degree of respect. No better compliment could be paid, considering that his right hon. friend had held such high offices at home; and at one time held the office which his lordship now had the honour to fill. (*Hear, and a laugh.*) As to any question of delay, he could only say that that was greater than was foreseen. Information was received on the 26th of August. On the same day Lord Bathurst wrote to instruct the Admiralty to provide a squadron. Intelligence of the matter was sent to his right hon. friend, then in the West of England: he returned to town early in September, but Admiral Beresford was detained with his squadron by unfavourable weather till October. Was it possible, however, that his right hon. friend could go out on an embassy of this nature without some preparation?—On a fair view of the subject, Mr. Sydenham's mission was not more economical than his right hon. friend's, though the latter went out in a superior order of embassy. No one who read attentively the documents could believe that his right hon. friend's object was to increase the expenses. There was really a spirit of economy in the whole arrangement. Certainly there was no great public measure, which was a marking feature of the mission; because the object of it did not take place, as the Prince Regent did not come back. There was in Portugal only a provisional Government. If, however, there was any blame or fault in the transaction, it must lie with those who sent out his right honourable friend; but himself and the other members of Government believed, in their consciences, that the Prince would return, and that they were only shewing every mark of respect to such a Sovereign. Upon these grounds, he should move the adoption of the previous question.

The Amendment being put,

Sir F. Burdett said, there never was in his knowledge a more complete failure in an attempt at defence than had been exhibited by the noble lord. The statement of the hon. mover was clear, distinct, and intelligible. The noble lord could not deny his letter to Mr. Sydenham; neither could he disprove the facts and dates which had been mentioned. It seemed unlikely he could ever have seriously believed that the Prince Regent intended to return. The idea of his return, and any measures consequent upon it, appeared to have been neglected for a considerable time, till the noble lord found out that it was convenient for him to employ his right

hon. friend. The noble lord, in this transaction, had endeavoured to display all the charity of a good Christian. He did good to those who had evil spoken of him, he returned good for evil, he did that unto others which they had not done unto him, beyond any instance in political history. He did not wonder at this Christian charity of the noble lord to a right hon. friend who had once filled the noble lord's own place, and who wished to fill it without the noble lord's assistance in Government. Nor did he wonder at the apparently triumphant tone of the noble lord occasionally, after this exhibition of Christian charity. He believed it was, however, pretty well recollected, that the right honourable friend did state to his constituents, that he could not return to office with the noble lord, consistently with honour. If at that time he could not do so consistently with honour, he (Sir F. B.) did not see how he could do it at all. It might be supposed, that great matters of importance to the public safety and welfare were felt so strongly, that the right hon. friend, in order to act under the noble lord in office, gave up all former charges, even the accusation of incapacity to plan an expedition. (*Hear, hear.*) Now there appeared forgiveness on the one hand, and benefits received on the other. The peculiar characteristics of the whole transaction might be viewed in many lights. It had been said, and by the right honourable gentleman too, that it was a great evil that public men got no credit for public motives in their conduct. This he had particularly complained of as an erroneous idea out of doors, and had ventured to stigmatize all who believed that much corruption existed, and avowed that belief, and desired a remedy and a reform. He threw out, that they were all mischievous and dangerous. Like the Pharisee in the temple, he thanked God that he was not like publicans and sinners, or reformers and republicans. (*Hear.*) After all, he had talked of morality and religion, as if they were altogether on his side, against all reformers; yet his own case was such as would gain him no credit, except for those very motives which he condemned and deprecated. The whole transaction had both fortunate and unfortunate "features," if he might use a term of the noble lord's: fortunate, because the noble lord, wanting the support of the right hon. gentleman, had a good place to give away, which the right hon. gentleman wanted, and was so fortunate as to obtain: unfortunate, because the defence set up was so inconsistent with the conclusion to be drawn from the facts and from the dates of all the papers produced. After complaining of the expense of the Lisbon mission, the noble lord suddenly found it quite right to send out his right hon. friend in the capacity of what he called a minister of the first order, none of that rank having been sent to Portugal for a century, and to give him a salary of 8,000*l.* a year, and an additional 6,000*l.* besides other money, making altogether

about 19,000*l*. The court of Rio Janeiro did not mean to come; but at all events there was no reason to pay the right hon. gent. in advance, till it was ascertained that they would come. If it was a matter of great importance to induce the Prince Regent to return to Europe, and if the Prince seemed to hesitate, it might have been as well to have sent out the right hon. gentleman with the fleet to Brazil, where, as he was a great orator, he might have employed his powers to persuade the Prince to return with him. (*Hear, hear.*) But why pay the right hon. gentleman, when there could be no reasons, in conscience, to believe that the Prince intended to return? The appointment was made long before it could be wanted. Out of doors it was generally considered to be as gross a job as ever existed. (*Hear.*) It appeared to be a scandalous speculation on the public purse, that the noble lord might gain the assistance of his right hon. friend. The affair might be varnished an inch thick, and still it would appear a plain, palpable job. (*Hear.*) It was reported of Sir Robert Walpole, that he had said, that all men had their price; but, in respect to the noble lord, he had certainly had much more experience in such matters, in wholesale practice, than Sir Robert Walpole ever could have had. (*Hear.*) Yet he believed, that neither Sir Robert Walpole nor the noble lord could ever, before this transaction, tell precisely the price of any particular individual. But here the House had it shewn to them in figures. (*Hear.*) It had, to use again a term of the noble lord, some of the most disgusting features of any attempt he knew of to invade the means of an oppressed people. If ever there had been a time when it was necessary to look at small sums, even at shillings and pence, on account of public distress, for the sake of relieving the nation, it was now; and it was so at the time when this strange arrangement was made. No wonder need be excited that the right hon. gentleman should feel strong alarms at any steps taken in the way of Reform, and should profess to stand forward in the defence of what he called the Constitution; but which he (Sir F. B.) called, the violations and abuses of the Constitution. Whether the right hon. gentleman took on him to give grave warnings, or indulged himself in general declamations, to excite the passions against all Reformers; whatever road he took against Reform, he would find himself mistaken. One word in future would be a sufficient answer to any speech of the right hon. gentleman on these subjects, and that was "speculation." (*Hear.*) The noble lord had shewn the right hon. gentleman great forgiveness, and the right hon. gentleman had with still greater humility bought his benefits at a very dear rate. Let him then take care how he threw out hereafter his imputations, and his suspicions, and censures on others, who would find an ample made by of all they had said of public men Duke of Wulst of the right hon. gentleman him- transaction really did regard the

public, as to expense, as to public honour, and as to the character of public men. If the character of public men was, as it had been called, the best part of the public property, it was greatly to be feared that, like the rest of the public property, it would soon be gone. (*Hear.*) There was no occasion for the noble lord to go into minutiae. All that was proper was to keep the grand object in view; and then it would be seen that this was one of the most notorious and disgusting acts of public men. Believing that much corruption existed, he felt satisfaction in the exposure of this transaction. He hoped gentlemen would now see the necessity of putting an end to this system, which encouraged the want of principle in public men; all which, in a great degree, it was apparent, arose from the necessity Ministers felt for taking undue measures to obtain support in that House.

The question was again put, when Admiral Beresford rose. He observed, that when he went out to Rio Janeiro, he waited on the Prince Regent to communicate the object of his arrival. The Prince requested him to continue there, but stated, that he still hoped to return to Lisbon. The Admiral wishing to go back to Europe, asked some time afterwards for another answer. He was still begged to remain, as the Prince expected an arrival which might induce him to return:—he also inquired how long the passage would be. Still the Admiral wished to depart; but he could obtain no final answer until about the middle of April. He could assure the House, that he would not have remained at Rio Janeiro five days after his arrival, but from a strong belief that the Prince intended to return with him.

No other member offering to speak, Mr. Canning rose, and addressed the House as follows:—Sir, Upon a question which, however disguised in form, I cannot but feel, in common with every member who hears me,—in common with the hon. mover of the Resolutions,—and in common with the hon. Baronet, who has fairly stated the real object in view,—to be an attack directed against me individually, I trust I shall not be considered as having shewn any blameable reluctance in pausing before I offered myself to the attention of the House. Sir, I could not bring myself to believe, that, in the two speeches of the hon. mover and the hon. Baronet, I had heard the whole of what is to be alleged against me; and yet I must suppose that, if others intended to add their weight to the accusation,—I must suppose that, in a case in which every thing that is dear to man, in character, in reputation, and in honour, is at stake, they would have had the fairness to give to the accused an advantage which is not withholden from the meanest criminal,—that of hearing the whole indictment to which he is to plead. If, after a year of menace, and after three months of preparation, from amidst all the array which I see opposed to me, there are my only accusers;—if the speeches which I have heard, contain the whole of the charges

which are to be urged against me,—charges, which those who bring them forward state to be directed to no other object than the public weal,—but which I know, and which they know, to be intended to disqualify me for ever from serving the public with credit to myself or with advantage to the state;—if this be all,—it falls indeed far short of the expectations excited by such mighty menace and by such deliberate preparation! But, Sir, if this is *not* all,—if there are gentlemen, who hold themselves in readiness to aggravate the matter preferred against me,—whose speeches, prepared for the occasion and now throbbing in their breasts, are reserved till I shall be disabled from answering them,—from such I appeal to the candour of the House and of the world; declaring, and desiring it to be understood, both within and without the walls of this House, that if I do not refute what they may hereafter advance against me, it will be only because I am precluded by the forms of the House from speaking a second time. (*Cries of no, no, from the Opposition.*) O, Sir, I am not to be told that the motion consists of a string of Resolutions—that each Resolution is a separate question—and that upon each separate question I *may* speak:—but neither are my accusers to be told that this is technical nonsense;—that the effective debate must take place upon the first Resolution,—and that the question upon that Resolution once put to the vote, I should be heard upon those which follow, to very little purpose indeed. I agree with the hon. Baronet, that I have often deplored and deprecated,—and, in spite of the hon. Baronet's warning, I shall continue (not for myself but for the public good) to deprecate and to deplore—the practice of calumniating public men on either side of this House, by imputing to them motives of action, the insinuation of which would not be tolerated in the intercourse of private life. If, indeed, I shall be found to have forfeited all claim to the confidence of the House, the hon. Baronet needs not fear that I shall again offend him by such unpleasant animadversions. But if, on the other hand, I shall be fortunate enough to make plain to others—that which I myself confidently feel—my perfect clearness from any of the imputations attempted to be thrown upon me, the hon. Baronet may depend upon hearing from me hereafter the same language which I have used heretofore, on this—and on other subjects still more disagreeable to the hon. Baronet and his followers. Sir, the charge which the hon. gentleman's Resolutions involve, is this,—That the Government being perfectly aware that the Prince Regent of Portugal had no intention of returning to Europe, pretended a belief in such intention, for the express purpose of corruptly offering that mission which I corruptly accepted. It is true, that a distinction is most disingenuously affected to be drawn between the Government and me; of which it is hardly necessary to say, that I disdain to take advantage.

It is pretended that a charge is brought forward only against the Government for making the offer—but that I might have accepted that offer—if not altogether without blame, at least without absolute criminality. Sir, I disclaim this insidious distinction. I will allow no such exception in my favour. As my noble friend has claimed that my case shall be considered as that of the Government,—so do I declare on my part that the case of the Government is mine. The *first* head of charge, therefore, against the Government and myself is, That there was no belief on the part of the Government, or on mine, that the Prince Regent of Portugal intended to return to Europe: the *second* is, That the mission sent to receive and congratulate the Prince Regent on his return was on a scale of unnecessary, unexampled, profligate prodigality. To both these issues, distinctly, I mean to plead. All that I require of those who are to judge me is, that they will keep these two issues separate in their minds; that they will not confound them, as has been industriously done in the speeches of the hon. gentleman and the hon. baronet. If a fraud were purposed—if the Government did not believe in the return of the royal family of Portugal—there is crime enough for an impeachment, if you will, without entering into the question of expense. In that case the expense of one farthing was too much. But if, on the contrary, the Government was sincere in its belief of the occasion for the appointment when they made it,—and I, when I accepted it,—then the question of expense is indeed a fair subject of parliamentary jealousy (I am far from denying that it is so); but the amount of that expense must be estimated, with reference to its object,—and not upon the unfair and fallacious assumption that there was no occasion for any expense at all. As to the first point, if I were pleading for myself alone, all that it would be necessary for me to do, would be to refer to one only of the papers before the House:—the Extract of Lord Strangford's Despatch to Lord Castlereagh, dated Rio de Janeiro, June 21st, 1814. It is in these words:—"The glorious events which have given peace and independence to Europe, have revived in the mind of the Prince of Brazil those eager desires to revisit his native country, which had been for a time suppressed. His Royal Highness has done me the honour to state his anxious hope that Great Britain will facilitate the completion of his wishes upon this subject; and that he may return to Portugal under the same protection as that under which he left it." The dispatch, of which this is an extract, was, in fact, the only one upon the subject that I happened to see before I went to Portugal, and it appeared to me quite sufficient to establish the Prince Regent of Portugal's intention. I confess, indeed, that my belief in that event rested on authority short even of this extract. It rested on the authority of a private letter from Lord Liverpool, received

by me on the 28th August, at a considerable distance from London; which, though it is not pleasant to quote in public discussion the contents of private letters, I will now, (having my noble friend's permission,) read to the House. It is dated, London, August 26th, 1814.—

“Letters have been this day received from Lord Strangford, by which it appears, that the Prince of Brazil has intimated his desire to return to Portugal, (in consequence of the recent events in Europe,) and the gratification which he would feel at the arrival of a British squadron at Rio de Janeiro, for the purpose of conveying the royal family to Lisbon. Under these circumstances, Melville has given orders for preparing a proper squadron for this service, and it will sail as soon as the necessary arrangements can be completed.” This letter, Sir, I received on the 28th of August, at Manchester, in my way from London to a distant part of the country, from whence I had no thoughts of returning till the middle of September. My right hon. friend, now sitting near me, (Mr. Huskisson) was with me when I received it. Now, the hypothesis of my accusers is, that the whole notion of the Prince Regent's return was a feint and a fraud on the part of the Government, if not on mine. But, I ask of any candid man, if he can believe,—I ask of any man living, if he will avow the belief,—that supposing a fraud to have been intended, it is likely that such a letter as this from Lord Liverpool, written in the unguarded style of private friendship, and addressed (as any gentleman who would take the trouble to look at it would see that it is) with the usual formulary of the most familiar correspondence, should have been one of the documents *got up* for such a purpose? Is it likely, that of two men, known to each other by nearly thirty years of intimacy, one should practise such a delusion upon the other? Or, is it likely that two such men should carry hypocrisy so far as to provide beforehand for the support of a public fraud, by the contrivance of such a private communication? This letter from Lord Liverpool was founded upon that despatch from Lord Strangford of which I have already read the extract, and which appears at full length in the papers laid upon the table. The extract was moved for at my desire, the extract only, when I conceived that *my* justification alone was in question: the whole despatch was afterwards moved for, also at my suggestion, when I found that the Government were suspected of having deceived *me* into a belief, for which they had no foundation. I will now take the liberty of reading the whole despatch.

“Rio de Janeiro, June 21, 1814.

[Received August 26th, 1814.]

“My Lord,—The glorious events which have given peace and independence to Europe, have revived in the mind of the Prince of Brazil those eager desires to revisit his native country, which had been for a time suppressed. His Royal

Highness has lately done me the honour to state his anxious hope, that Great Britain will facilitate the completion of his wishes upon this subject, and that he may return to Portugal under the same protection as that under which he left it. And His Royal Highness has, during the last week, intimated to me, four or five times, as well publicly as privately, that, in case Great Britain should send a squadron of ships of war to this place, for the purpose of escorting his Royal Highness to Europe, it would be particularly and personally gratifying to his Royal Highness that ———— should be selected for this purpose. I have the honour to be, &c.

STRANGFORD.”

To Viscount Castlereagh, &c. &c. &c.

(The name of the officer is omitted from motives of delicacy. Sir John Beresford had been already appointed and announced to the Court of Rio de Janeiro, before this despatch was received.) Submit this document to any man in the habit of canvassing evidence, and ask him, whether there is any thing in it that could create a suspicion of the sincerity of the wish which it announces? whether the Government could reasonably doubt the authenticity of the intelligence conveyed in it, any more than I doubted the fidelity of the abstract of that intelligence transmitted to me by Lord Liverpool? A man might say, that he intended to go a journey, and the fact of his entertaining that intention might, perhaps, not be considered as altogether established by the mere intimation of it; but, when he ordered his carriage to the door, and named the servants by whom he wished to be conducted, then, surely, one would consider him to be really in earnest. This despatch, however, I did not see till after my return to London in September. I was quite satisfied of the fact, as stated to me by Lord Liverpool. Nothing is more easy than, when an event has, or has not, actually taken place, to find out that you ought to have foreseen how likely, or to have discovered how unlikely, it was to happen. But who balances probabilities in this way, in the ordinary transactions of life? Who is the wise and happy man that receives every friendly communication with distrust; that calls for proofs of the most credible expectancies, and deems every occurrence problematical till it has actually occurred? The Prince Regent of Portugal announced to the British Cabinet his intention of returning; he requested that a squadron might be sent to escort him to Europe; he named the officer by whom he wished that squadron to be commanded: yet Ministers were to suspect that he entertained no intention of the kind! For myself, I protest, that no shadow of doubt ever crossed my mind, as to the reality of this intention. Perhaps it may have been rash to believe; if so, I must acknowledge my error. But when, in addition to such positive testimony, I considered how desirable it was, with a view to the interests of

the Portuguese Monarchy, of this country, and of the world, how essential to the complete restoration and tranquillity of that order of things which the French Revolution had disjoined and broken up, that Portugal, now sunk into a province, should resume her station among the states of Europe; when I felt that no efforts of the British Government *ought* to have been spared, and had reason to be assured that none *had* been spared, to induce that return, I confess I know not on what I could have founded the smallest doubt that the return of the Court of Portugal was really determined upon, and that this determination was upon the eve of execution. It may be true, that there were, as has been asserted, at the precise period to which I am alluding, conflicting reports on this subject; that merchants in Lisbon had received letters from their friends in Brazil, contradicting the opinion that the Prince Regent would return: that there were rumours of opposition to the measure in the councils of Rio de Janeiro; and that persons, supposed to have access to correct intelligence, avowed the conviction that the court would remain in South America. If there were such reports, I knew nothing of them. But I fairly own that had they come distinctly to my knowledge, had I even been consulted as to the weight to be allowed to them, I should have considered the British Minister's testimony as outweighing them all. I will tell the House why the testimony of Lord Strangford would have had so powerful a weight with me on this subject. In 1807, at the time when the Court of Portugal emigrated to the Brazils, I had the honour to fill the office now filled by my noble friend. When the first intelligence of the intended emigration reached this country, there was then, also, an abundance of conflicting and contradictory reports; and I believe I may say that for several days I alone, in London,—alone perhaps among my colleagues, was persuaded of the existence of that intention. At that time, I knew nothing of Lord Strangford, except from his official correspondence; but that correspondence had inspired me with a full reliance upon the authenticity of his sources of information, and upon his knowledge of the Prince Regent's mind; and Lord Strangford all along affirmed, that the Prince Regent intended to emigrate. The general persuasion at Lisbon was that the Court would *not* emigrate; even up to the very day, when, as Lord Strangford had predicted, the Prince actually embarked in the *Tagus*, and set sail for Brazil. My belief, therefore, in the present instance was founded, first on positive information; secondly, on the obvious desirableness of the return of the Prince Regent to Europe, and on the certainty that this country must have used all means of counsel and persuasion to ensure that event. I was persuaded both of the reality of the intention, and of the probability of its instant execution. Nothing, absolutely nothing, had come to my knowledge that could excite a reasonable distrust. But even had such distrust been excited

in my mind by any rumour, or any testimony less than official, it would have been dispelled by the assurances of Lord Strangford. Such was my belief, my credulity, if you will—but a credulity of which I have assigned the grounds—a credulity which was assuredly not so fatuitous as to be fairly construed into crime. I must, however, beg not to have it understood that my belief in the return of the Prince Regent at once determined my acceptance of the mission; though it might have done so, for aught that I can see, without blame. Undoubtedly no earthly consideration would have induced me to accept it *without* an assurance as to that return; but it required a combination of other circumstances, with which I need not trouble the House, to induce me to go in an official character to Lisbon; and in fact my acceptance was not determined till after my return to town, late in September. The Government had stronger grounds for belief than I had. They had before them the communications contained, or referred to, in the papers submitted to the House:—letters, namely, from Lord Strangford, of so early a date as February, and the autograph letter of the Prince Regent of Portugal to the Prince Regent of Great Britain, dated the 2d of April. Of these I knew nothing till the other day, when the hon. gentleman's inquiries and denunciations led to an examination of the correspondence in the Foreign Office. This autograph letter disproves the notion of the hon. gentleman, that there was an interval between the month of February and the month of August in the communications respecting the Prince Regent's intended return. This letter fills up the supposed chasm in the correspondence. The reason why a copy of this document has not been laid before the House is, that as many gentlemen who hear me must know, it is contrary to the etiquette observed towards Sovereign Princes so to make their letters public. The practice is for the Secretary of State to refer to the substance of such letters in an official despatch accompanying them, or acknowledging their receipt: and such a record of the letter in question is to be found in the despatch from the Secretary of State to Lord Strangford, of the 25th July. In that despatch, this autograph letter is noticed as stating that the Prince Regent of Portugal only waited for intelligence of the final success of the Allies, in order to determine his return to Europe. But all this evidence, all this testimony, is, it seems, to be considered as fallacious, if not absolutely false, because there is a solemn, indubitable, irrefragable witness at variance with it—a paragraph in a newspaper of the 28th of July, which announced my actual appointment as Ambassador to Portugal! An appointment of the 29th of July could not be in consequence of information received on the 26th of August. Clearly. But events might be contemplated as probable before the 29th of July, which intelligence of the 26th of August might confirm: and a speculation might be founded upon those

probabilities, contingent upon their fulfilment or non-fulfilment. I do not affirm that some such speculation, founded on some such possible contingency, but absolutely dependent for its realization on the happening or not happening of that contingency, might not be afloat before the 29th of July. The despatch of the 25th of July, (of which, however, any more than of the autograph letter alluded to in it, I had not any distinct knowledge till it was brought into notice the other day in consequence of the hon. gentleman's inquiries,)—the date, I say, of this despatch renders it not improbable that it may have been about that time that a mission to Portugal began to be contemplated as probable. But that I was at that time, or near that time, appointed,—that I then accepted such appointment, if offered to me, or that it could then have been offered to me, if I had been willing to accept it, I utterly deny. I deny *here*, Sir, in your presence, and in the presence of my country, that which has been assumed as established because I did not deny it when asserted in a newspaper. Sir, I value as much as any man the liberty of the press; I acknowledge its utility, I bow to its power; in common with all public men, I listen to its suggestions, and receive its chastisements, with all due humility and thankfulness: but I will not plead at its bar! I will continue to treat with scorn the attacks of anonymous malice. I disdain to make any answer to such charges, whilst there is a House of Commons before which I can vindicate my character. This is the place where it is my right as well my duty to plead, before a competent tribunal, and in the face of known and accountable accusers. And in behalf of all that is sacred and decent in private life, as well as in behalf of the honour of public men, I protest against the inference, that he is to be held guilty of a charge, who resolutely declines to answer it at the bar of the daily Press. But the newspaper had, it seems, announced not only that I was appointed Ambassador to Lisbon, but that my right hon. friend near me was appointed Surveyor of the woods and forests, and my right hon. friend at the end of the bench, Master of the Mint, both which nominations were immediately verified. It is very true that the latter office was shortly afterwards filled by my right hon. friend, who has discharged the duties of it with so much honour to himself, and advantage to the public; but I disclaim in the most peremptory terms any merit or influence of mine in that appointment. My right hon. friend near me, was, it is also true, appointed to the office of Surveyor of Woods, and undoubtedly not without my intervention. On the 30th of July I think it was that I moved the new writ for my right hon. friend. I moved that writ for the express purpose of shewing that I approved, and was party to, the accession of my right hon. friend, and of other friends of mine, to the Administration. And had I myself accepted office at that time, I should have been equally ready, nay, anxious

to avow it. At different periods of my political life, I have held, I have resigned, I have refused, and I have accepted office. And there is no occasion on which I have taken either of these courses, on which I am not perfectly prepared to vindicate (I will not say always the prudence, but I will say confidently) the purity and honourableness of my conduct. I know, Sir, how difficult it is to speak plainly on subjects of this nature, without transgressing the decorum, if not the strict order, of our debates. But it is brought as an accusation against me, that, having no difference of opinion with the Administration, I did not neglect an opportunity which presented itself of furnishing an accession of strength to that Administration, which I wished to strengthen and uphold? Why ought I to have declined this? And by whom am I accused for not declining it? By those who consider the principle of Party as a virtue, as a badge of distinction, and a pledge of purity, when predicated of themselves; but who are intolerant of any party, presuming to connect itself together, except under their banners. And, what is the bond of Party? what are the boasted ties that connect the hon. gentlemen on the other side of the House with each other?—Fidelity in private friendship, as well as consistency in public principle. Their theory of Party is a theory which they would confine exclusively to their own practice. One may become a satellite in their system, and welcome; but any eccentric planet moving in another system, they view with jealous yet with scornful eyes, and denounce its course as baleful and destructive. To this exclusive doctrine I have never subscribed. To these pretensions I have never listened with submission. I have never deemed it reasonable that any confederacy of great names should monopolise to themselves the whole patronage and authority of the State;—should constitute themselves, as it were, into a corporation, a bank for circulating the favours of the Crown and the suffrages of the people, and distributing them only to their own adherents. I cannot consent that the administration of the Government of this free and enlightened country shall be considered as rightfully belonging to any peculiar circle of public men however powerful, or of families however preponderant; and though I cannot stand lower in the estimation of the hon. baronet than I do in my own, as to my own pretensions, I will (to use the language of a Statesman so eminent that I cannot presume to quote his words without an apology,) I will, as long as I have the faculty to think and act for myself, “look those proud combinations in the face.”—I plead guilty, then, to the charge, if it be one, of having treated with an Administration, with the principles of which I perfectly agreed. I plead guilty to the charge, if it be one, of having on this, aye, and on other occasions, postponed my own interest to that of my friends. If, indeed, the charge could be turned the other way, if occupied exclusively with any personal objects of

my own, it could be said that I had neglected the claims, the interests, or the feelings of any individual connected with me in political life, I should indeed hear that charge with sensations very different from those which I now experience; then, indeed, should I hide my head with shame. When I moved the writ of my right hon. friend, on the 30th of July, I declare, upon my honour, that I thought it very doubtful whether I should myself have any official connection whatever with the Government. I do not mean to say, that the question had not been mooted, as to my undertaking the mission to Portugal, if it should turn out that such a mission was to be sent. But many circumstances might have prevented the result that did afterwards happen. I was not pledged, I was very far from having made up my own mind to accept the mission if it should be offered to me; nor had the Government as yet any assurance that they should have it to offer. I had previously made arrangements of my own. My plans were to go where I did go, but from different motives and with a different object. What that object and those motives were, I am not called upon, nor do I think it necessary, to state in this place. It is sufficient for me to say that I was master of my own actions, and that I chose to go. My intention was known to my private friends, and had been communicated to my constituents two months before the close of the Session. The first official tender of the mission was made to me by my noble friend, the Secretary for Foreign Affairs, I think about the end of the first week of August: I cannot be positive as to the day; but I recollect perfectly that I had but two interviews with my noble friend upon the subject, within a few days of each other, and that at the date of one of those interviews Mr. Sydenham had arrived in England. He arrived on or about the 8th of August. My noble friend was then on the eve of his departure for Vienna. His tender to me was altogether contingent and conditional. The way in which the matter was left, was this: that if the certainty of the Prince Regent of Portugal's immediate return should be established, I should hear from him (or, in his absence, from Lord Liverpool) again. I did hear again, in the manner that I have stated: but, in proof that I had not, in the mean time, acted on the presumption that I should go out in an official character, I can appeal to some of the members of the Board of Admiralty who sit near me, that I was so late as in the month of September a supplicant at the Admiralty, as a private person, for a ship to convey me and my family to Lisbon; and when I arrived in Portugal, I found a house provided for me, as a private person, through the kindness of a friend, a house in the neighbourhood of Lisbon, which, in my official character, I could not occupy. But all this, it may be said, was but contrivance, an artificial chain of circumstances forged and linked together, with a view to the present dis-

cussion. Has such an imputation the colour of probability? What I have now stated both as to facts and motives is the truth. If any man shall contradict this statement, I can only say that he will affirm that which is not true. Where a matter rests, and from its nature must rest solely, on the consciousness of an individual, there is no other answer (that I know of) to be given to an arbitrary contradiction. I speak this, I hope, without offence. But on this part of my case, I know of no other possible answer. I did not believe then in the intention of the Prince Regent to return. The Government believed in it. Their belief would have been ground enough for mine. But I have shewn that they had good grounds for their belief. Further, it appears, from what has been stated by the gallant Admiral behind me, (Sir J. Beresford), in anticipation of a question which I might perhaps have taken the liberty to put to him, that not only had the royal family really entertained that intention, but that the disposition to carry it into execution survived the report of its abandonment; that he was repeatedly requested by the Prince Regent of Portugal to defer his departure from Rio de Janeiro from time to time, in hopes that the next arrivals from Europe might bring intelligence decisive of the voyage; and that it was not until the beginning of April that those hopes were finally relinquished, and the gallant Admiral permitted to take his leave. Contrary and contradictory rumours did, no doubt, continue to prevail on this subject, in London, as they certainly did in Lisbon. Even when I received at Lisbon in the beginning of April 1815 the first intimation from England on which I founded my resignation, I was in possession of most positive assurances the other way; and on the very day on which I sent off my resignation, I had heard through what I might have considered as authentic channels, that the Prince would certainly embark. The day was specified on which the embarkation was to take place; and we were to look for the first news of that event in the arrival of the squadron off the bar. But did I act on this information? Did I endeavour to shake any credit which the Government at home might be disposed to give to their accounts from Rio de Janeiro? Did I contrast the rumours of Lisbon with the rumours of London, for the purpose of clinging to my office? No. It appears from the papers on the table, that upon the 29th of March the information of the Prince Regent's abandonment of his design was received here in an official shape. Probably this official information must have been preceded some days by private intelligence. The intimation which reached me on the 9th of April certainly was not official; I did not wait however for its official confirmation: on the 10th of April, I wrote and sent off by an express packet the following despatch to the Foreign Office:—“By the mails which came in yesterday, I learn, (though not officially,) that the accounts

received in England from Rio de Janeiro, since Admiral Sir John Beresford's arrival there, create a doubt of the Prince Regent of Portugal's present intention to return to his European dominions. Nothing has been received here from the Brazils which indicates any such change in his Royal Highness's intention. But should any impediments have been interposed to delay the execution of it, until the intelligence of the late astonishing and afflicting revolution in the state of Europe shall reach Rio de Janeiro, it is possible that the receipt of that intelligence may determine his Royal Highness to remain there for the present. In that case, or in the event of your lordship's receiving such positive accounts as satisfy your lordship's mind that such a determination has been taken by the Prince Regent of Portugal, I have to request your lordship to lay at the feet of his Royal Highness the Prince Regent my humble resignation of the commission with which he was graciously pleased to honour me, in contemplation of the Prince Regent of Portugal's return." So much for the first head of the charge against me, and against the Government. I have shewn, I hope to the satisfaction of the House, that we did believe in the return of the Court of Portugal to Europe; that we had good grounds for that belief; and that, upon that belief exclusively, any mission to Lisbon was founded. Remains to be considered, whether upon that ground *such* a mission was necessary or justifiable. And this question again divides itself into two heads: first, whether necessary at all; secondly, (if admitted to be necessary), whether conducted on a scale of disproportionate expense—disproportionate either to the unavoidable expenditure of the mission, or to its political importance. In the first of these questions, Was an embassy to Lisbon necessary, in the event of the Prince Regent's return?—is involved another more personal question, from which I must not shrink; namely, was there any unfitness in the offer of that mission to *me*, or in *my* acceptance of it? I feel all the difficulty of arguing this point in a manner at once satisfactory to the House and not just to myself. It is distasteful and revolting to one's feelings to be obliged to speak of one's self, and of one's own fitness for any situation, or any undertaking. But it will be remembered, that I am upon my trial—that I am defending myself against a criminal charge; and if in such a defence something like egotism should be unavoidable, I hope the House will have the goodness to excuse it. But, to place this question in its true point of view, I must once more go back to the year 1807. I have said that when in that year the royal family of Portugal adopted the resolution of emigrating to the Brazils, I had the honour to hold the seals of the Foreign Office. I had thus an opportunity of becoming acquainted with the wishes of the Prince Regent of Portugal in favour of Lord Strangford, who had been employed to advise and to urge that splen-

did and magnanimous emigration. It was my duty to report these wishes, and to recommend the services of Lord Strangford to the consideration of my Royal Master. The result was, that his lordship was appointed Envoy Extraordinary and Minister Plenipotentiary; was invested with a red ribbon; and might also have received an advance in the peerage; which (for reasons nothing to the purpose of this night's discussion) he declined. There was, however, another point respecting which the Court of Portugal was extremely solicitous—a reciprocation of missions of the highest rank: and this point, from the period of which I am speaking to the last moment at which I held the seals of office, the Portuguese Minister never lost an opportunity of pressing upon my attention. It has been said by shrewd observers of domestic politics, that when once a coronet gets into a man's head, there is no driving it out again; and I believe it may be as justly said, that when once a court takes up the notion of reciprocation of embassies, it is no easy matter to get the better of it. Such a notion reproduces itself on every occasion. A Secretary of State is sure to be assailed with repeated solicitation till the favourite measure is accomplished. To this application Lord Strangford did not listen. And I believe I reconciled the Court of Portugal to the refusal of it, by shewing that it could not then be granted in the person of Lord Strangford; whose diplomatic standing would not admit of such an advancement, having been already so recently raised from the station of *Chargé d'Affaires*. I promised, however, that on the occurrence of any signal event which might constitute a proper occasion for an embassy, (and the two possible events in contemplation were either the final establishment of the Portuguese Court at the Brazils—should the cause of Europe be lost,—or, what was then a distant, though never with me a hopeless prospect, its restoration to Europe on a successful termination of the war,) I would recommend to my Sovereign, should I be then in office, a compliance with the wishes of the Court of Portugal. Long after I quitted office, and more than once or twice, or three times, I was appealed to for the truth of the assertion, that such a promise had been given; not that any engagement of mine could be binding on my successors. At last (I believe in 1811) without waiting for these long-coming events, the Portuguese Minister here assumed the character of ambassador. The reciprocation was declined. Much discussion, it seems, followed during the three succeeding years upon the refusal to name an ambassador at the Court of Brazil; and I perfectly remember, that in one of the conversations which I had with my noble friend the Secretary for Foreign Affairs, he reminded me of the circumstances which I have here recapitulated, and observed, "We shall, besides, thus have the long-disputed point of a reciprocation of embassies settled, and your pledge to the Court of Portugal re-

deemed in your own person." If it is supposed by hon. gentlemen, that the aggregate allowances of the mission were necessarily increased by giving the name and rank of Ambassador, instead of that of Envoy Extraordinary, to my appointment, I assure them they are mistaken. The question of expense I reserve for separate consideration; but as it here mixes itself with the question of the rank of the mission, I am compelled shortly to advert to it, a little before its time. There are (or were before the regulation of 1815) two different scales of ambassadorial allowances: the higher scale with a salary of 11,000*l.* a year, and the other, on what is called the *old* salary of 8,200*l.* The difference between these two salaries is nearly the same as the difference between the lower of them and that of an Envoy Extraordinary and Minister Plenipotentiary, which is 5,200*l.* Now, Sir, a man who covered an Embassy for the sake of emolument would hardly fail, once Ambassador, to choose the higher scale of salary. I chose the lower. But I do not claim any merit from this preference. For, as neither 5,200*l.* (the salary of Envoy Extraordinary,) nor 8,200*l.* (the salary of Ambassador on the old scale,) nor even the higher salary of 11,000*l.* reduced by deductions at home and abroad, was expected to cover all the expenses of the mission, without any addition of extraordinaries (as I shall presently shew) it became indifferent in *that* point of view, what should be the nominal rank of the mission. But it was not indifferent in *other* respects. I flatter myself, that I shall not be suspected of the idle and stupid vanity of caring under what name I did the public business. I believe, however, that it will be generally acknowledged, that having once, with however little pretension to so high a station, filled that office which presides over the diplomacy of the country, I could not consistently assume any other than the highest diplomatic rank—that which alone represents the Sovereign—in any mission on which I should happen to be employed. Much less could I have done so with propriety on a mission to the Court of Portugal, with which I had, as Secretary of State, engaged for those exertions, and (sanguinely perhaps, but, as it has turned out, safely) anticipated those results, by which that Court was now enabled, if it so thought fit, to accomplish its return to Europe. But neither was the question of what might be individually becoming, the whole of this question. The character of Ambassador, though it may make little difference *here*, where every negotiation passes through responsible Ministers, is by no means a matter of indifference in many foreign courts. The mere question of precedence, trifling as it may seem in itself, is not a thing of no moment in diplomatic transactions. The facility of access to the person of the Sovereign, without the intervention of a Minister, perhaps hostile to our interests, and the right of pre-audience of that Sovereign himself, are advantages

of no inconsiderable moment in courts where the will of the Sovereign is mainly the policy of the State. But what good did I expect to achieve through these advantages? What was there for me to do? What did I expect to be able to do? First, it was not for me to judge of my own qualifications: it was for the Government. I might entrench myself behind this answer. But in the spirit in which I am stating my argument, taking the defence of the Government upon myself (as my noble friend has taken mine upon the Government) I will not do so. I must again remind the House, that I speak of myself only because I am upon my trial. With the allowance belonging to that consideration I may be permitted to say, I think that there *was* good to be done; and I think that I had as fair means, and as probable a chance as any other man of doing it. I pass by many obvious difficulties and embarrassments in the present state of the relations of the Court of Portugal with other Governments in Europe, which might have been avoided had that court returned. But there is one subject which seems to be comparatively forgotten at this moment, but which in 1814 (the year of my appointment) was the theme of loud remonstrance and incessant reproach against the Government, as though they had been indifferent or lukewarm in their exertions upon it—I mean the Slave Trade. I *did* hope to be able to effect something on this great and interesting subject. I cannot conceive a more favourable opportunity for this purpose than would have been afforded by the return of the Prince Regent to the kingdom of his ancestors: a kingdom saved, through the blessing of Providence upon the arms and counsels of this country. Of those counsels I had, from my official situation, been the humble instrument and organ: nor was it perhaps altogether an unreasonable presumption, to hope that the share which I had accidentally had in them might have conciliated, even to so humble an individual as myself, something of kindness from the Sovereign whose crown and whose dominions had been thus preserved and restored to him. I say, therefore, Sir, I cannot conceive circumstances which would have afforded a better chance of making some impression on the mind of a prince naturally good, naturally religious, upon a matter in which his personal character was the best, perhaps the one, hope of success. I can assure the hon. gentlemen, that of the instructions which I carried out with me, three-fourths were directed to this object. And, besides the instructions of my noble friend, the Secretary of State, I had with me ample and most useful suggestions from an hon. friend of mine (Mr. Willoughby) whom I do not now see in his place, should not have lain idle in my desk. I had nothing, indeed, from the "oratory" which hon. baronet is pleased (I suppose ironically) to attribute to me; but much from a good cause in zealous hands. I did believe—I do still be-

lieve, that had I had the opportunity of personal intercourse with the prince, I might have effected some good in this matter; and if it had pleased God that I should succeed in it, I should neither have thought the expenses of my mission ill employed, nor have felt any disparagement to myself in having undertaken it. So much for the objects in contemplation at the commencement of the mission. But these objects were not attained.—True. And it is supposed, that not to have attained them was to me matter of great disappointment. In one sense, undoubtedly it was so. I should have thought the settlement of the question of the Slave Trade with one of the peninsular powers, an object of importance not easily to be over-rated. In another sense, I do assure the hon. baronet and the hon. gentleman, that I had not experienced one half of the satisfaction in accepting my office which I felt when I was permitted to resign it. When, after writing the letter of April the 10th, tendering my resignation, I yielded to the request of my noble friend, and consented to remain at my post so long as my services might be thought necessary, I must beg the House to observe, that the whole question of the mission had assumed an entirely new form. The war had broken out; and if there had not then been a Minister of high diplomatic rank at Lisbon, it would have been absolutely necessary to appoint one. I failed, it is true, in the main object of my negotiations during the war—the obtaining the aid of a corps of Portuguese troops to act with the Allies in Flanders. But why did I fail? Precisely because that state of things existed in Portugal—because that form of local government remained there, which it was the interest and the wish of this country to see altered. I failed because the Sovereign himself was not at Lisbon: an additional proof, if any had been wanting, of the advisableness of that return which we had endeavoured to invite by every proper inducement—an additional proof of the inconvenience of leaving one of the kingdoms of Europe with which Great Britain is most intimately allied, under a delegated government; a government incapable, from the very nature of their trust and from the immensity of distance which separates them from their Sovereign, of acting in all cases with the promptness and energy necessary for the glory of the absent Sovereign, and for the welfare of his people. Sir, I venture to hope that the House will feel that I have satisfactorily disposed of the first part of the question as to the embassy, and justified the nomination of a mission of that character, on the supposition (which I had before justified) of the Prince Regent of Portugal's return. I now proceed to the second part of that question—the expense of the mission. If there was no delusion in the cause assigned for the embassy, if I have shewn that it was necessary or highly expedient in the case supposed to exist, it still remains to be inquired whether or not it was conducted on too costly a scale.

I must observe, however, again, that if the belief in the return of the Prince and the expediency of an embassy to welcome him are not made out, one farthing of expenditure was too much; and if, therefore, in the opinion of one honest and impartial man who has heard me, what I have stated appears to be founded in fraud or artifice, the question of pecuniary expense is at an end. On the other hand, if I have been so far successful, I am prepared to challenge a like decision on the issue now to be joined; and to demonstrate that the cost of this mission was not only not prodigal in proportion to its rank and character, but that it was economical, in comparison with any standard with which it can in fairness be compared. The hon. baronet has quoted a *dictum* of Sir Robert Walpole's, that "every man has his price." I do not think this maxim true of men—I do not think it true that even every *thing* has its price. Things must be estimated, not merely by their intrinsic qualities, but by their relative fitness and value. There is no rule for judging absolutely what ought to be the cost of an embassy. There is no forming such an estimate *a priori*. Facts and experience are the only grounds on which you can safely or justly proceed. I beg gentlemen, then, to look at the printed accounts of missions in the years 1812, 1813, and 1814, and I ask, who could tell, on going to Lisbon, in the autumn of the latter year, what his expenses were likely to be? Who is there that having before him the expenditure of Sir Charles Stuart, for the years 1812-13, and 1813-14, would have ventured upon such a mission without coming to some understanding as to the extent of his expenditure, and as to the principles of its limitation? I shall perhaps surprise the hon. baronet, when I confess that an application on the subject of extraordinaries was made by me to the Government. But in what sense was this application made? Was it for latitude and indulgence? Was it that I might be put upon the same footing and allowed the same range as my predecessor? No, Sir; it was for strictness, for definition, for restraint. In the beginning of October I wrote a letter to my noble friend, Lord Liverpool, (my noble friend near him was then abroad), an extract of which, with their permission, I will now read to the House. The House will see that it was of as private and familiar a style, and as little destined for public citation, as that from Lord Liverpool to me which I read to the House a short time ago:—"I have been looking over Stuart's Extraordinaries, and they really frighten me. It may be very well for him, or any man not connected with politics, to draw thus at discretion; but it would not do for me. For God's sake limit me to what you think right; I can form no judgment of the matter: only limit me, so that I may have no responsibility." This letter shews at least the *quo animo*, the disposition, with which I entered upon the subject. Is this the language of rapa-

city? Is this a petition for large emolument and unbounded discretion? Or does it not rather indicate a cautious dislike of discretionary power, arising from a dread of responsibility, and an anticipation of injustice? The former of which I am not ashamed of confessing I did feel; the latter, I have at this moment, God knows, no reason to disavow. Sir, in entering upon this most disagreeable discussion—disagreeable because I must mention the names of honourable men in a way which may be liable to misconstruction—disagreeable, because I must speak (though but to repel them with scorn) of imputations with which I never thought my own name liable to be stained—I beg leave to preface what I have to say, by observing, that the name of Sir Charles Stuart, or of any other person whom I may have occasion to mention in my defence, is brought forward by me most reluctantly. I have no choice. The necessity is forced upon me. The name of Sir Charles Stuart I mention with the respect due to his talents and character. I consider him as one who has rendered eminent services to his country, and from whom his country may confidently look for such services hereafter. I believe him to be as free from pecuniary taint—as I know myself to be. Large as his expenditure at Lisbon may appear, I am persuaded that it was at once justified and limited by the necessity of the case. It is to be borne in mind also that of the aggregate sums, which appear to have been expended by him, no small proportion was simply and absolutely lost upon the Exchange and upon the conversion of English into Portuguese money. After these declarations, I proceed to state the expenditure of the Lisbon mission, as it stood in Sir C. Stuart's time; and the amount of his regular and extraordinary allowances. For the year, from the 5th of April, 1812, to the 5th of April, 1813, Sir Charles Stuart's Extraordinaries appear to have been . . . £ 26,807

Salary 5,200

Total £ 32,007

For the next year, from the 5th of April, 1813, to the 5th of April, 1814, the extraordinaries are stated at £ 26,006

Salary 5,200

Total £ 31,206

This was the conclusion of Sir Charles Stuart's mission. These statements are all before the House. They are to be found in pages 80 and 81 of the Report of the Committee on the Civil List, in June, 1815;—which Report I wish that the hon. gentlemen opposite would have the goodness to take into their hands, as I shall have many occasions to refer to it. Then comes a period which is particularly selected as a contrast to my expenditure;—namely, the half year, beginning the 5th of April, 1814; (the termination of Sir Charles

Stuart's mission,) and ending the 10th of October, 1814, (the commencement of mine). Here my accusers take their grand position. This is the narrow isthmus between two rushing seas of expense, on which they plant their standard of economy!—I do not complain of them for doing so. I do not blame the hon. gentleman who brought forward this question, for moving for papers to illustrate this position. But what I do think I have some right to complain of is, that having obtained these documents, they have some how or other totally forgotten to notice their results. When it suited the hon. mover's purpose, he asked for the information; and when he got it, and found that it was not precisely what he wanted, it suited his purpose to abstain from any observation upon it. In this respect, he will excuse me if, instead of following his example, I endeavour to supply his omissions. At Sir Charles Stuart's departure from Lisbon, Mr. Casamajor, the Secretary of Legation, was appointed Chargé d'Affaires, receiving of course the regular salary belonging to these two appointments. As Mr. Casamajor's salary during this half year was nearly the same as his salary of Secretary of Embassy with me, and made but a trifling part of the expenses of either Mission, I shall not take it into calculation. Not so, however, as to his *Extraordinary* allowances; which during this economical half-year appear by the Civil List Report, p. 32, as well as by Mr. Sydenham's testimony, to have amounted to upwards of 2,500*l*. I am not exactly informed at what period between April and July Mr. Sydenham was named Envoy Extraordinary and Minister Plenipotentiary to the Local Government of Portugal. The first official despatch to him that I have seen is dated in July; but his nomination must have preceded that despatch by some weeks. He had from the 5th of April the same salary as had been enjoyed by Sir Charles Stuart. I speak here of the regular salary of 5,200*l*. a year,—not of extraordinary allowances. Mr. Sydenham arrived at Lisbon the end of the first week of July. He remained there until the 27th or 28th of that month, when he embarked for England, being obliged to quit his station suddenly on account of his health. These three weeks (or thereabouts) were the whole of Mr. Sydenham's residence at Lisbon; and for these he received (I am not blaming him, but I state the fact) two quarters' salary at the rate of 5,200*l*. a year—that is to say £ 2,600 0 0 he received also, for outfit, . . . 1,500 0 0 he received for his journey to Lisbon 1,100 0 0 and lastly he received (at a subsequent period) for losses occasioned by his sudden relinquishment of the Mission . . . 2,000 0 0

In all £ 7,200 0 0

Add to this sum, Mr. Casamajor's Extraordinaries for the same period 2,500 0 0

The result of cost to the public, for the half year intervening between Sir C. Stuart's Mission and mine, is therefore . . . £9,700 0 0

This was the reformed period which is to put all past and future Ministers to shame! This was the rigid scale of economy which I ought to have taken for my guide, and for departing from which I am arraigned before this House and the country! Yet hear how Mr. Sydenham describes Mr. Casamajor's way of life. "I find," (says Mr. Sydenham, in his letter to Mr. Hamilton of the 8th July, written immediately upon his arrival at Lisbon): "I find that Mr. Casamajor has been living in a very quiet retired way, with no suite to feed and lodge; and by the examination of his books I perceive that he does not live on less than 100*l.* a week." Here was no establishment, no representation, no call for display of any kind; and yet the ordinary expenses of Mr. Casamajor's household were 100*l.* a week, or at the rate of 5,000*l.* a year. It is true, at least I have heard and believe, that during the three weeks that Mr. Sydenham passed at Lisbon he lived in Mr. Casamajor's house. But, as to charge upon the public, Mr. Sydenham was then in the enjoyment of a yearly salary of 5,000*l.* which comes to exactly another 100*l.* a week. So that independently of the extraordinary allowances of Mr. Sydenham, for outfit, journey, and losses, the aggregate of the regular salary received by him, joined to the extraordinaries allowed to Mr. Casamajor for weekly expenditure, for *victus* and *convictus*, during the economical half year, was at the rate of upwards of 10,000*l.* a year. There is not upon earth a more honourable mind than Mr. Casamajor's; and I had myself the opportunity of verifying the statement respecting his expenditure, by the inspection of his books, at his own particular desire. But I must take the liberty of reminding the House, that from the moment at which I arrived at Lisbon, Mr. Casamajor, then becoming Secretary of Embassy, became part of my family; and as such, lived at my table. From that time therefore *his* expenses (salary excepted) were involved in mine. Why, Sir, if I were to calculate by simple addition, or by the rule of three, I might say, that, according to what I have shewn you, on Mr. Sydenham's testimony as well as my own, *two* Casamajors ought to have eaten up my whole allowances, ordinary and extraordinary. And, by the way, I had *two* Casamajors, for in addition to the gentleman of whom I have been speaking, and of whom I speak with every feeling of kindness and of respect, another gentleman, Mr. Croft, who was recommended to me by my noble friend as Secretary for the Portuguese language, (and who had been with Sir C. Stuart in the same capacity), lived with me as one of my family, during the whole period of my mission. I, of course, do not mean seriously to state that the

increase of my expenses was in exact proportion to the number of persons whom I had to maintain. But I do mean seriously to shew the different footing upon which Mr. Sydenham and Mr. Casamajor *separately*,—or even Mr. Sydenham and Mr. Casamajor *jointly*,—stood, in respect to the claims upon *their* expenditure, from that in which I stood, with all the necessary burdens, and all the unavoidable representation, of an Embassy. With neither of the two gentlemen, whom I had the good fortune to have attached to me, Mr. Casamajor or Mr. Croft, had I any personal acquaintance before my mission began. I learnt, during our official and domestic intercourse, to value and esteem them both. I am sorry to be forced to mention their names in connection with these miserable details; but I am driven to it by the unsparing coarseness of the attacks which have been made upon me, and by the foolish, fallacious, and dishonest contrast of my expenditure with that of Mr. Sydenham: Mr. Sydenham's, who, during his three weeks' residence at Lisbon, was an inmate in the house of Mr. Casamajor, and mine, who, during the whole period of my mission, had the suite of an Embassy to maintain! And now, Sir, come we to the famous letter of letters, upon which it seems that the whole of the case against me is made to turn, the letter from the Secretary of State to Mr. Sydenham, directing him to confine his expenditure within his regular allowances. Before this letter is made conclusive against *me*, I might perhaps contend that it should be shewn that I was, in some degree, if not party to it, cognizant of it. Upon my honour, I never saw it till after the hon. gentleman's first notice of his motion. I cannot say that I had never heard of it. I had heard, or perhaps seen in a newspaper, that some such letter had been written to Mr. Sydenham by my noble friend: and I well remember that the same authority stated the rate of 5,000*l.* a year as that which covered *all* Mr. Sydenham's allowances. I have already shewn the accuracy of *that* statement. But I waive this plea: I acknowledge the authority of the letter; and if the circumstances of Mr. Sydenham's situation and mine were the same, and if the meaning of this letter was what has been attributed to it, and if that meaning was enforced against Mr. Sydenham, or was not remonstrated against by him, I will admit that, notwithstanding my ignorance of the law, I was bound by it, and am guilty of not conforming to it. And, *first*, what was Mr. Sydenham's situation? That of Envoy to the Local Government; mine, that of Ambassador to the Sovereign. (With the propriety of the appointment we have in this part of the argument nothing to do.) *Secondly*, What was the meaning of the letter? My noble friend, the writer of it, has told you, that it did *not* mean the absolute exclusion of extraordinaries, which he held to be almost impossible; but it *did* mean to prescribe the discontinuance of that rate of expenditure which had brought, during the war,

such heavy charge upon the public. The letter itself says: "I cannot anticipate any public grounds for continuing the expenditure of his Majesty's servants at Lisbon, *on the scale on which it has been conducted during the continuance of the war in the Peninsula*."—To be sure he could not. Who dreamt of an expenditure of upwards of 30,000*l.* a year in time of peace?—*Lastly*, the instructions which were given, were they executed? Did Mr. Sydenham think it practicable to conform to them? Did he receive them without a remonstrance, and act up to them with strictness and fidelity?—With fidelity, in the moral sense of the word, I have no doubt he would have acted up to them if he had remained at Lisbon; but have we no positive proof that he regarded the literal execution of them as impossible? And here, Sir, again I feel myself called upon to guard against being supposed to mean any thing unkind in the reference which I am compelled to make to Mr. Sydenham. That gentleman is no more! He has closed a distinguished and honourable life, during which he endeared himself to his friends, and has left behind him an unspotted character. I implore of those who hear me, that if a word should escape me in the heat of argument, which can be thought to bear any colour of disrespect to Mr. Sydenham's memory, they will believe it to be wholly unintentional. I am the last man living who would wantonly throw a slur upon his reputation, or give a wound to the feelings of those who mourn his loss. I would most gladly have avoided any allusion to him: but his name has been made the vehicle for a foul calumny against my character; and the House will feel that not to me who repel an attack, but to those who have misused Mr. Sydenham's name for the purpose of attack upon me, is to be imputed the guilt of profaning (if it be profaned) the sanctity of the tomb. The fact is, that while the mandate to Mr. Sydenham, directing him to confine his expenses within certain limits, was traversing the ocean in one direction, a remonstrance by anticipation against such a limitation was on its passage to the Foreign Office. Mr. Sydenham, I suppose, might have heard rumours of such intended restriction; he knew, from what he saw of Lisbon himself (in the amount of Mr. Casamajor's weekly bills), and from what he had heard of it from others, that a literal compliance with that restriction was impracticable; and, on the 8th of July, the very day (I believe) after his arrival at Lisbon, he thus addressed himself to Mr. Hamilton, the Under Secretary of State, (for the information of my noble friend,) in the letter from which I have already quoted an extract: "While the Duke of Wellington was at Madrid, he spoke to me on the subject of my allowances at Lisbon, and he gave me the comfortable assurance of my being ruined, unless Government allowed me something more than the usual salary, diminished by the usual deductions in England, and the loss of exchange. He promis-

ed to mention the subject to Lord Castlereagh; and I have written to him to remind him of his promise. I find that Mr. Casamajor has been living in a very quiet retired way, with no more to feed and lodge, and by the examination of his books, I perceive that he does not live on less than 100*l.* a week." So far is printed. Furthermore, in the same letter, the extract of which now lies before me, he states, that he "shall live with the greatest possible economy, but that what he cannot pay out of his allowances, he shall trust to the Government to pay for him." Mr. Sydenham, as I have before observed, resided about three weeks in Lisbon, namely, from about the 7th or 8th to the 27th or 28th of July. I have already stated the allowances, regular and extraordinary, which he received during that period, or on account of it, viz. 2,600*l.* salary; 1,500*l.* outfit; 1,100*l.* for the journey from Paris and Madrid to Lisbon. All these sums are in the printed accounts of the Civil List Report; and, therefore, gentlemen might have known these without moving for papers: but I was not aware, and I suppose they were not aware, till in an evil hour they brought it out by their own motion for papers, of the sum of 2,000*l.* for losses, which makes up the aggregate of Mr. Sydenham's receipts, on account of his half-year's mission, to 7,200*l.* If it is said, that as this sum of 7,200*l.* includes outfit, and allowances for journey and for losses, it is not fairly to be stated as Mr. Sydenham's expenditure for half a year, I readily admit that it is not so: but then I must observe, that on the same ground the aggregate of my allowances cannot be fairly stated as the expenditure of a year. The cost of outfit and plate in my case would not have been repeated another year: any more than that of outfit, and allowances for journey and for losses, would, in Mr. Sydenham's case, have been repeated in another half year. But it is quite fair, it is indeed absolutely necessary, since the contrast between Mr. Sydenham's half year and my year has been so much insisted on, to state, as I have done, Mr. Sydenham's salary joined to Mr. Casamajor's *extraordinaries* for the same half year, as constituting the expenditure of the mission for that period. And it is fair to state the whole of Mr. Sydenham's receipts joined to Mr. Casamajor's *extraordinaries*, as the aggregate expense of that half year, with which the aggregate of my receipts for a whole year is to be compared. Whatever comments, therefore, gentlemen may think proper to make on my conduct in other respects, they will at least, I think, abandon the contrast between Mr. Sydenham's mission and mine as to the rate of their respective cost to the public. This point, on which they relied so confidently, completely fails them. They may, if they will, continue to arraign my political views; but, if comparison with the period of Mr. Sydenham's mission be a decisive test of economy, they must on that comparison absolve me from pecuniary transgression. But, Sir, it is not on pecuniary matters only that they have

wrong as to me and Mr. Sydenham. They flattered themselves that they had another case against me on his account; a case of hardship, as if this valuable public servant had been displaced purposely to make way for me. It has been asserted, that I superseded Mr. Sydenham. Sir, I did *not* supersede Mr. Sydenham. If the fact were so, I know not that it would constitute any charge against me. It would, I believe, be the first time that the undoubted right of the Crown to appoint and to change its foreign Ministers has been made matter of charge, or even of question, in Parliament. But the fact is not so. Mr. Sydenham's mission was irretrievably at an end before mine began. He quitted Lisbon not only unrecalled, but without leave. He did this from necessity, on account of the impaired state of his health. He arrived in England (as I have already had occasion to say) on or about the 8th of August. From that day to the 10th of October he received in England his appointments as Minister at Lisbon. Are the economists angry that he did not continue so to receive them longer? He was neither then, nor at any subsequent period before his death, (as I shall presently shew, by a document founded on his own representations,) in a state of health to admit of his resuming the Lisbon mission, or accepting any other. If he had happily been so, my noble friend will bear testimony not only to the fact, but to my knowledge of the fact, that another and more important employment was in contemplation for him.—So much for that charge. I have in my hand a copy of the letter from the Foreign Office to the Treasury, which authorized the payment to Mr. Sydenham of that sum of 2,000*l.* for losses, which forms the last item in his account. I almost wonder, by the bye, that I have not been told in distinct terms that this 2,000*l.* was given to Mr. Sydenham to reconcile him to my supersession of him. The House, if they will allow me to take the liberty of reading this letter to them, will see how that matter stands. I am ready to move for its being laid on the table, if they think it necessary. It is luckily the last document of the kind with which I shall have occasion to try their patience. It is as follows:—

" Foreign Office, Oct. 25, 1816.

" My Lords,

" Thomas Sydenham, Esq. late his Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Court of Lisbon, has represented to me the very great expense he was at in making preparations to undertake that mission, with a view to a permanent residence at Lisbon, and the great loss he sustained by the sudden disposal of his effects, &c. on his being obliged to relinquish that mission, on account of the dangerous state of his health, after a residence of only a few months, whereby he has been a loser of considerably more than two thousand pounds, and is thereby involved in difficulties beyond the reach of his private fortune to satisfy. (There is a slight error of inadvertency

here as to the period of Mr. Sydenham's actual residence at Lisbon, which was, as I have shewn, weeks only and not months. I now come to a passage to which I particularly wish to call the attention of the House.)—Having considered this application, it has appeared to me, under the peculiar circumstances of the case (*Mr. Sydenham's state of health still preventing his being employed in the diplomatic service of his Majesty*), to be just and reasonable, that Mr. Sydenham should receive a compensation on account of these losses. I am therefore to desire your Lordships will be pleased to take the commands of his Royal Highness the Prince Regent, with regard to the issue of the sum of two thousand pounds, *net*, to Mr. Sydenham, or his assigns, as a compensation for the losses above stated." Is this also a sham letter and a concerted fraud? Perhaps the *date* will help us to a solution of this question. It is dated the 25th October, 1815; that is to say, six months after I had tendered the resignation of my mission, and three months after my resignation had been accepted; a period, therefore, when, if Mr. Sydenham's health had been sufficiently restored to enable him to resume his station at Lisbon, there had been for three months no impediment whatever, and for six months no impediment on *my* part, to his resuming it. It was manifestly the hopelessness of his return to public life that weighed with the Foreign-office in writing this letter; to which I am happy to have had an opportunity of referring, both for the proof which it affords of a good-natured and considerate disposition, and the just testimony which it bears to the merits and character of Mr. Sydenham. I had not the honour and the happiness of a personal acquaintance with Mr. Sydenham. I knew him only by reputation, by the report of common friends, whose report would of itself have been sufficient to ensure my belief of his good qualities, and by the exhibition of his talents in that memorable investigation which was carried on in a Committee of this House upon the renewal of the East India Company's Charter. In the course of that examination the gentlemen connected with India displayed a degree of ability and information, which perhaps could not have been matched, certainly not excelled, in any other service, or in any other country. Among these very able men, Mr. Sydenham stood eminently distinguished, evincing a capacity for great affairs, and a fitness for important employments, such as are rarely to be found even in more practised Statesmen. If, therefore, I have been driven to say any thing of this gentleman (I hope I have not, I am sure I have not intended it) which may have appeared in any degree disrespectful or disparaging, if I have been obliged to soil the name of a high-minded and liberal man with money, the blame (I repeat it) is not with me, but with those who forced Mr. Sydenham's name into this discussion. I now, Sir, come to the details of the expenditure of my own mission, the account of which is among the papers upon the table. The

hon. gent. who made the motion, has had the goodness to compliment me on the minuteness and accuracy of my calculations. I understand the nature of the hon. gentleman's compliment; and I see that he has been taught thoroughly to understand the nature of the advantage which he has over me on this day. Undoubtedly any charge connected with money places the accused in a dilemma of painful difficulty—a difficulty the more painful in proportion to the consciousness of his innocence, and to the warmth of his indignation. If he contents himself, as is the first natural impulse of every honourable mind, with general and lofty denial, he exposes himself to be triumphed over as having evaded investigation; and figures are then invoked as the only test of truth. If on the other hand he condescends to detailed arithmetical calculation, he becomes liable to such compliments as those of the hon. gentleman; and must feel (as I do now) a certain inevitable degradation in the very process by which he is to be justified. It is certainly not without such pain that I made up my mind to this latter alternative. Those who know me in private life are, I am afraid, too well aware how little I am versed in questions either of arithmetic or of economy, not to have been as much surprised, as the hon. gentleman professes himself to be gratified, at the proficiency in figures which is displayed in the papers before the House; particularly in that laboured despatch of mine of the 30th of May, 1815. In truth, I availed myself, for the purpose of those statements and calculations, of the aid of persons much more conversant with such matters than I can pretend to be. I beg the hon. gent. also to understand, that I do not profess, in these accounts, to state my *whole* expenditure at Lisbon, but only my expenditure of *public* money. Sir, the expenditure of Sir Charles Stuart's mission for the two years, 1812-13, and 1813-14, and that of the interval between the conclusion of Sir Charles Stuart's mission and my appointment, can hardly be denied to justify the nominal amount of the allowances assigned to me. But that *nominal* amount and the *real effective* value were very different indeed. For my actual *expenditure* (as distinguished from nominal *receipts*, or rather nominal *issue*), a fair but strict standard of comparison is furnished by the Report of the Civil List Committee of June, 1815. If it shall appear that my whole *actual* expenditure as *Ambassador*, tallied within a very trifle with the amount fixed by that Committee and sanctioned by the House for a *Minister*, at Lisbon, of the *second order*, I think it will not be imputed that I abused the discretion confided to me. Assuredly I did not, on going out to Lisbon, anticipate the trial of this day: but I did, as has been seen, dread and deprecate any unlimited pecuniary discretion. It has been shewn how anxious I was to have the limits of my expenditure defined: and within those limits, whatever they might be, I resolved to restrict myself. My

nominal allowances were, as I have said, and as appears from the papers upon the table,

Salary	£8,200
Extraordinaries, not to exceed	6,000

£14,200

Of this amount of extraordinaries I drew only for three-fourths, or 4,500*l.* I received (like every other Minister of whatever rank) the sum of 1,500*l.* for outfit. If that sum be taken as replacing the 1,500*l.* extraordinaries which I declined to draw, the result of salary, extraordinaries, and outfit, for that *one* year (outfit could only be a charge on the *first* year) is, as above, 14,200*l.* I had plate, like other Ambassadors and Envoys Extraordinary, &c., but upon the scale of an Envoy. Having no rule or experience to guide me, all that I could determine was to consider the established recognized amount of the *salary* as the limit of my public expenditure; and to draw for no more *extraordinaries* than should make up the *nominal salary* of 8,200*l.* to that *effective* amount. Had, therefore, that salary been paid free from deductions at home, and without loss on the exchange and on the conversion into Portuguese money, I should not have drawn for one shilling of extraordinaries for my expenses at Lisbon. But the case was very different. This *nominal* salary was liable to deductions amounting to no less than about sixteen per cent. in England, which reduced it from 8,200*l.* to about 6,900*l.*; and this latter sum again to a loss of something more than twelve per cent. in its transit and conversion, reducing it from 6,900*l.* to somewhere between 6,100*l.* and 6,000*l.* This statement applies to the first three-quarters of the year, ending the 5th of July, 1815. In July, I received the Report of the Civil List Committee, to which I have so often had occasion to refer. From that time, therefore, I had, what I had always wished, a positive written public rule, not laid down indeed for my mission, but which I might safely take for my guide. By the Civil List Report, the Minister to Portugal was considered prospectively on the footing not of an Ambassador, but of an Envoy Extraordinary and Minister Plenipotentiary. To that Minister of the second order, the Report assigned a salary of 8,000*l.* a year. It further recommended, that all sums for foreign missions should be paid free of all deductions, except the property tax; thus relieving the issues of salary from all the established legal defalcations at home, amounting to about six per cent. (in addition to the property tax), and from all losses by exchange, or otherwise, in the transmission abroad. At the same time, the allowance for outfit, which had been hitherto in all cases, and for all ranks, only 1,500*l.*, a sum which is stated by the Report not to be sufficient to cover above one-third or one-fourth of the real expense, was raised to 4,000*l.*; and an annual allowance of 500*l.* was given for rent. These several arrangements are

found in pp. 47 and 48 of the Civil List Report, to which I beg the gentlemen who do me the honour to watch what I am saying to refer. Deducting 800*l.* the property tax from the salary of 8,000*l.*, these issues to the new *Envoy* would amount to 11,700*l.* nett for the first year; and to 7,700*l.* nett for every subsequent year. And this, exclusive of plate, for which the Report makes a special provision.

When I received the copy of this Report, I instantly determined that, so long as the mission continued in my hands, I would limit myself strictly to the amount specified in it. For the last quarter, therefore (from July the 5th to October 10th, 1815), I conformed to the new scale of ordinary allowances, and received only 1,800*l.* nett, without any extraordinaries whatever. The exchange was now, in consequence of the termination of the war, become so favourable as in a great measure to counteract the loss upon the paper money, which continued to be about seven per cent. The result of this counteraction was, that the loss upon 1,800*l.* by the exchange and paper money jointly, which three months before would have been about 220*l.*, was now only about 70*l.* Of the 6,000*l.* extraordinaries which I had liberty to draw, I drew only for so much as was sufficient. First to replace the deductions on 6,150*l.*, being three-quarters of nominal salary at the old rate of 8,200*l.* (gross), and on 1,800*l.* one quarter at the new rate of 7,200*l.* (nett); secondly, to make up the old allowance for outfit, viz. 1,500*l.* to the sum of 4,000*l.* specifically allowed by the Committee. And not one farthing more, so help me God! So scrupulously did I adhere to these limits (which seemed to me to have been formed on a clear principle and which had the sanction of the House of Commons), that finding that my agent had drawn, for the last quarter, a sum of 1,500*l.* as *extraordinaries* (at the rate of the 6,000*l.* originally allowed to me), I directed him to return that sum to the Treasury: and I declare, on my conscience, that when I gave this direction, I had no more expectation that the transaction would ever be known to any one except to my agent—to my right hon. friend (Mr. Huskisson) near me, whom I requested to see my direction executed—to my noble friend (Lord Castlereagh), whose permission was necessary, and to the Treasury, to which the return was made, I had no more expectation that I should ever have to state this transaction privately or publicly in vindication of my character, than I had apprehension that on such grounds my character would ever be assailed. It is undoubtedly still open to the hon. gentlemen who are the framers and supporters of the impeachment against me, to recur to the charge that the mission to Lisbon was unnecessary; to find fault, if they please, with my personal conduct in accepting it (of which a word by and bye); and to censure the mode in which I may have discharged the duties of it: but as to pecuniary imputation, I stand upon a rock. I

stand upon the authority of a Committee of this House, appointed long after my embassy was established and endowed; and not merely approving by retrospect the amount of its actual endowment; but recommending prospectively the same endowment for a mission of a lower character. Before that Report was known to me, with the power to go to a certain extent of expense, I restrained myself within that extent, to limits narrowed by my own sense of what was right. As soon as I had the authority of that Report to guide me, I adhered to it voluntarily and strictly, living as an Ambassador within the allowances assigned for an Envoy. To other allegations of misconduct, political or prudential, I may be obnoxious; but surely no fair adversary, after this exposition, will impute to my Embassy either a wasteful prodigality on the part of the Government, or a corrupt rapacity on mine. I am afraid I have already wearied the House with figures: but there is another calculation, of which the result is so striking, that I cannot help requesting of the House to allow me to state it to them. Its elements are few, and the process short and simple. I particularly request attention to it from the right hon. gent. (Mr. Tierney) who sits opposite to me, whose skill in these matters peculiarly qualifies him to detect any error in the statement. The Report of the Committee on the Civil List fixes the salary of the Lisbon *Envoy* at 8,000*l.*, to be reduced by the deduction of the property tax to 7,200*l.* This sum of 7,200*l.* was to be received nett at Lisbon, free from all other deductions at home, and from loss by exchange and conversion abroad. Sir, I desired a person far better skilled in calculations than I am, to make out for me how much must have been received nett from the Treasury here, to produce 7,200*l.* nett, in Lisbon, during the year 1814-15. The following is the statement of my arithmetician:—The first addition to be made is that of the amount necessary to cover the average loss of something more than twelve per cent. by exchange and paper money: this would be about . . . £ 980 which being added to . . . 7,200

gives . . . £ 8,180 as the sum necessary to have been received nett in England, in order to produce 7,200*l.* nett in Lisbon. But, again, how much would it have been necessary for the Treasury to issue gross to produce (on the footing on which my salary was issued) 8,180*l.* nett in England? The deductions at the Exchequer, I have shewn, amounted to about sixteen per cent., the property tax included. The sum necessary to cover these deductions would be about . . . £ 1,556 which, added to . . . 8,180

shews that the gross issue at the Treasury must have been about . . . £ 9,736 Add to this sum the allowance for outfit 4,000

Add the allowance for house rent (to which, by the way, might be added twelve per cent. for loss on exchange, &c.) 500

And the *gross nominal* issues at the Treasury, to meet the recommendation of the Committee, for the first year of the new Envoy, must have been £14,296

Does not the very *sound* of this sum carry conviction, and, I could almost hope, compunction, to the bosoms of my accusers? Does it not excite, in the minds of all impartial men, an indignant recollection of the arts and the clamours by which, during two years and a half, I have been stigmatized to the country as an instance of unexampled waste—as an insatiable pillager of the Exchequer? Sir, of the pecuniary charge, I trust that I may here take my leave. After my own vindication, however, (which must on every account be nearest to my heart), I confess, I am most anxious to put the well-intentioned part of the nation on their guard against those exaggerations for mischievous purposes, by which public men are run down. If the result of this night shall warn them not to be too easily misled into the belief of monstrous and improbable corruptions, I cannot say that I shall not still regret the calumnies with which I have been overwhelmed, but I shall be in some degree rewarded and consoled for them. I have thus disposed of the two main heads of accusation. I have shewn that there was a sincere and well-grounded belief in the return of the Prince Regent of Portugal to Europe: and I have shewn that the cost of the embassy appointed to receive him on his return was not only not extravagant, but that, according to every test by which expenditure can be tried, whether of contrast with what had gone before, or of comparison with what has been deliberately established for the future, it was limited by a reasonable and scrupulous economy. Some minor charges remain to be refuted. I am accused of having held the mission after all hope of executing the duty which I undertook to fulfil was abandoned. But, before I enter on this point, I am reminded that I am accused also of having assumed the mission too soon. It is said that I assumed it in October, although the Prince of Brazil could not be expected in Europe for six months from that date. Now, if there were any ground for supposing that the return was altogether a false pretence, the acceptance of the embassy sooner or later would be of no consequence; the acceptance of it at all was a crime. But if the Prince Regent of Portugal was to come to Europe, there was fair probability that Sir John Beresford might have landed him at Lisbon in February. Sir John Beresford sailed from Portsmouth on the 5th of October. True, he was driven back to Plymouth after having been some days at sea. But, as to the length of the passage, he *did* reach the Brazils in seven weeks from the date of his last sailing (that, too, with

a convoy under his protection); and it was not only no improbable expectation, but it was the belief of Sir John Beresford himself, stated repeatedly to the Prince Regent of Portugal; that from five to six weeks would be sufficient for the voyage from Rio de Janeiro. It is true, that the hypothesis was, that the Prince Regent would be ready to embark, and would have made all the preparations necessary for his departure, between the period of his writing for a squadron and its arrival. Such in fact was our expectation; and upon that supposition (as I have said before) the arrival at Lisbon of the Prince Regent himself would have been the first intelligence that would have been received there of his departure from Rio de Janeiro. I sailed the beginning of November. I landed at Lisbon (I think) on the first of the following month. I had no more doubt of the impatience of the Portuguese royal family to return to Europe than I have that I am now addressing this House. I consequently reckoned upon their arrival in Lisbon almost as soon after my own as I could conveniently be prepared to receive them. In the month of February, I well remember, we used to be looking out at Lisbon, at every favourable turn of the wind, for the arrival of Sir John Beresford with his royal passengers, in the Tagus. The only period therefore, during which I can be accused of receiving a salary without executing a public duty, is that between the date of my appointment and my sailing for Lisbon,—a period of about three weeks. Surely this then is a charge of minute and petty captiousness. It is said that nature abhors a *vacuum*; and I believe it may be equally said that an Exchequer Quarter abhors a fraction. My salary was reckoned from the 10th of October, the Quarter-day which preceded by about ten days my taking leave at Carlton House;—and which preceded my actual departure (as I have said) by about three weeks. Of the scores or hundreds of missions which have gone out from this country for the last century, I very much doubt whether *one* could be found whose allowances had begun to run from so short a period before its departure. If this, Sir, be not a sufficient defence on such a matter, I can only give myself up to the mercy of the House, with a frank expression of my regret that I was gazetted three weeks too soon.

As to retaining my Office too long,—I have already answered to this point incidentally, but I must briefly answer to it again here in its proper order. The first loose intimations of a doubt of the return of the Prince Regent to his European dominions arrived in England in the month of March. They reached me at Lisbon on the 9th of April. On the 10th of April I wrote to the Foreign Office, tendering my resignation. I was desired to continue in the exercise of my functions; and from that moment the mission entirely changed its character. I

was no longer the pageant Ambassador to a non-forthcoming Sovereign. The war had broken out, with the ominous re-appearance of Buonaparte: and who was there in this country, or in Europe, that ventured to predict its speedy, its miraculous termination? Who could presume to say what might be its course; or what the extent of effort required to give effect to its operations? Henceforth, therefore, I filled, (whether worthily or not, is another question,) a situation of business, at a not insignificant post, and at a most eventful crisis. If I had not been on the spot, another must have been appointed, —a Minister of the second order, if you please,—but even if so, with all the allowances and expenses incident to a Minister of the second order at Lisbon,—which I have already shewn to be, according to the recommendation of the Civil List Report, substantially the same as mine. Henceforth, therefore, I did not add one farthing to the unavoidable expenses of the country. It may be alleged, that a more able individual might have been found to discharge the duties of the mission; and that I did wrong in continuing to do what others might have done better; —but there is not a shadow of pretence for affirming that my continuance at Lisbon laid any burden upon the public, or that any saving could have been effected by the acceptance of my resignation on the 10th of April. It is obvious that in the refusal to accept my resignation, I was wholly passive: but neither does my Noble Friend require any justification for having recommended to the Prince Regent to decline accepting it. My Noble Friend is sufficiently justified by the case itself, and by his subsequent conduct. For no sooner was the battle of Waterloo fought, and the war thus happily ended, (almost as soon as begun), than my noble friend signified to me his Royal Highness's acceptance of the resignation which had been before declined. It is true, that it was not until three months after this notification that I was finally relieved from the mission. Amidst the important negotiations in which my noble friend was then engaged, he appears to have forgotten that he had not appointed any one to receive the business and correspondence of the Lisbon mission, out of my hands. Portugal and myself had (no wonder) sunk into insignificance and oblivion: and up to the beginning of August, no successor to me was appointed.—Did I think this a lucky chance? Did I go on quietly to enjoy the advantage of this oblivion?—No. After about a month had elapsed without hearing any thing from the Foreign Office, I wrote to my noble friend, to remind him of my existence: and, apprehending him to be—as he in fact was,—absent from England, I wrote by the same packet, a private letter to Lord Bathurst, begging leave, in case any difficulty should have occurred in the nomination of a successor, to recommend Mr. Croft (whom I have already mentioned as having been first introduced to me

by my noble friend,) as a person perfectly competent to act as *Chargé d'Affaires*; and offering, at the same time, the aid of my unofficial advice, so long as I should remain (which I intended to do through the winter) in Portugal. I desire to know if this conduct can be characterized as a clinging to my office?—or whether my pertinacity in adhering to it was more than exactly on a par with my eagerness in seeking it? Perhaps, Sir, I might now sit down perfectly satisfied with having cleared the integrity of my conduct; and, perhaps, with a feeling rather of gratitude than of hostility towards those who, by manfully giving a distinct and substantive shape to their allegations, have afforded me an opportunity of refuting them. But I cannot pass by the taunts of the hon. Baronet, and the grave admonitions of the hon. Mover of the question, without assuring them, that so long as I possess in my own breast the consciousness of integrity, such assailments, whether taunting or monitory, will excite in it no emotion warmer than contempt. I must above all things assure the hon. Baronet, that no attempt to impeach my character and to degrade me (as he flattered himself this proceeding might do) in that estimation with this House which constitutes all that is valuable and all that is efficient in a public man, no such attempt, I say, will cause me to lower my voice one key, or to abate one jot of my exertions, in opposing and exposing those doctrines of which the hon. Baronet is the representative and the champion. Let not the hon. Baronet flatter himself with any such result from this attack upon my reputation. Let him not flatter himself with the hope of such a result from his asperity to-night, or from his menaces for the future. If I am satisfied to have done right, for the peace of my own conscience, I am also glad to have made that right apparent, mainly because I know how necessary are the good opinion and the favouring attention of this House, to enable me to exert myself successfully for the defeat of those projects which the hon. Baronet has at heart, and which I verily believe, would bring this country to ruin. The hon. Baronet has spoken out: and the only sentiment with which I am inspired by the bitterness of his declared enmity, and by the burst of his anticipated triumph, is that of a pride—I hope an honest and pardonable pride, at the proof which he has thus unintentionally afforded of the reasons to which I am indebted for his hostility. It is because I am held in hatred and in fear by those who share the hon. Baronet's opinions, that by them I have been sought to be destroyed. I have been sought to be destroyed, because I have declared myself, (with what effect it becomes not me to say, but with all my heart and soul)—against schemes, which, if unchecked, would bring destruction upon those hallowed institutions by which the mixed and free Government of this great kingdom is upheld, and from which the practical blessings

of our Constitution are derived. Sir, I thus dismiss all that part of the charges which, if substantiated, would have established against me the guilt of criminality or of culpable misconduct. But I wish to leave nothing unnoticed, whether of charge or of insinuation, whether conveying the imputation of positive guilt, or only implying discredit and disparagement. It is made matter of accusation and reproach against me that I have accepted Office with my noble friend who sits beside me, between whom and myself it is assumed that our former differences had placed an impassable barrier. First, from what quarter comes this reproach and accusation? From a bench on which I do not see any two neighbours who have not differed from each other, and that within short memory too, much more essentially than myself and my noble friend. But it is insinuated that the differences between my noble friend and myself were of a sort which precluded reconciliation! Since when have such matters become topics of parliamentary discussion? Since when has it been the practice of this House to take cognizance of the disagreements of individuals, and to indulge in such animadversions on the most delicate topics of personal conduct as in private society no gentleman would venture to hazard? Since when, I say, has this practice commenced? and how far is it to be carried?—I know of no precedent for it. I know of no authority. It is not for my own sake, but for the sake of this House, that I protest against it: for, if this practice be permitted, our discussions must inevitably sink into grosser personalities than have disgraced the meetings of Palace-Yard and of Spa-fields. The hon. Baronet is entirely mistaken as to what he supposes me to have addressed to my Constituents at Liverpool in 1812. Nothing that I then said was intended to convey, or did convey, the notion that I was precluded by any feeling, or in my own judgment) by any principle, from acting in Office with my noble friend. I had declared the directly contrary opinion some months before, in a correspondence respecting the formation of an Administration, which the discussions of those times brought before the public, and which is now upon record. What is *not* publicly recorded is, that some time after those discussions had closed, but six or eight weeks before my Election at Liverpool, other negotiations, which had for their object my return to Office, had taken place; amongst the proposed arrangements of which, my noble friend—with a manliness and generosity which I hope I felt as they deserved—had voluntarily tendered to my acceptance the seals of the Office which he now holds. Other reasons induced me to decline that tender. I might be right or wrong in my view of those reasons. One among them was, that I was at that time embarrassed with respect to a most important question (the discussion of which is now fixed for no distant day) by pledges which

I could best hope to redeem with unquestioned fidelity and honour, by remaining out of Office till I had redeemed them. But what would be thought of me, what should I deserve to be thought of by any liberal mind, if after such a transaction as I have described, I could ever pause for a moment, to consider in what order with respect to each other my noble friend and I should march towards our common objects in the service of the Country?—In that transaction, any feelings which had previously separated my noble friend and myself were buried for ever. The very memory of them was effaced from our minds: nor can I compliment the good taste of those who would call them up from oblivion: surely not with the vain hope of exasperating differences anew, but with the purpose of making a reconciliation now of five years' standing, a subject of suspicion, taunt and obloquy. What I have said, sir, is, I hope, a sufficient comment upon the notable discovery that I accepted public employment not *with*, but *under*, my noble friend. This paltry distinction, I can assure those who are so vain of it, occasions me not the slightest uneasiness. When Lord Pembroke went out to Vienna, and the Marquis Wellesley to Spain, during (or *under*, if you will) my administration of the Foreign Department, had I the ridiculous vanity to fancy that these distinguished Noblemen acted *under* me, in any sense of degrading subordination? Or is it imagined that when the Duke of Wellington undertook his mission to Paris, my noble friend conceived that he was therefore entitled to claim a pre-eminence over the deliverer of Europe? They know little, Sir, of the spirit of our Constitution, they are very ill acquainted with the duties that it imposes, and the privileges that it confers, who are not aware, that in whatever station a man may be called upon to serve his Sovereign and his Country, there is among statesmen, co-operating honestly for the public good, a real substantive equality which no mere official arrangement can either create or destroy; they, who are yet to learn, that in a free Country like ours, it is for the man to dignify the office, not for the office to dignify the man. Sir, I have now done. I have humbly to apologize to the House for having trespassed upon their attention, and to thank them for their indulgent attention. The manner in which I have been heard by the House, has been such as satisfies me that they justly and kindly considered how much I had at stake on this day. If I have succeeded, (as my conscience tells me that I must have done,) in refuting the charges brought against me, I have not spoken in vain; and you, Sir, will not regret having listened to me. If I have not succeeded, if the House shall be of opinion that any stain remains upon my character, then indeed, Sir, have I troubled you too long; but I have troubled you for the last time.

Mr. Brougham declared, that he was not one of those to whom the right hon. gentleman could

have alluded as hanging back in their accusations. The charge must have applied to some one, but he was at a loss to determine who was meant. His hon. friend (Mr. Lambton) had stated the question fully and fairly; he was answered by the noble lord opposite (Lord Castlereagh), who was replied to by his hon. friend (Sir Francis Burdett). The gallant Admiral then said a few words, when there ensued a dead pause in the House—nothing being offered to be said on the other side. Was the accusation to be repeated without hearing any defence? Were the common forms of the House to be departed from on this occasion, and were he and his friends to be accused of want of candour for following the usual course recommended by common convenience and the general experience of its utility? He did not hold back, and he was sure his hon. friends did not. If he now came forward, he did not bring any new charges; he would not state a tittle that had not previously been stated; and if he travelled out of the accusation he begged he might be stopped. He would tell the right hon. gentleman, that he was not his accuser; that he acted here in a different capacity. The accusation was already made; the defence had been heard, and he, and the House, were now to act as judges. (*Hear, hear, from Ministers, re-echoed by Opposition.*) He observed, that the right hon. gentleman was anxious to separate the two questions of the return of the Prince Regent, and of the expenses of the embassy. He had no objection to this line of argument, and would shew, from dates, that there was not a shadow of pretence for this job, which was the greatest that had happened for many years. The blame of it was shared between the Administration and the right hon. gentleman who benefited by it. The charge, however, had been replied to as containing particulars which were never advanced; it was never said that there was no intention expressed on the part of the Prince Regent of the Brazils to return to Europe; he and his friends charged them with appointing a minister at a time when there were no functions to be exercised. The charge admitted that there might be a mistake; on this mistake the job was founded: the mistake was pardoned, but the plunder was reprobated. It was by facts and by dates only that the question under debate ought to be decided, not by empty professions or noisy declamation, which, in the opinion of the world, would be of no more value than the wind of which they were made. Referring, then, to the despatch of Lord Strangford to Lord Castlereagh, he found it stated, that hopes were entertained by the British Minister that the Prince Regent was disposed to revisit his ancient dominions; but this intention would never be executed without the concurrence of the English Government. It was added, subsequently, that any intimation of the wishes on the part of our Government, would probably be

acceded to. We were thus left altogether to determine upon the time and the mode in which the return of the Prince Regent of Portugal should take place. The right hon. gentleman had pretended, that this return was an affair of the highest importance; that it was an event so desirable, as to justify all the expense and all the extraordinary proceedings which belonged to this transaction. But if it had been of such mighty interest to the concerns of Europe, ample time had been previously afforded between the downfall of Buonaparte's power in the Peninsula, and the period of the right hon. gentleman's appointment. Not a word, however, of the return of the royal family was heard till the 29th of July, and then arose a question which was now to be determined upon stubborn dates on one side, and metaphor and verbosity on the other. During the three months previous to this period, although the noble lord (Castlereagh) was all that time apprised of the probable return of the Portuguese Court, as far as the despatch of Lord Strangford could create that expectation, he never once thought of sending out an embassy extraordinary upon the mere possibility of such an event. Such an intention, if ever entertained, had hitherto lain dormant, and never appeared till it was wanted for private purposes, or for cabinet arrangements. (*Hear, hear.*) To shew the temper in which this matter was conducted, it might be of use to examine one of the pretexts upon which the whole defence of the case rested. It had been asserted, that the appointment of an ambassador extraordinary was made, in one respect, for the purpose of gratifying the feelings of the Prince Regent: but it was worthy of observation, that whilst we complimented him with an ambassador whom he had never asked for, nor evinced any desire to see, we refused him the favour of appointing the commodore whom he had expressly named, to command the convoy on his passage home. He believed this officer was Sir Sidney Smith, (*no, no, from the Treasury Bench,*) but, if he were mistaken in this, it was probably the officer who commanded the vessel in which his Royal Highness sailed from Europe to the Brazils. Why, if there was so much anxiety to gratify the personal feelings of his Royal Highness, was so slight a civility refused?—But he now came to a part of the question which had been wholly omitted by the noble lord, and but incidentally mentioned by the right hon. gentleman in the close of his justification; upon which, however, he would venture to say, that the judgment of the country would finally be formed; he meant whether any real necessity had existed for the appointment of the embassy, or whether it was not a mere pretence to suit the views and interests of individuals. Had there been any doubt, or even the smallest uncertainty, with regard to the occurrence of those circumstances which called for so extraordinary an appointment, it

was the duty of the noble lord not to have precipitated the embassy: for, if delayed but a short time, the whole of this useless expense might have been saved to the country. The right hon. gentleman had argued as if it were absolutely necessary that an ambassador should be present on the Prince's return, if it had taken place; but if a *chargé d'affaires* had remained there a year and a half, there could be no great inconvenience in his remaining a week or a fortnight longer under the existing circumstances. He apprehended, however, that the fact was, the right hon. gentleman was going to Lisbon at any rate; and that if the appointment was longer deferred, it would come too late to answer his purpose. (*Hear, hear.*) The Court of France had taken a very different view of the intentions of the Portuguese Court, and had sent their Minister to Rio Janeiro; and he could conceive no reason for our pursuing a different course, except that it was necessary to put money into the pocket of an individual, as a means of settling certain political arrangements. He believed the French mission was subsequent to the British, but this was of little moment. In considering the amount of the right hon. gentleman's allowances, a great deal had been said as to the expenditure of Mr. Sydenham. He agreed entirely with all the praise which had been bestowed upon that lamented gentleman, and could have wished that the right hon. gentleman had not qualified his panegyric by certain expressions which could hardly be intended to do honour to his memory. Why did the right hon. gentleman endeavour to place the character he eulogized in an odious light, by ironically calling Mr. Sydenham "that prince of economists," or mock the reputation which he affected to respect? Mr. Sydenham had remonstrated against a too rigid system of retrenchment; he had told the noble lord that it was vain to attempt to cut so deeply; and therefore, if the right hon. gentleman had any censure to direct against an excess in the disposition to economy, it was the noble lord, his present colleague, and not Mr. Sydenham, to whom it properly applied. The regular expenses of Mr. Sydenham had been distinctly limited to 5,200*l.*; and admitting the highest amount to which they had been swelled by an accidental addition of 2,000*l.* incurred through ill health, and 1,500*l.* of outfit, there was still a wide difference between the aggregate amount, and the sum of 18,000*l.*, expended upon the mission of the right hon. gentleman. When the plain fact was before the House, that although the return of the Portuguese Court was announced in April, as a probable event, and yet that an envoy was considered to be sufficient on the 18th of July following, it would not do for the noble lord and the right hon. gentleman to put themselves generally on the House for an acquittal, without any attempt to controvert the facts. The noble lord, on the 18th of July,

thought of nothing but economy; and in this spirit wrote his despatch to Mr. Sydenham, expressing the Prince Regent's commands that he should, under the altered circumstances of the country in which he resided, confine his expenses strictly within his ordinary allowances; but on the 25th a new light had broken in upon him; he then knew more of the right hon. gentleman, with whom for some years before his acquaintance had been but slight; and although he knew no more with regard to the return of the Prince Regent from the Brazils, he had ceased to preach upon economy. According to the letter of Lord Bathurst, it was not till the 31st of October, that a new view was taken of the scale of expenditure necessary in Portugal, and it was found that a variety of charges were incident to the transition from a state of war to a state of general tranquillity. It did not appear, however, at what particular moment this discovery, as to the necessity of a gradual transition, was made. What did all this evidence indicate, but that the whole was a pecuniary transaction, the direct end of which was the acquisition of money by one of the parties? The right hon. gentleman might tell them, that without a clear acquittal this should be the last time of his addressing them; but he would say, that such an acquittal would shake his confidence in the verdict of any plain men upon a plain matter of fact. The House must decide whether this was or not a *bonâ fide* transaction, entered upon with no views but those of national advantage, originating in no private or personal considerations; or whether it was not exclusively the result of party schemes and cabinet arrangements (*hear, hear*); whether it was any other than a money-getting contrivance; whether the scale of expenditure which it created, great as it was, was not infinitely pitiful and miserable in comparison with the object which it was intended to serve; and whether the whole aim and end of the negotiation had not been to make the country pay the price of the purchase of the right hon. gentleman's accession to the present administration. (*Hear.*) To refer once more to the subject of Mr. Sydenham's expenses, he could not but notice the manner in which those expenses had been increased, to the amount of several thousands, for the short space of a fortnight. Never had he known a matter of fact so entirely distorted. Mr. Sydenham had received the usual appointments and outfit, when the sudden breaking down of his health impeded the full execution of his mission. It would be as fair to consider the 300*l.* which a wounded officer might draw during the six months he was confined, as a remuneration for a week's or a fortnight's service. (*Hear.*) Sir C. Stuart, like all the other personages alluded to by the right hon. gentleman, though treated with professed respect, met with very little indulgence. But the right hon. gentleman could hardly forget that Sir C. Stuart was not merely the resident minister of this country,

he was also a member of the Portuguese Regency. The right hon. gent. might as well have taken, as a scale for his own expenditure, the royal establishment at Rio Janeiro, or of Carlton-house. Upon the whole, whatever might be the judgment of the House on this transaction between the noble lord and the right hon. gentleman, he was convinced that no impartial man out of doors would regard it in any other light than as it had been described by the worthy baronet—that of a pecuniary and profitable party-job. (*Hear, hear.*)

Lord Milton thought the House and the country indebted to his hon. friend (Mr. Lambton, who had brought forward this subject, because it was important that the characters of public men should be understood; and he did not think they would have been so well understood but for the discussion which had taken place. (*Hear, hear.*) He was not ashamed to confess that he was himself a party man; and to own, that he did not consider himself gifted with a wisdom which entitled himself to set up his judgment against those with whom he generally acted. He had listened attentively to all the different speeches which had been made and the result was, that he could not conscientiously agree with his honourable friends in the vote of censure which they had proposed. (*Loud cries of hear, from the Treasury benches.*) Much as he regretted the necessity of differing from them, he could not forget that he had a higher duty to perform. He desired at the same time to say, that he did not acquit the right hon. gentleman of all blame; and that he thought the negotiation between him and the noble lord, which led, by his subsequent appointment, to the Lisbon mission, not very creditable to either. (*Hear, hear.*)

Mr. Warre said a few words (*amidst cries of question*), the import of which was understood to be in favour of the appointment.

Mr. Gordon said, that he was sorry to detain the House, but he felt some anxiety to state his opinion that the right hon. gentleman had cleared himself from the charge of pecuniary views. The question, however, was still open as to the propriety of sending an embassy at all. If necessary, it appeared to him that it ought to have been sent at once to the Brazils.

Mr. Abercromby agreed that the right hon. gentleman could not be considered as a principal in this transaction. His vote in support of the motion would be given upon the ground that the embassy itself was unnecessary.

Mr. Sharp was satisfied that the charge had been fully substantiated against the Government, who had, it appeared, not only deceived the country, but the right hon. gentleman.

Mr. Tierney wished to say a few words in explanation of the vote he was about to give, and which he could declare would rest upon no ground of objection to the propriety of the right hon. gentleman filling the situation he had

occupied. He was; however, of opinion, that if there had been a vacancy in the cabinet when that right hon. gentleman proceeded to Lisbon, the House would not have been troubled with the present motion; for in that case, he would not have been appointed to the embassy. Something was to be done to bring about the reconciliation of the noble lord and the right hon. gentleman. His decision would be formed upon the conviction, that at the time the right hon. gentleman was appointed ambassador to Lisbon, no embassy whatever was necessary. There would have been sufficient time for sending him out on his extraordinary mission, after it had been ascertained that the Court of Portugal was to be re-established at Lisbon. But what reason had the noble lord to expect that such an event was to take place? He (Mr. T.) could mention from his own personal knowledge a fact, which to his mind proved that the expectation was quite unfounded. It had been stated to him, by the Portuguese ambassador, the Count de Funchal, that if his Majesty's Ministers had applied to him for information on the subject, he would have told them that the Prince Regent had no intention of returning to Europe. Thus it appeared, that if the noble lord had taken the trouble of making inquiries in the proper quarter, he would have been able to have saved the expense of the six months' embassy with which the country had been so unfairly burdened. If it had been necessary to send an ambassador at all, he should not have said a word on the subject. The right hon. gentleman, as he had already observed, was as well calculated for that office, generally speaking, as any other person who could be appointed to it. Something had, however, been said of the fancies of crowned heads, with respect to such missions, which did not tend so well to support this particular appointment. He believed, that if crowned heads were flattered by such attentions, they looked more to the rank than to the talents of the ambassador sent to them; and viewing the subject in that way, the right hon. gentleman certainly was not the fittest person that might have been chosen for this complimentary embassy to the Court of Lisbon. In the comparison made on the other side between the expenses incurred by Mr. Sydenham's residence, and the mission of the right hon. gentleman, the whole expenses incurred by Mr. S. had been charged upon the half year. This was not fair; but how would the case stand were the whole expense of the right hon. gentleman in salary, plate, outfit, and other expenses, to be put on the half year, with the additional consideration that it was an expense which ought not to have been incurred at all? In addition to the other expenses, a considerable loss was incurred by the rate of exchange. He had that day sent to the city to inquire what the rate of exchange at Lisbon on London had been from July, 1814, to March, 1815; and he learned that it was 68½,

instead of 67, as had been stated. The loss, therefore, in the negotiation of paper was 14 per cent.; and adding that to all the other charges, the expense of the half-year would be 11,000*l.* This would be the amount of the charge if he were to follow the example which had been set up, and put all the expenses on the half-year, as had been done with Mr. Sydenham's mission; but he should do no such thing. He would not argue so unfairly. It was sufficient for him to state, that when the right hon. gentleman was appointed ambassador to the Court of Lisbon, he came into the possession of a salary of 14,000*l.* a-year; that that salary, the 3,000*l.* for his plate, and all the other expenses of his outfit, were totally unnecessary, and formed a burden most improperly imposed upon the country. The right hon. gentleman had made some very extraordinary flourishes, for which the noble lord was certainly much obliged to him. The noble lord seemed somehow or other to think that he had been accused of taking other people's money unfairly. The right honourable gentleman seeing his embarrassment, had got up, and, in wishing to clear his friend of the character of the thief, acknowledged himself to be the receiver. He must say, however, that he had no intention of bringing against the right hon. gentleman the charge of peculation. There never was a country in which public men were more free from such an accusation than in this; and in that respect he was free to confess, that he regarded the right hon. gentleman as perfectly clean-handed. But it would be paying the right hon. gentleman a compliment on the score of his possessing a degree of virtue and self-denial which fall to the lot of few, were he to suppose that he ought to have refused the emoluments which were pressed upon him; that he should have refused to listen to a person who told him he was a better judge of what his services merited than he could possibly be himself; and that he ought not to have a farthing less than 14,000*l.* a-year, with 3000*l.* for his plate, and all the other expenses of his outfit. He should not now detain the House longer than to state, that on this question he considered himself as speaking on behalf of the public, and he should not think that he did his duty if he neglected to vote for the motion of his hon. friend.

Mr. Lyttelton did not think either the appointment by his Majesty's Ministers, or the acceptance of it by the right hon. gentleman, justifiable at the time it was made, and could not perceive any grounds on which it could be defended. He was also of opinion, that, considering the circumstances in which the right hon. gentleman stood towards the noble lord, the transaction was not creditable to him.

Sir J. Mackintosh did not entirely agree with his hon. friend who spoke last. He imputed blame to the appointment, and not to the ac-

ceptance of it; and it was in that way he understood the censure of the resolutions to apply.

Mr. Canning wished to state, by way of explanation, two facts, which would throw a light on two assertions made by a right hon. gentleman (Mr. Tierney) in his speech. In the first place, it had been said, that if a vacancy had presented itself in the cabinet at the time he went to Lisbon, he would not have gone on that mission. On this point, if it would satisfy the hon. gentleman, he could produce most ample proof that no vacancy which could have occurred would at that time have tempted him to have delayed his journey, and accept of office in this country. The second fact related to the right hon. gentleman's statement respecting the opinion of the Portuguese ambassador. He stated, that the Count de Funchal had assured him that the Prince Regent of Portugal had no intention of returning to Europe. He (Mr. C.) knew nothing of this declaration, and would not attempt to dispute its having been made; but this he would affirm, that at the time the Prince Regent was expected to return to Lisbon, the Count de Funchal actually gave to Sir J. Beresford a list of the persons who, it was understood, would embark with the Prince at Rio Janeiro for Portugal. (*Hear, hear.*)

Mr. Cartwright observed, that an hon. baronet on the other side had stated, that whenever this subject should be mentioned, he would apply to it the term *peculation*. After the defence which the House had heard; after the full and satisfactory explanation of all the circumstances which had been given, he should have expected that common candour would have induced the hon. baronet to get up and disavow that epithet as far as possible. (*A laugh.*) He must say that, after what had passed, he should think it very extraordinary if the hon. baronet persisted in his charge.

Sir F. Burdett said, that he had not used the term *peculation* in its common and gross sense; but, as the appointment was the result of a political negotiation between the parties for their own interests, he still regarded it as what he had already stated it to be, namely, a pecuniary job.

Sir T. Acland was confident that the candour of the hon. baronet would not permit him to hesitate in pronouncing the full acquittal of a person accused, who had proved himself to be innocent. He did not know what the honourable baronet meant by his concluding words, in which he denominated the transaction under consideration a pecuniary job. He did not think that such terms could be fairly applied to it, after the defence which had been heard. After a speech so eloquent, which had thrilled through every heart in the House, he should have been proud to have been so accused, in order to have so defended himself. It would, however, be presumptuous in him to suppose that he could so defend himself; but he was

sure there was not a member in the House who would not have been glad to have committed such an action, if he could have made such a defence.

Mr. Lambton rose to reply. He observed that the President of the Board of Control had totally misrepresented him in saying that he had dwelt on the quarrel between him and the noble lord. He had done no such thing, and he entirely disclaimed what had been said by his right hon. friend and the hon. baronet on that subject. He had carefully avoided every thing in the nature of a personal attack, in the observations which he had thought it his duty to submit to the consideration of the House. It was the improper nature of the appointment, and not the acceptance of it by the right hon. gentleman, which he condemned. The noble lord, and others of his hon. friends, were mistaken in the view they had taken of the resolutions. The object of the resolutions was not to condemn the right hon. gentleman, but to declare that the appointment imposed an unnecessary expense on the country. As the question had been so fully discussed, he should not detain the House with any farther observations.

The House then divided,

For Mr. Lambton's motion . . . 96

Against it . . . 270

Majority . . . —174

LIST OF THE MINORITY.

Abercromby, Hon. J.	Heron, Sir R.
Archdale, M.	Hughes, Wm. L.
Atherley, Arthur	Hornby, E.
Aubrey, Sir John	Hill, Lord A.
Baillie, James E.	Jervoise, J. P.
Bennet, Hon. H. G.	Latouche, Rebt.
Barnett, James	Latouche, R. jun.
Barnard, Viscount	Lennon, Sir Wm.
Brougham, Henry	Lloyd, J. M.
Byng, George	Lyttelton, Hon. W.
Waterworth, Joseph	Leader, Wm.
Broadhurst, John	Mackintosh, Sir J.
Browne, Dom.	Maitland, Hon. A.
Broughy, Sir J. F.	Markham, Adm.
Calesaft, John	Martin, Henry
Calvert, Charles	Martin, John
Campbell, Lord J.	Matthew, Hon. M.
Campbell, Gen. D.	Molyneux, H.
Campbell, Hon. J.	Monck, Sir C.
Carew, R. S.	Moore, Peter
Carter, John	Newport, Sir John
Cavendish, Hon. H.	Northey, Wm.
Cavendish, Hon. C.	North, Dudley
Duncannon, Visc.	Nugent, Lord
Dundas, C.	Ord, William
Strington, Visc.	Osborne, Lord F.
Fergusson, Sir R. C.	Ossulston, Lord
Fitzgerald, Lord W.	Parnell, Sir H.
Foley, Hon. A.	Pierre, Henry
Foley, Thos.	Phillips, George
Frankland, Robt.	Power, Richard
Grant, J. P.	Ponsonby, Rt. Hon. G.
Harcourt, John	Prittie, Hon. F. A.
Hamilton, Lord A.	Pynt, Francis
Hastings, Sir G.	Ramsden, J. C.

Rancliffe, Lord
Ridley, Sir M. W.
Romilly, Sir Samuel
Rowley, Sir Wm.
Russell, Lord Wm.
Russell, Lord G. W.
Russell, R. G.
Rushleigh, Wm.
Scudamore, R.
Sharp, Richard
Sefton, Earl of
Smith, J.
Smith, G.

Smith, William
Stanley, Lord
Spiers, Arch.
Spencer, Lord R.
Talbot, R. W.
Tierney, Rt. Hon. G.
Thompson, Thos.
Walpole, Hon. G.
Waldegrave, Hon. W.
Warre, J. A.
Webb, E.
Wharton, John
Wilkins, Walter

TELLERS—Burdett, Sir F.; Lambton, John G.

PAIRED OFF.

Cavendish, Lord G. Fitzroy, Lord J.
Neville, Hon. R. Moseley, Sir O.
Howarth, H. Portman, E. B.

HOUSE OF LORDS.

Wednesday, May 7.

ATTACK ON ALGIERS.] The Lord Chancellor communicated to their lordships the answer of Vice-Admiral Baron Van de Capellen to their lordships' vote of thanks of the 3d of February last. It stated, in substance, that the approbation of such high assemblies was one of the best rewards of those who had endeavoured properly to discharge their public duties; and that the thanks of their lordships were so considered by the persons on whom that honour had been conferred.

HOUSE OF COMMONS.

Wednesday, May 7.

ATTACK ON ALGIERS.] Mr. Speaker reported Vice-Admiral Baron Van de Capellen's answer to the vote of thanks of the 3d of February last. It expressed the high sense entertained of the distinguished honour which the House had been pleased to confer on the Admiral and the squadron under his command.

LONDON CLERGY BILL.] On the motion of Sir J. Graham it was ordered, that a bill which had been introduced for making certain regulations among the Clergy of the City of London, should be read a second time this day six months.

COTTON TWIST.] Sir O. Moseley presented a petition from several merchants, factors, warehousemen, and others, in the city of London, interested in the sale and exportation of cotton piece goods. It set forth, "That the petitioners had for many years been engaged in the sale and exportation of cotton piece goods, and that their extensive capitals, activity, and enterprise, had tended greatly to carry the manufacture of cotton goods in various parts of the kingdom to an extent surpassing any other manufacture of these realms; that the petitioners were fully persuaded, that the preservation and extension of the cotton manufacture was of vital importance to the country, whether it be considered as an object of revenue and of foreign and do-

mestic commerce, or as an almost inexhaustible resource for every description of labour, ingenuity, and science, and of the greatest benefit to the agriculturist and land owner; that the great superiority of our spinning machines, aided by the practical skill and systematic industry of the persons employed in our cotton mills, and the possession of important local advantages, had, until recently, prevented any foreign state from becoming our rivals in this beneficial trade and manufacture; nevertheless, foreigners, for a considerable time past, with a view to establish themselves in this trade, had been in the habit of purchasing along with our piece goods some parcels of our unwrought cotton yarns, which at first being small were not considered materially to injure the trade in goods, but the conclusion of peace in Europe having enabled the Continental States to turn their attention to the manufacture of cotton goods, which, from the low prices of provisions and labour in some departments, they could do at a cheaper rate than could be done in this country, and their manufacturers being protected by heavy duties upon, or total prohibition of, our goods, their purchases of our yarns had of late become so great as to create serious and just alarm to the petitioners for the loss of their export trade; that the consequence of the extensive manufacture of cotton goods from British yarns in Russia, Turkey, Germany, France, Switzerland, Belgium, and other countries, was a vast diminution in the demand for our piece goods from those countries, whereby many merchants and manufacturers had been ruined, and their workmen reduced to such a state of distress as to threaten the most serious results; that the petitioners humbly apprehended that the exportation of our yarns was contrary to the maxims of sound policy, and a complete departure from the principle adopted in the wise restrictive laws now in force for the protection of our other great staple the woollen manufacture, and gave to other nations all the advantages of our inventions in machinery without any adequate return; that if the exportation of British yarns were suffered to go on, our valuable trade in cotton piece goods to the Continental States and their Colonies would be totally lost, to the great injury of the petitioners, and the innumerable body of manufacturers, weavers, calico printers, dyers, bleachers, embroiderers, finishers, and others dependent on the trade in cotton piece goods; the petitioners therefore humbly prayed, that the House would be pleased to take this matter into their consideration, convinced that in it would be found one of the principal causes of our commercial distresses, and of the present alarming state of our population in the manufacturing districts, and that the House would cause such measures to be adopted as would prevent, before it were too late, the total loss of our trade in cotton piece goods to the countries above mentioned."

Mr. Phillips said, it was necessary that a more

enlarged view should be taken of this subject. It was stated, that in proportion as the exportation of cotton yarn had increased, the exportation of cotton piece goods had decreased, and that the increase of the one was the cause of the decrease of the other. It appeared from official returns, that the importation of cotton wool, on an average of 10 years previous to 1814, amounted to 72,000,000 of pounds, whereas, on an average of the three years ending in 1815, 1816, and 1817, it amounted to 95,000,000 of pounds, making a difference of 23,000,000 of pounds weight increase in the three last years, compared with the 10 preceding years. The cotton yarn exported only amounted to 30,000,000 of pounds, leaving a difference of 60,000,000 of pounds weight, which must be absorbed in the cotton piece goods. The observations in the petition might lead the House to suppose that Great Britain had an exclusive possession of skill in the spinning of cotton yarn; but this was not the fact. Establishments for spinning cotton yarn existed in France, the Netherlands, Westphalia, Saxony, Silesia, Prussia, Austria, Bohemia, and other places, and the average nature of those factories was better than that of the factories of Great Britain. They were in possession of all our recent discoveries, the establishments were mostly directed by British spinners, and the machinery constructed by British mechanics. Great part of the nations of the continent had already either excluded cotton yarn, or loaded the importation of it with high duties. In Austria all yarns, but a small proportion of the finest, were excluded. In Russia the exportation was subject to a heavy duty. It was the same in Prussia. Under these circumstances, no other effect could be produced by the imposition of a duty on the exportation of yarn, than to shut it out altogether from the continent. A more absurd proposition never was suggested. The great complaint on the continent was, that we were too much disposed to exercise an exclusive control over trade, and this led to jealousies on their part, attended with very serious detriment to us. He had little doubt, that if the proposition were adopted, it would lead to a bounty to cotton spinners, and an exclusion of British yarns. The fact was, that the sale of cotton yarn on the continent was at present nearly impossible. It had been said, that the exporters of cotton yarn sold it on the continent cheaper than they did at home: how any person in his senses should incur all the risk and trouble of conveying his goods to a foreign market, and subject himself to the risk of bad debts, for the sake of selling his goods at a lower price than he could obtain at home, he was at a loss to conceive. The average annual importation of cotton wool for 1792, 1793, and 1794, was not more than 26 millions of pounds weight; whereas for 1814, 1815, and 1816, it was 95 millions, making a difference in that time of nearly 70 millions of pounds weight. It

might be said, that this increase of trade was owing to the improvements made by the manufacturers of piece goods; but the fact was, that the whole increase was owing to the improvements made in the spinning machinery by Watts, Arkwright, and others. In this country the cotton spinners had great difficulties to contend with in the high taxes, and the high price of subsistence occasioned by those taxes. The rate of wages of cotton spinners on the continent was not half of what it was in this country. (The hon. gentleman then went into some details, to shew that the persons employed in our cotton factories were not in a miserable condition, an opinion to which some mismanagement about 20 years ago had given rise, and that they were in general better off than persons engaged in other departments of our manufactures.)

Lord Stanley thought, that restrictions on the exportation of cotton yarn would only excite expectations which might prove illusory.

The petition was then ordered to lie on the table, and to be printed.

WRONGOUS IMPRISONMENT.] Sir S. Romilly rose to present a petition from John Montgomery, a weaver, in Bell-street, Calton of Glasgow, complaining of wrongous imprisonment. It set forth, "That circumstances of extreme oppression obliged the petitioner to approach the House in the hope that his motives and wrongs would plead his excuse, however humble his condition; these motives and sufferings would be best discovered by the following plain statement of facts: on Sunday, the 23d of February last, the petitioner was awakened at six o'clock in the morning by three men, who stated, that they had a warrant to apprehend him and search his house, on suspicion of seditious practices; they accordingly were allowed to make every search they required, after which they carried the petitioner to gaol, where, in spite of the most earnest remonstrances, the turnkey seized him by the back of the neck, and shoved him forcibly into a dismal cell on the ground-floor of the felons' department; that various criminals were immured on both sides of the petitioner, who was doomed to hear their horrid conversation during the whole of his confinement in that cell, and after being kept there for three days and two nights, he was moved to another cell up stairs, but both of them were so extremely dark, that he could not see to read, even during mid-day, the only light being from a small grated aperture in the wall, above the door, but the light to which was borrowed from another grated window on the opposite side of the passage leading to the cells; that the dimensions of both cells did not exceed six feet and a half in breadth, and eleven feet in length, or thereby; and the petitioner was not allowed either a seat, or a bedstead, or a table, or a candle, or a lamp, or a carpet, or a fire, or a stove, or, in short, any thing to cheer his solitude, or to mitigate the extreme coldness

of his dungeon, which consisted, above, below, and on all sides, of stone, without any lathing or plaster; nay, when one of his friends sent the gaoler a candle for the petitioner's use, it was kept up, on the allegation that no such accommodation was allowed in the felons' department; that the cell in which the petitioner was immured for the first three days and two nights was much infested with vermin of various kinds, and the bed-clothes were in a very filthy state; the petitioner also received no allowance whatever for his sustenance during the first three days and two nights, the consequence of which was, that at the end of that time he was reduced to such a state of hunger, that one of the criminals took compassion on him, and sent him a twopenny loaf by the hands of the turnkey; that after the petitioner had been immured in his cell for four days and three nights, he was for the first time examined by Mr. Robert Hamilton, sheriff depute, and although he frankly and honestly declared that he was a total stranger to all political associations, and had never attended any private meetings, or was acquainted with any of the alleged conspirators, he was remanded to his cell without any reason or pretext, and detained there until the forenoon of Thursday, the 27th of February last, when he was liberated without any farther examination; that during the whole period of the petitioner's confinement (four days and four nights) he was not visited by a magistrate or any other person to whom his sufferings might have been communicated, a hardship which he more felt, because, during the whole of his imprisonment, he laboured under a severe bowel complaint, occasioned, as he supposed, by the extreme coldness of his cell at that stormy season, and for about eight days after his liberation he was so indisposed that he was unable to do little or any work, owing to the severity of his treatment whilst in confinement; that the petitioner lamented the necessity which had obliged him to trespass so long on the patience of the House, but well knowing their solicitude for the liberties and character of his Majesty's loyal subjects, however humble, he ventured to hope that the nature and extent of his sufferings would induce them, upon a proof of the foregoing facts, which he then offered to adduce, not only to give him that redress which to the House should seem meet, but lead them to adopt such measures as would effectually check the recurrence of similar grievances in time coming." The hon. and learned gentleman observed, that this petition was sent to him some time ago, but he had been desirous of presenting it when the hon. member for Glasgow was in the House. It was impossible for him (Sir Samuel) to answer for the truth of the facts, but he believed them to be true, as he had received several testimonials of the good character of the petitioner, and affidavits from very respectable persons attesting the truth of all the facts.— might be said, that the petitioner could

obtain redress by the common law of the land; but, notwithstanding that, a person who had been exposed to such hardships was entitled to the attention of that House. No ground for the arrest was established before the magistrates; and if a man could be taken and imprisoned in this manner in Scotland, what would have been the consequence to the people of that country, if the House had not altered the bill which had been sent down by the other House, suspending the Constitution, with respect to the liberty of the subject? The warrant on which the petitioner was arrested was directed against a person of the same surname, but whose Christian name was left blank. The hon. and learned gentleman then moved, that the petition do lie on the table.

Mr. *Finlay* said, he understood it was not necessary by the law of Scotland, that the Christian name of the person against whom a warrant was issued should be inserted. The Sheriff, on an application of the procurator fiscal, would not object to grant a warrant for the apprehension of a person, though the Christian name was not stated. In many cases, murder and robbery for instance, it was often impossible to obtain the Christian name, and the ends of public justice would be defeated in such cases, if a warrant were not issued. The practice in question, therefore, was universal, and not contrary to justice. With respect to the treatment of the individuals arrested, he had had opportunities of conversing with gentlemen acquainted with the whole transaction. It happened unfortunately, that a great number were arrested at the same time, and all the accommodation that might have been wished could not be afforded to each. Out of the 25, however, 22 or 23 were accommodated with rooms as good as any to which they had been accustomed. The best proof of the humanity and attention of the magistrates of Glasgow was, that immediately after the arrests, they sent to those who had the disposal of the subscriptions for the relief of the distressed, to take care of the families of the prisoners. A more exaggerated account of privations and sufferings than that in the present petition, had never been made by any individual. He was astonished that any one could have put such a statement into the hands of the honourable gentleman—he could not have believed that a statement so little founded in truth, could have been drawn up. He appealed to an hon. gentleman (Mr. J. P. Grant) acquainted with the state of the prison of Glasgow, and with the circumstances attending the arrests in question, whether the representation was not grossly overcharged. He felt, in common with the great body of the people of Scotland, the obligations they were under to the hon. and learned gentleman (Sir S. Romilly) for the improvements which he had introduced into the Suspension Bill, in so far as regarded Scotland; but he could not help saying,

that in the present case, the hon. and learned gentleman had been greatly misled.

Mr. J. P. Grant said, that as he had lately been in the place referred to in the petition, he felt it his duty to state to the House the circumstances which had come to his knowledge. This subject highly merited their attention, more especially after they had passed bills suspending the Constitution of the country, in so far at least as related to the liberty of the subject. He did not wish to throw any slur on the magistrates of Glasgow. The prison of Glasgow was well constructed, and even handsome, and the general management was praise-worthy. But he blamed them for this: that when so many persons were incarcerated from Sunday morning to the middle of Tuesday, during all that time none of them visited the prison to see what accommodation could be obtained. It so happened, that two persons (Montgomery and Weir), who were discharged as soon as examined, were condemned to cells situated as described in the petition. He admitted, that they were not damp in the degree which one of them stated; but they were on the ground-floor, cold and comfortless, and the prisoners were without any accommodation. After four days' imprisonment they were examined by the sheriff, re-committed by him, and on the next day discharged without any further examination. He had heard that Weir, when asked if he wished to have any additional comforts, said, he had no complaints to make; but the man thought he was on the point of being discharged, instead of which he was detained two days longer. If it was the law of Scotland, that warrants might be issued to take up all and sundry his Majesty's subjects without Christian name, or special designation, he could only say that he had never heard of such a law. But he denied that this was the law of Scotland. He denied that any magistrate could say, Take up a man without any Christian name, residing in such or such a street. (*Hear, hear.*)

Mr. B. Bathurst said, that the petitioner was arrested, because there was no other person of his description in the neighbourhood. In all such cases, however, application for redress should be made to the ordinary tribunals, and not to Parliament. All necessary accommodation had been afforded to the prisoner.

Sir S. Romilly, in moving that the petition be printed, observed, that in Scotland, where all belonging to the same clan bore the same name, the greatest abuses and oppressions might ensue, if such proceedings were to be esteemed valid. All the Grants and all the M'Intoshes in Scotland might be exposed to imprisonment, and taken under a writ of this description sued out against any one of them. He was aware, that in such a case it might be replied, the party aggrieved had remedy by action. But, if actions against magistrates in Scotland were subject to all the difficulties which attend-

ed those against magistrates in England (such as notices to be given beforehand, a nonsuit consequent on failure of notice, and treble costs payable by the plaintiff if he did not succeed), he did not know what likelihood there would be of obtaining any substantial redress; but he was certain that that House would not think so lightly of the liberty of the subject; that they would not protect magistrates in an abuse of their authority; and would feel extremely sensible to any tale of oppression, from whatever quarter it might proceed.

Mr. *B. Bathurst* could not say whether the law of Scotland, respecting warrants of arrest, differed from the law of England; but he presumed that the subject could not be injured without redress in any part of the kingdom. The transaction now complained of was entirely a mistake, for the officers had been informed that no other person of the name lived within the district.

Mr. *Finlay* contended, that under the gaol regulations of Scotland, it was impossible a prisoner could have been confined two days without food.

The petition was ordered to be printed.

BREACH OF PRIVILEGE.] The order of the day having been read, for the Rev. Thos. Thirlwall, to attend at the bar of the House, the Sergeant was ordered to require Mr. Thirlwall to be in attendance.

On the question being put that Mr. Thirlwall be called in,

Mr. *B. Bathurst* rose and suggested, that before the House proceeded to animadvert on the conduct of this individual, they ought to consider the mode in which that animadversion should be expressed, and the amount of punishment to be inflicted for a breach of privilege of this nature. It would be necessary to establish some proportion, and draw some line, inasmuch as there were many others much more guilty than the individual now about to appear.

The *Speaker* observed, that before the House entered on any discussion, it would be proper to hear the party himself; when the whole matter was before them, they would be enabled to form a better judgment.

Mr. *B. Bathurst* merely wished to suggest, that if the House expressed itself so jealous of the privileges of a committee, they must go farther, whenever a breach of privilege insulting to the whole House was brought before them: he wished, therefore, to know distinctly how far they were to go in the present instance.

Mr. *W. Wynn* rose to order. The point the hon. gentleman was pressing had been decided by the House, in ordering the attendance of the reverend gentleman. He having been ordered to attend, and being actually there, must now be brought in before any further step could be taken.

The *Speaker* said, the right hon. gentleman (Mr. *B. Bathurst*) was perfectly right; the rev.

gentleman being in attendance at the door, it was a question for the House, whether he should be called in or no.

Mr. *B. Bathurst* said, it was certainly open to the House, either to relax or enforce the rules which respected their privileges; but, at all events, they would not suffer any one, to reflect on the conduct of a committee.—If, however, they testified their displeasure against an individual for an attack on the proceedings of a committee, they should at least observe some proportion; and, ought not to animadvert on a light offence, while a heavier remained unpunished. One committee appointed by the House, had been noticed in a public journal in the following terms:—“The aim and object of the committee was not the reduction of expense, or the recommendation of economy, but the expenditure of as much money, and the conniving at the existence of as many places, as the nation could be brought to bear.” This was the character given to that committee out of the House. He did not deny that the offence of the gentleman then in attendance was a grave offence; but he did say, that if others of greater magnitude were permitted to go unnoticed, it ought to be visited with less severity.

Mr. *W. Wynn* declared, that he should be the last man in the House to oppose the moderation inculcated by the honourable gentleman, or to complain unnecessarily that their authority, or that of their committees had been insulted; but he must contend, that each case of contempt was to be weighed on its own grounds, and brought before them on its own merits. He thought, that no course could be more injurious to their privileges, than to argue, that because other libels had passed unnoticed, any instance of disrespect brought before them was to escape reprehension.—There doubtless had appeared in the public press many attacks on the dignity of Parliament, which, for his part, he regretted had not been brought under their notice; but when a libel like this, disrespectful to the House, and highly calculated to impede the exercise of the power of its Committee, did come before them, it could not be suffered to pass without censure. This case, however, was of a particular description, as the individual, after he had been called on to explain his conduct, had aggravated his offence, not only by refusing to retract his expressions, but also by an improper demeanour. Their committee had called on them for protection; the act complained of had been entered on the journals; and if the House did not take notice of it, they would substantially determine that there was no ground of complaint. The argument of the honourable gentleman opposite might have some weight as to the degree of animadversion the House should express on this occasion, after the party had made his appearance; but unless he were called

in, the House would in fact have decided that the charge made against him by the committee was without foundation.

Mr. *Brougham* agreed that every case of breach of privilege should stand upon its own basis, and that no publication could be defended by a reference to others, which a member might conceive to be of a more objectionable tendency. During the debates seven years ago, respecting a breach of privilege, in consequence of which the worthy member for Westminster had been committed to the Tower, he had differed from the majority of the House; he had held at that time in his hand publications of that very morning, which, with this aggravation, that a discussion was then pending, contained, not indeed remarks on the decisions of the House or its Committees, but the most indecent observations on the Parliamentary conduct of individual members. He had come down with those to the House, and shewn them to some of his friends, who argued, that no defence for one breach of privilege was to be drawn from the commission of another. Yet, though it was strictly no defence for Mr. Thirlwall, that many breaches of privilege had passed unnoticed, it was a most material consideration in settling what degree of animadversion should be inflicted on that individual. The apparent inclination of the House to make his punishment extremely light, was so general, that it was unnecessary to say a word more on that subject. As to the notice which the right hon. gentleman (Mr. B. Bathurst) had given to the House and the public of his intention to urge a new course of proceeding on the subject of privilege, he hoped it would be altogether abandoned. A new course of dealing with the public press, unless greater licence prevailed than he saw any reason to apprehend, would be attended with the most serious mischief; and unless the House desired to descend from the high ground on which it had hitherto stood, by putting itself "on the country," it would never depart from the system which it had wisely pursued, and by which its conduct, as well as that of the Government, or that of any individual, were open to discussion within certain bounds chalked out by sound discretion. If public discussion respecting their proceedings transgressed all bounds, the House might at any time, by making an example of the offender, declare that it would go no further. Hitherto they had lost nothing by abstaining from a too vigilant regard of the publication of remarks on their measures; the more they were scrutinized the less it might be found their reputation would suffer, and he dreaded a contrary course more than any blow against the House, except, indeed, one which would destroy their privileges, might destroy their existence, and certainly would put an end to their practical utility—he meant, the enforcement of those orders which would prevent their constituents and the country from becoming

acquainted with their deliberations. (*Hear, hear.*)

Lord *Castlereagh* thought his right hon. friend had very properly called the attention of the House to the measure of animadversion that should be inflicted on the present offender; he did not consider that this was the only one that called for the reprehension of Parliament, and he hoped that the principle which dictated it would be impartially applied to others. If any committee employed on an object agreeable to the other side of the House were insulted, there was immediately a loud cry for the support of privilege, while the grossest aspersions on the measures and motives of his side of the House were suffered to pass unnoticed. If the press, in its discussions on the conduct of Parliament, encroached too nearly on their privileges, it should be the subject of fair and impartial examination; and if any member should think fit, in another case, to follow the example which had now been set, he begged the House would bear in mind, that the precedent of severity did not proceed from Ministers or their friends. (*Hear, hear.*)

Mr. *W. Smith* was not inclined to go the length of saying, that remarks made on the conduct of an individual member in publications out of the House ought to be severely punished; for while the House was remiss in enforcing one branch of its orders, and permitted what passed without it, to be circulated through the country, the other order, which forbade any remarks on speeches delivered in the House, which might contain observations injurious to individuals, could not be rigorously acted upon. He had, however, thought that thus much was due to the House from one of its members, not to defend in publications his conduct within those walls: and on this principle he had always acted, nor should he be tempted to depart from it for the sake of a temporary triumph. As to the instance before the House, it was absolutely necessary to maintain the authority of committees in any case which affected their power of obtaining information, by the examination of witnesses, which was of such essential importance to the utility of their appointment.

Sir *S. Romilly* felt it necessary to explain the vote he had given on a former occasion, when Mr. T. was ordered to be called to the bar. He was astonished to hear an attempt to make this a party question, because the Chairman of the Committee, by whom it had been brought forward, sat on that side of the House. It arose out of a Committee on the Police of the Metropolis, one point of which concerned the licensing of public houses. Surely nothing could be more free from party politics than this. He had before differed from the majority of the House in cases in which they had thought proper to visit with punishment what they considered breaches of privilege. He had then thought it most improper to exercise their vindictive

powers against an individual for his animadversions on their proceedings, on the same ground as he would have condemned a similar line of conduct followed by courts of justice against authors of remarks on their decisions. If the present case had been of that description, he would not have voted that the individual should be called to the bar. What was the case? The Police Committee had made no Report, but had put the House in possession of evidence on which it might proceed. The gentleman in question had published a work to persuade the House not to proceed on the suggestions of the Committee, complaining of its proceedings, as similar to the Star Chamber, the Committees of the Long Parliament, and the Revolutionary Committees of Public Safety, a copy of which he had sent to every member. This was similar to the case of a publication on a cause pending before a jury, and calculated to influence their judgment, and interrupt the due course of public justice. If the rev. gentleman's offence had not been of this nature, he would not have concurred in passing any censure upon him.

Mr. *Ponsonby* considered, that nothing could be more injurious to the House than to adopt a very strict conduct as to publications which noticed their proceedings. He was not fully acquainted with the nature of this offence, but he understood that Mr. Thirlwall had printed and published animadversions which tended to impeach the conduct of a committee of that House; and that the committee had in consequence sent for him to explain himself. He could not tell whether Mr. Thirlwall saw his error, and was disposed to apologize; but as he was ordered to attend at the bar, the question could not be got rid of. Certainly, it could not be done by saying that other libellous matter was published against the proceedings or committees of the House. He must, therefore, be called in; and if he shewed a disposition not to persevere, but rather to acknowledge an impropriety, he (Mr. P.) wished the lightest measures to be taken towards him. The whole liberty of this country depended on the publicity of the proceedings of the House of Commons. Any thing that might be done to impair it, would, in his opinion, be a greater blow to public liberty than any other measure. (*Hear.*) For his own part, he would always rather submit to misrepresentation, than interfere in that House with public observations on any discussion he was concerned in. Unless the reverend gentleman shewed wilful obstinacy, he hoped the House would visit him lightly.

Mr. *Canning* had no wish whatever to interrupt the pending proceedings; but thought it quite fair in his noble friend to suggest that they were entering upon rather a new course, as recently the House had not shewn a disposition to notice these matters. He could not, however, perceive the force of the arguments used by the learned gentleman (Sir S. Romilly) in his allu-

sions to juries and courts of law. The labour of the committee was terminated when the book appeared. (*No.*) So far it terminated when the report was printed. The learned gentleman must be mistaken. The libel was called, A Vindication of the Tower Hamlet Magistrates from Charges in a printed Book, entitled the Report of the Committee of the House of Commons on the Police of the Metropolis, &c. by Thomas Thirlwall. The book was published, therefore, on a past proceeding, and before the revival of the same committee; it dwelt on a concluded transaction of last year. How could this octavo pamphlet interrupt measures respecting public justice? None were half as likely to have heard of it as of a paragraph in a daily newspaper. He then held in his hand the printed report, and the pamphlet was only a comment upon it. He was ready to close with the learned gentleman on his own premises, for he had admitted that all idle comments on proceedings of that House were better passed by. Perhaps he agreed with him in this; but the learned gentleman thought that if there was a tendency in a publication to incline the House to look with an unfavourable eye at its committees, then a case of interference was established. He begged leave to warn the learned gentleman, that it would not be to one committee only that his observations would apply.

The Clerk then read from the proceedings of the committee, that they had considered the state of the police of the metropolis, and made a report of their examinations, but thought the investigation by no means exhausted; and looked forward to the renewal of their labours, with the hope of recommending measures highly advantageous to the public.

Sir *John Newport* thought the question really was, whether Mr. Thirlwall had not in his book attacked the committees of the House generally, by his observations respecting committees, the Inquisition, and the Star Chamber. He impeached the right of the House to institute committees of inquiry for any purpose. This was not a parallel case with that of an idle or desultory observation in a newspaper, on any particular committee.—The hon. baronet professed the greatest respect for the liberty of the press, but could not consent to an impeachment of the conduct of a committee.

Mr. *Bennet* defended his own conduct in the committee. No human being could have taken more care than he did to prevent any political influence from biasing his mind in its proceedings. He had objected in one case to the recording of the evidence of witnesses from a desire to avoid any appearance of being actuated by party feelings. No man either in or out of the House held their privileges in higher respect than himself; but God forbid that their proceedings should not be discussed, or that his own conduct, as well as that of others, should not be examined. He must repel the charge of

dearing to interfere with the freedom of the press. In a matter of such high importance as an inquiry into the public police, let the subject be discussed freely, but yet orderly and discreetly. He had to observe, that Mr. Thirlwall called upon him, and told him he was going to write a pamphlet. He replied to him, that he was glad to hear of it, as he wished the subject to be fully discussed; and that he had no other motives for inquiring into abuses, but a sense of his duty as a member of Parliament. Mr. Thirlwall, who appeared to come like a person on a voyage of discovery, then left him. He had fairly answered all Mr. Thirlwall's questions, and he would appeal to the other gentlemen of the committee, whether he had ever shewn anything but mild language and manner to Mr. Thirlwall. He knew nothing about what side his political opinions leaned to; politics had nothing to do with the Committee. The noble lord might as well have spared a remark he had made, by which he introduced a new spirit into this discussion, and which was rather contrary to the usual suavity with which he treated public subjects. He was thereby led to suspect, that Mr. Thirlwall had some political connexions with gentlemen opposite, though the witnesses had no such connexion with him or his friends. He had felt it his duty to summon Mr. Thirlwall before the Committee, in order to give him the opportunity of defending or explaining himself. He did not come to the House in the first instance upon the business, but sent for Mr. Thirlwall, who treated the Committee with great indignity; and who in what he said appeared more offensive in manner than in matter.

Lord Castlereagh wished to say a few words in explanation. He was far from intending to impute partiality. He had read every word of the Report, but not a word of the comments. Until very lately he had never heard of Mr. Thirlwall's name, nor did he know any of his connexions. His opinion was, that Parliament should be protected on all subjects as well as on this; and that one species of inquiry should not alone enjoy exemption.

Mr. Barclay, though not present at the discussion about ordering Mr. Thirlwall's attendance, yet, having seen the conduct of the chairman of the Committee (Mr. Bennet), considered it his duty, after some insinuations had been thrown upon him, (*no, no, and hear, hear*), to state, that he knew from private information, that if the chairman had felt any political motives, he could have had some evidence that would have answered such objects. On the contrary, he gave to every person examined a fair opportunity. This he thought it his duty to state.

The Rev. Mr. Thirlwall was then called in. On his appearance at the bar, the *Speaker* informed him that a complaint had been preferred against him for a publication which contained reflections on one of the Committees of that

House, of which the clerk would read the offensive passages, and that then he might say what he had to say in his own behalf.

The clerk then proceeded to read the passages and the answers which Mr. Thirlwall had given before the Committee. (See page 798.)

The *Speaker* then asked Mr. Thirlwall what he had now to say respecting the passages complained of in his publication.

The Rev. Mr. Thirlwall said, he hoped the hon. House would do him the justice to believe that he felt great concern at having trespassed upon their privileges and incurred their displeasure. The offensive passages were contained in a work written by him in haste, and with the sole intention of vindicating his brother magistrates and himself against the statements of some witnesses necessarily examined by the Committee. If in his ardent zeal he had incautiously been hurried away from the path he had prescribed to himself, and to which he desired to restrict himself, it was his anxious wish to express his sincere sorrow for it, to that honourable House and to the Committee. Trusting to the clemency of that hon. House, he hoped, and petitioned, that any sentence they might think proper to pronounce would not be such as to degrade his character as a magistrate or a clergyman.

The *Speaker*.—Have you any thing farther to offer?

Mr. Thirlwall.—Nothing. (He then withdrew.)

Mr. Bennet said, he was not inclined to press for any severity on this occasion. It was necessary, however, that the House should come to some decision, and, therefore, he proposed the following resolutions:

"That the Reverend Thomas Thirlwall, by the said publication, has reflected upon the proceedings and authority of a Committee of this House, and is thereby guilty of a high contempt of the authority of this House, and a breach of its privileges.

"That the Rev. Thomas Thirlwall be again called in, and that Mr. *Speaker* do communicate to him the said resolution, and, at the same time, acquaint him, that in consideration of the full acknowledgment of his error, and the contrition which he has this day expressed, the House is contented to proceed no further upon the matter of this complaint."

Mr. Brougham did not oppose the motion, but observed, that had this book of Mr. Thirlwall's been nakedly produced, without stating the reverend gentleman's conduct before the Committee, he, for one, would not have consented to call Mr. T. in at all. Though there were objectionable words in the passages read, yet those were contained only in a discussion on a public subject. If they had not been followed by insolent behaviour, they would not have been a fit subject for the House.

Mr. Thirlwall was then called in, and Mr. *Speaker* having communicated to him the said

Resolutions, he was directed to withdraw: and he withdrew accordingly.

PROPRIETORS OF BANK STOCK.]—*Mr. Grenfell* said, he knew not whether the motion which he was about to submit to the House would be opposed, or upon what grounds it could be opposed; but he founded it on a paper which he held in his hand, published by order of the Bank Directors. It was an account of the number of proprietors of Bank Stock among whom there was no inconsiderable proportion of aliens. It was not of this that he had any intention to complain; but the profits of the Directors being enormous, he thought it an aggravation that foreigners should pocket our money. The profits of the Bank, he would assert, were undue and unnecessary; the whole system was—to use the words of his lamented friend, *Mr. Horner*—whose premature death was an irreparable loss to the country, and whose name could not be mentioned without exciting admiration of his talents and respect for his memory, (*hear, hear*) “the result of extravagance and prodigality on the part of the Government, and of rapacity on the part of the Bank.” One hundred and fifty thousand pounds might be annually saved, if justice and equity were regarded in those transactions: and surely that was not a sum to be overlooked in the present state of the country. These Bank proprietors had, during the last twelve years, had in their possession no less a sum of the public money than 11,000,000*l.* out of which they had made annual profits of not less than from 3 to 600,000*l.*; yet were they paid nearly 300,000*l.* a year for the trouble of making those very profits! Since 1807 sums had been annually advanced by the Bank, which were improperly called loans; for it was only the public money again restored to the public; and for those loans they received 280,000*l.* per annum. He would appeal to any man acquainted with the subject in that House, or out of the House, whether, if a second Bank were established, it would not willingly undertake the whole of this business for 20 or 25,000*l.* per annum. Thus a sum exceeding 400,000*l.* would be saved to the public, a most important consideration, as at this moment it was a matter of the greatest difficulty how to relieve the distresses of the country, and meet the demands of the State. One other circumstance he would mention. In 1797, the Bank was relieved from the necessity of paying in specie; there was in consequence a great addition to their circulation, which, in fact, amounted to 16,000,000*l.*, and consequently their annual profits were not less than 800,000*l.* This was a most oppressive evil; but it was aggravated by the knowledge, that a considerable part of the proprietors were foreigners, living in foreign countries, and that a considerable part of the profits went out of this country. He should therefore move,

“That there be laid before this House, an account of the number of the proprietors of the

Bank of England, on 31st of March, 1817; distinguishing the number of aliens, from that of British subjects.

“That there be laid before this House, an account of the aggregate amount of the capital stock of the Bank of England, standing in the names of British subjects, and of aliens, on 31st March, 1817; distinguishing the amount belonging to each of these two classes of proprietors respectively.”

The *Chancellor of the Exchequer* could not conceive what right that House had to call upon the Bank to lay those accounts upon their table, any more than they had to call upon any mercantile house to lay its accounts before them. He objected, too, to the policy of the proposal. It was for the advantage of this country to encourage foreigners to deposit their capitals among us. What other object could this proposal have than to ascertain and publish the names of all the foreigners who had money in our funds? This, he contended, would be a pernicious thing. Besides, it could not be done; other persons held property in their name, so that the names of the proprietors could not be ascertained; but if it could be done it would be highly injurious. The hon. gentleman had mentioned no reason for this motion. The amount of the profits was no reason; for if foreigners had their money in the Bank, they must have their share of the profits; and besides, the profits had no ostensible connexion either with the number of foreigners or their proportion of stock. If there was any fraud, the public were equally defrauded and injured by native stock-holders as by foreigners. There was in this respect no difference. He therefore considered the motion as unnecessary and improper in all its parts, and as such he hoped it would be resisted.

Mr. Ponsonby was satisfied, that there was not a gentleman in that House more attached to the interests of the country and the prosperity of its commerce than his hon. friend. He did not know the precise object which he had in view by the present motion; yet, knowing his zeal to serve the country, and the good he had already effected, he could not withhold his support. How many motions of his hon. friend had been supposed as dangerous to the interests of commerce, incompetent for that House, and even injurious to the character and prosperity of the country; and yet how many of those very motions were afterwards complied with, and found most beneficial. When he recollected this, when he had seen how much good he had done, when he considered that he had saved 90,000*l.* a year to the country, he was satisfied that he would found some salutary measure upon the documents he now required. At any rate, it could not possibly do any injury. What was it he wished to know? Not the names, if the publication of them did any harm, but the number. How could this shake public credit? What bad effect could arise from knowing that fifty foreigners had each 500*l.* in our funds? Knowing, there-

fore, the good that his hon. friend had done, leaving it to himself to shew the purpose he had in view, and being persuaded that it could do no possible injury, he should vote for the motion.

Sir J. Newport said, he should wonder how it happened that the Chancellor of the Exchequer always opposed every motion that was made by his hon. friend, though in some cases he afterwards adopted them, if he had not known that the right hon. gentleman was not at liberty on this subject to act according to his own view of the matter: but that his private engagements must influence his conduct. He should feel great surprise that the right hon. gentleman should have shewn his reluctance to receive any proposition respecting the Bank, and yet afterwards act upon it as just and useful, if he had not known that he and the Bank directors were bound to each other, and reluctantly admitted what they could no longer resist; but he had witnessed such conduct so frequently, that he now felt no wonder or surprise. What was the object of this motion? It was merely to have the documents laid upon the table. The facts, indeed, were already well known; but, until the official accounts were produced, no farther steps could be taken. He fully concurred with his right hon. friend near him, that no person was more zealous for the interests of the country and of its commerce than his hon. friend. He had saved more money to the country than all their Finance Committees.

Mr. Manning said, he would avoid entering into any general argument upon the subject. What inference did the hon. gentleman intend to draw from the documents if produced? If there were any errors in the proportions laid before them, who could put them right? He denied the fact of enormous profits being derived by foreigners: profits had nothing to do with the question: the House was bound by its own acts. It had sanctioned and approved of the transactions with the Bank, therefore it could not now call them in question. In 1807 a committee, of which his hon. friend, the member for Corfe Castle (Mr. Bankes), was chairman, had introduced the system that saved all the money to the country. It was upon the recommendation of that committee that Mr. Perceval acted in 1808, when the saving was made. The hon. gentleman could not therefore claim the merit of it. It would be unfair and improper in him to enter into a general answer to the assertions of the hon. gentleman; but he took that opportunity of saying, that on any proper occasion he was ready to meet any reasonable charges that he could bring forward. The object of the motion was unjust, as the ancestors of many of those foreigners might have been natives, and deposited their property in the public funds. Why should the documents be produced? Was it proposed to tax foreign stock? The commissioners of taxes had already found that impracticable. He could assure the House that the proportion of foreign

stock was very inconsiderable. No person could tell the injury that might arise from the production of such accounts.

Mr. Grenfell replied, that his objection was to foreigners enjoying the *sweets* of the business. He wished to shew, that not only was the evil itself great, but that it was much aggravated by conveying so much money out of the kingdom. The proportion of foreigners was 1 to 10. Was the House aware that by their dividends of 7 per cent. the Bank proprietors had made more than 25 millions during the last 20 years; a greater sum than they had made for a whole century preceding? It was said that the committee of 1807, and Mr. Perceval's arrangements in consequence, in 1808, occasioned all the savings, yet this saving had been made *within* the last two years. By the economical arrangements he proposed, he could save much greater sums per annum; but it was always replied, that these matters might safely be left to the vigilance of Government, and the generosity and liberality of the directors. Parliament had not pronounced any opinion on the subject; they had not given credit to the Government for vigilance, or acquitted the Bank of rapacity. His motion had been only for investigation and inquiry. The refusal contained a proof of neglect but afforded no grounds for forming an opinion. He expressed his hope, that he should be called as a witness before the Committee of Finance now sitting, and pledged himself to prove that a saving of 400,000*l.* per annum—he would repeat it, that a saving of 400,000*l.*—could be effected.

Mr. Marryat stated, that several foreign correspondents of his, who had had large sums of money in the funds, or in Exchequer-bills, had withdrawn their money on the return of peace, either from apprehension of a reduction of the dividends, or some such reason. This was a positive national evil. Any agitation of such a question as the present was impolitic, as tending to excite alarm.

The motion was then negatived without a division.

ELECTIONS.] On the motion of Mr. Wynn, a Committee was appointed "to consider of the best means for shortening the duration of polls, and for the further regulation of elections in Great Britain," and to report their observations and opinion to the House.

CASE OF MARY RYAN.] Sir J. Mackintosh, in bringing forward the subject with regard to the administration of justice in this case, of which he had given notice, professed himself desirous of trespassing as little on the patience of the House as possible, though he hoped he should be indulged in a few observations. The case to which he alluded was one that had lately occurred in London, and was known to most members of the House. It arose out of the condemnation of Patrick Ryan, who was convicted at the Old Bailey two sessions ago, and who was executed, in consequence of a

warrant for that purpose, after his case had been reported to the Prince Regent by the Recorder. An attempt had been made to afford him the means of escape between his conviction and the report of his sentence to his Royal Highness; and in this attempt his wife, Mary Ryan, was implicated. She was in consequence brought to trial for this offence, and placed at the bar on the day of her husband's execution. She was thus called upon to make her defence against the charge of favouring the escape of her husband in the forenoon of the day of his death, while her mind was perplexed with agony and distracted by the wounds given to those affections, of whose existence the crime for which she was tried furnished the most convincing evidence. He was not disposed to take up lightly any suspicion against the manner in which justice was administered, and he did not despair of hearing a satisfactory explanation of this apparently unjustifiable act; but till he did receive such an explanation, he would not hesitate to call it one of the gravest indecorums that had ever come within his knowledge, and one of the most revolting instances of inhumanity that could prejudice human jurisprudence. (*Hear, hear.*) When he went thus far, he was not bound to contend that the proceeding was illegal: for the House did not require to be told that many things which transgressed no positive law, were yet of such a nature as to outrage those sentiments of humanity, and violate that sense of justice, which were implanted in the hearts of all men, by which the goodness of all laws was to be tried, and which no act done under the forms of law should counteract or injure. To punish domestic affection, to wound the dearest feelings in the breast of a wife, to endeavour to extinguish those instincts which nature had implanted for the best purposes, and rend those ties which were the surest guard of morals, and the firmest bonds of society, was as far removed from wise policy, as it was inconsistent with nature and humanity; and no man who had any regard for the institutions of his country would wish to see their forms thus used to cover objects so unworthy of their spirit. Few persons of sensibility had read without admiration and emotion the heroic fidelity which lady Nithsdale shewed in attempting to rescue her husband from the Tower. He would ask, was the scale of merit to be measured by the condition of the parties; was that which was admired in a lady of rank, to be punished in the humble and friendless wife of a more ignoble criminal? (*Hear, hear.*) He did not complain of the illegality of the sentence—he did not even complain of the institution of the trial; what he complained of was, that the prosecution was not dropt when the mercy of the Crown was refused to the object for attempting whose deliverance this legal criminality had been incurred. He could not trust himself with describing the character of the prosecutors, when he considered the circumstance in which they

pressed the trial. If they had the feelings of men, they must have known that respect for her husband and sorrow at his fate must have prevented this wretched woman from taking those steps which were necessary to meet her accusers and prepare her defence. If distracted with agony, it was the same thing as if she were distracted with madness; and whether she were dragged from a cell in Newgate or a cell in Bedlam, she was in these circumstances equally unfit to be brought to the bar of a court of justice. (*Hear, hear, hear.*) She, therefore, ought not to have been tried; or rather, she could not be said in the eye of humanity, or even of law, to be tried at all; for there was no trial where there could be no defence. (*Hear, hear.*) He was perfectly unacquainted with the history or character of this person, except in so far as it appeared in the lamentable circumstances to which he had alluded; but the more humble, and unprotected, and unknown, the individual was, the more was the House called upon to inquire into her treatment, and to afford her its protection. He might be told, that in this case there was no fault on the part of any one, but an inevitable misfortune; and he should be as glad to see as he was willing to believe, that this might be made out to be the fact. He should then only have to lament an unavoidable calamity, where he was now inquiring into an apparent inhumanity. On the other hand, it would have been prevented by vigilance and foresight. The blame would still fall somewhere, though there might be no criminal intention. Was it not possible, then, to have prevented this trial by a mere *nolle prosequi* on the part of the Crown? Was there ever a case that was more worthy of interference? Had any Attorney-General that ever was in this country been applied to, would he have refused? He was sure the good-natured and humane person who had just retired from that situation would have prevented this prosecution had he been apprised of the circumstances. It had been said, that this was the last day of the sessions; and that this individual, if she had not been tried on that day, must have suffered confinement till next sessions. He admitted there would have been some weight in this objection, had the trial been appointed to take place at a distance; but he did not see its force in the present instance, where a *nolle prosequi* might have been obtained, and the prisoner discharged, in 24 hours. In this case she would have been able to have paid, as the best solace of her affection, those rude honours to her unfortunate husband, according to the style of her country, which it was her anxious wish to perform. (*Hear, hear.*) Her fate had, indeed, been severe; and if ever she returned to her native country, she was not likely to spread that love for the laws of England, and that affection for its institutions, which ought to be generally diffused, and which in no country were more necessary or would be more beneficial. (*Hear, hear.*) Her story would not be confined to this

country; it would be listened to over Europe, wherever we had a friend to feel shame, or an enemy to enjoy a triumph. (*Hear, hear.*) The consideration that it would spread over Europe, and would be made a test of the excellence of our criminal jurisprudence, or produced as a feature of our national character, was one chief reason, among others, why he had mentioned it in Parliament; and he entertained the hope that a public declaration in this House would counteract the impression made against us abroad, and convince the world that its apparent inhumanity did not escape notice, and that the terms in which it was mentioned shewed it to be rather an exception from the usual course of our judicial proceedings than a common specimen. (*Hear.*) The hon. and learned gent. concluded by moving for "An Account of the dates of the Report of the Recorder of London to his Royal Highness the Prince Regent on the case of Patrick Ryan, otherwise Brown, lately convicted of Highway Robbery at the Old Bailey; of the Warrant for the Execution of the said Ryan, and of the time when he suffered death; together with the dates of the finding of an Indictment against Mary Ryan, otherwise Brown, his wife, for aiding in an attempt to procure the escape of the said Patrick Ryan from prison; and of the Trial and Conviction of the said Mary on that charge."

Mr. H. Addington wished to say only a few words, and he would not have spoken at all if it had not been in his power to afford information. The hon. mover seemed aware of one ground of defence which he thought very strong, namely, that this was the last day of the sessions, and that the unfortunate woman, if not then tried, must have endured three months longer confinement. Thus she was tried on a principle of humanity, and he was now enabled to say, that if the motive was humane, the result had been fortunate. It was a happy circumstance that she then was tried, because, though convicted, her pardon immediately followed. (*Hear, hear.*) His noble relative (Lord Sidmouth) having heard the circumstances on Saturday, recommended her on the Monday to the mercy of the Crown, and her pardon was granted. He objected to the motion, as it might tend, if complied with, to excite suspicion on the administration of justice.

Mr. Alderman Atkins assured the hon. gentleman (Sir J. Mackintosh) that the Magistrates considered anxiously what method could be employed to prevent the trial, but found that it could not be done. Had the trial been postponed, it would only have been an additional confinement, which would in itself have been a punishment. He could assure the House that no means were used on the part of the City to provoke a prosecution or to urge its activity. Her trial was conducted with every disposition to produce an acquittal. Her defence was conducted by a counsel who had much zeal, and his exertions made considerable impression in her

favour; but to the great disappointment of the court and jury, a verdict was necessary against her. Every comfort was administered to her in the afflicting situation in which she stood. The recommendation of the jury to mercy was received with heartfelt joy. All parties sympathized in her fate, and a liberal subscription was immediately entered into for her aid.

Lord Castlereagh trusted that the hon. member, when he saw that it was a principle of clemency, and not negligence or inhumanity, that led to the course which he had censured, would withdraw his motion. No suspicion could attach to the administration of justice in this case: and he hoped, therefore, that the motion for papers, which seemed to encourage such a suspicion, would not be pressed.

Sir S. Romilly felt extremely obliged to the hon. gentleman who brought forward this motion, both because he thought it important to the fate of the individual, and to the general administration of justice, that a satisfactory account of the trial should be laid before the House and the public. He was happy from what he had heard, that no ground of complaint existed either against the Government or the magistracy, but that the greatest humanity had been shewn by both. (*Hear, hear!*) He could not say the same, however, of the prosecutors: it was a public prosecution; no private person was concerned; no one had been bound by recognizance. It was said, that if she had not been tried then, she could not have been tried till another sessions. This might be the case, but what was the necessity for trying her at all? Why was her trial persevered in after her husband had been refused the royal clemency? A total want of reflection must be the only apology for the prosecution, considering the state into which the Court was put by being obliged to exercise the law of the land at the expense of the law of nature. There could be no material criminality in what this woman had done: it was well known that a woman was so much under the influence of her husband, that, except in cases of felony, she was not liable for her own actions. The prosecutors therefore had proceeded in the letter of the law, but had forgotten its spirit. When she had almost suffered death in the death of her husband, she ought to have been acquitted of the charge of favouring his escape. The worthy alderman had said that the jury had wished to find her innocent, but the facts were so strong that they could not make the verdict agree with their feelings. Nothing could put in a stronger light the inhumanity and impolicy of the prosecution; what could be more mischievous than to be called to execute laws in cases from which the feelings of mankind are abhorrent? Could any thing tend more to bring law and the administration of justice into odium? Accordingly, in this case, from the account which he had seen in the news-

papers, every heart had rebelled against the sentence. (*Hear, hear.*)

Mr. B. Bathurst observed, that if it was to be held out to the public and the world, that there had been an abuse of justice, and a case of inhumanity, he trusted that all the circumstances would be accurately represented, and that foreign countries, to whom it was said the knowledge of the transaction would extend, might have the means of forming a correct judgment upon the matter. It would then appear, that the woman in question had been tried on the day stated for being instrumental in attempting to effect the escape, not merely of her husband, but two other felons, by one and the same act. Her trial had been brought on when she might have traversed the indictment at her own desire, and by the advice of her counsel. The judgment on conviction was one month's imprisonment, and this punishment had been remitted by the clemency of the Crown. These were the plain circumstances of the case, and it should be recollected, that when the prosecution was commenced, it was uncertain whether her husband had been executed or not. He apprehended, the prosecutors could have pursued no other course, and that the period of the trial had been considered by her counsel as that which was calculated to prove the most favourable to her interests.

Mr. H. Martin conceived that there would have been no difficulty in restoring the unfortunate woman to liberty without putting her upon her trial. If the prosecutor had declined to come forward, the witnesses might have been discharged from their recognizances. He should give his vote in support of the motion, not for the purpose of inculpating individuals, but to defend the character of justice and the decorum of judicial proceedings. However humble the person who had been the sufferer in the present case, he recollected none that had created so much disgust, or been received with such disapprobation in the public mind. The woman certainly, with regard to her offence, was not in a capacity to be supposed acting under the influence of her husband, and was therefore legally subject to conviction. The motion, however, in his opinion, threw no censure on the general administration of criminal justice in the country; but, on the contrary, if assented to, would tend to exalt and vindicate its character.

Sir J. Mackintosh would trouble the House with a very few words in reply to the observations which had been made upon this subject. He had not the slightest intention to impute blame to the conduct of Government, who he thought had displayed an alert and vigilant humanity. Neither did he ascribe any want of feeling to the worthy alderman of the city magistrates. He must still contend, however, that his complaint had not been answered. The right hon. gentleman (Mr. Bathurst) had failed in shewing any reason why a *nolle prosequi* was

not entered by the law-officers of the Crown in order to prevent this odious, immoral, and detestable prosecution. (*Hear, hear.*) If not a violation of the letter, it was wholly repugnant to the spirit of British law. It was unnatural in the beginning; but after the Recorder's report, and before the day of the woman's trial, how was it that the magistrates, who then knew the day appointed for the execution, had taken no steps to apprise the Attorney-General of this calamitous coincidence? Here he thought there was serious blame imputable to them; but a third stage of the business remained, when the blame that attached to their proceedings was of a still more aggravated kind. When this unhappy woman was standing under accusation at the bar, why was not the legal remedy, with which he must suppose the presiding officer to be acquainted, resorted to? To have suggested to the prosecutor not to call his witnesses, would have been a smaller deviation from duty than to induce the jury to pronounce a verdict in violation of their oaths. He thought the lenity of the judgment no extenuation of the error of the magistrate; and, indeed, a harsher sentence would have been an indication of incredible cruelty. The punishment was in putting her upon her trial, in placing her at a criminal bar, a few hours after the death of her husband, with an orphan in her arms, and in a state of anguish and confusion of mind which must have disqualified her for making her defence. (*Hear, hear.*) God forbid that he should ascribe an intention on the part of the magistrates that this scene should be exhibited; he was not pleased to appear as an accuser: but he could have wished that their humanity had in this instance been less sluggish, and their sense of justice more alive. There had not been that unanimous manifestation of sentiment in the House which could induce him to withdraw his motion, and he should therefore press it, if only to mark the sense of the House with regard to the apparent negligence and insensibility which had led to this unhappy accident.

Lord Castlereagh declared, that with a view of precluding all difference of feeling on such a question, he was willing to give his support to the motion. (*Hear, hear.*) The motion was accordingly put and carried.

OFFICE ABOLITION BILL.—Mr. D. Gilbert brought in a bill, "to abolish the offices of the Wardens, Chief Justices, and Justices in Eyre, north and south of Trent," which he moved should be read a first time.

Sir J. Newport asked whether the hon. mover had contemplated the possibility of the Lords passing one of the bills for abolishing a few offices, throwing out the remainder, and then passing the bill for giving general compensations, so as to impose additional burdens, instead of furnishing relief to the country.

Mr. D. Gilbert did not think the case, although possible, was very likely to occur. He had

adopted this course as the most eligible; and if the Lords should conduct themselves in so unbecoming a manner, he hoped that that House had the power to compel them to do their duty. (*Order, order.*)

Mr. *Pansonby* reminded the House, that on a former occasion the highest authority in the other House had described the Sinecure Abolition Bill as neither more nor less than a measure to take away the whole influence of the Crown; and that the result imagined by his hon. friend was not so improbable as might be supposed.

Mr. *Huskisson* remarked, that the possibility of such a case had not escaped the attention of the committee. The House, however, was competent to legislate for itself. Great difficulties must necessarily present themselves in carrying such extensive changes into effect. It had lately been found impossible, in a single enactment, to regulate all the different offices of the Court of Exchequer in Ireland. If the Lords should adopt the course that had been supposed, that House possessed the power of correcting the evil. There were means to which he could not properly allude; but it was obvious, that it was competent for any hon. member to introduce a bill to repeal the compensation act, if the other House should pass it, and reject the abolition bills. It was not for the House, however, to act on a supposed disposition in another place; if they were to be deterred from measures which they considered right, on the anticipation of difficulties or impediments which might possibly arise in another quarter, they need never attempt to legislate at all.

Mr. *J. P. Grant* thought the difficulties were greater than the hon. gentleman seemed to apprehend. The Lords wishing to exercise their right of decision fairly, might either reject all the bills together, or take part and pass the remuneration bill with that part. Why should the House originate a difficulty when they had before them a plain course by which it could be avoided? But this proceeding was consistent with the whole plan and concoction of this business, which seemed as if purposely thrown into the shape most likely to render the apparent object unattainable.

Mr. *Brougham* was so desirous to get rid of the sinecures to be abolished by this bill, that it should have his support, notwithstanding that he disapproved of some parts of its contents. He had not yet heard it read, but he understood there was a clause to save vested interests. In the principle of that clause he did not concur, and would reserve to himself the right of objecting to it on the second reading.

The bill was then read a first time.

OFFICE REGULATION BILL.]—Mr. *D. Gilbert* brought in a bill "to regulate the offices of his Majesty's Exchequer in England and Ireland respectively," and moved that it be read a first time.

Mr. *Tierney* could not help thinking that the real object of this multiplication of bills was that

none of them should pass. Three months had already been lost since the appointment of the committee, and the very introduction of the bills delayed until the month of May. What difficulty was there in comprehending all the measures in one bill? On the last occasion the Lords did not object to that arrangement; it was on account of their dislike of the principle of abolition that they rejected the bill. The month of June would arrive before the bills could pass through the forms of that House. Was it treating the Lords decently to send them up the bills at that advanced period of the session? He sincerely believed that the number of bills would be the means of getting rid of the business altogether. He could not conceive how it was possible for them to pass. He did not suppose that it had been the wish of those who prepared the bills that disappointment should be the result of their labours; but if they really wished that the measure of abolishing sinecures should be defeated, he was convinced they could not have adopted a better mode of accomplishing their purpose.

The *Chancellor of the Exchequer* was aware that there had been an objection to the principle of the former bill in another place, but that was not the only objection made to it. Its including all the offices proposed to be abolished was thought a ground for rejecting it. He thought that a much better opportunity of carrying the measures the House had in view would be obtained by passing separate bills, than by putting so many objects into one bill.

Sir *J. Newport* was surprised that the right hon. gentleman should suppose that it would have a better effect to pass ten bills than one. It might be recollected, that in 1806 he had introduced a bill to abolish thirty-six offices, and to regulate about thirty more, and that the bill passed without any difficulty. When the member for *Corfe Castle*, who was not present, brought in his bill, it passed that House almost unanimously; and it was not on account of the form in which it had passed that it was lost in another place. Thus all the experience that the House had on the subject was entirely against the opinion of the right hon. gentleman.

Mr. *Goulburn* was of opinion, that having distinct bills before the House was an advantage, as it would afford them the opportunity of discussing them separately. The hon. and learned gentleman, and others who voted with him, who objected to the principle of compensation, surely could not be displeased that an opportunity was afforded for the consideration of that principle separate from the question of abolition.

Lord *Milton* wished to know what course the hon. chairman of the committee meant to pursue—whether he intended to pass the compensation bill, and send it to the Lords along with the first bills he introduced; or whether he would propose to pass all the bills first, and keep the compensation bill in reserve?

Mr. D. Gilbert said, it was his wish that the bills should proceed through the House, *pari passu*. Only the two he had now introduced were yet ready, the others he expected to be able to bring in to-morrow.

Mr. Brougham was afraid the hon. gentleman would be disappointed in his wishes to make the bills proceed *pari passu*. Unfortunately there was something in the nature of bills which rendered that impracticable. They could not move together, but must follow one after the other. Ten Bills could no more march through the House abreast than ten battalions of infantry. An hon. gentleman had said, that if the Lords passed the compensation bill, without passing the others, a bill might be brought in to repeal the compensation act; but suppose the Lords should not choose to pass this repealing bill, might not their Lordships say that they were very well satisfied with things as they were? He could see no reason why four or five of these bills at least might not be joined in one. No good reason why this was not done had been assigned, and he believed none could be assigned, except that which had occurred to many minds, namely, that this division into ten bills was nothing more nor less than a measure of stage effect. Finding that there was a general cry throughout the land against these odious sinecures, Ministers had fallen upon this method to try whether they could not obtain a little sneaking popularity. They wished to economize the measure as they did the money of the public. They wished to have it to say, you see what an excellent economical administration we are; here we are labouring night after night, passing bill after bill, and even trying to make ten move all at once, *pari passu*, for the public benefit. Unfortunately, however, it might be recollected, that the member for Corfe Castle had formerly brought in one bill which did all the business of these ten. An hon. gentleman had spoken of the advantage of having a bill for the compensations only; but there was no difficulty in putting all the other bills together, and keeping the compensation bill separate; in fact, as the arrangement now stood, it exhibited altogether a most discordant, unharmonious, and nonsensical measure.

Mr. Huskisson thought it rather singular that so much time should have been occupied respecting a mere matter of form, when it had been understood, more than one hour and a half ago, that subjects likely to occasion discussion were to be avoided. With respect to the delay in bringing forward this business, it ought to be recollected, that the report had lain six weeks on the table of the House; but it was not the fault of his honourable friend that the discussion had not been brought on. It had been retarded by circumstances which every one who heard him, lamented. The right hon. gentleman opposite (Mr. Tierney), who was now so forward in blaming the course in which it had been thought proper to proceed with this business, was as

much dissatisfied with the proceedings in the committee. It appeared that he was actually afraid that the abolition of sinecures should be accomplished. He attended the committee only one day, and then he was disconcerted at seeing the business going on so well in the hands of the hon. chairman. He had now, however, resumed his good humour, because he supposed that the measure was put into a shape in which it could not be carried. For his part he was not of that opinion. He believed that the measure had now a much better chance of success than if the House had attempted to pass only one bill.

Mr. Tierney hoped the hon. gentleman would explain what he meant by saying that he was uneasy or disconcerted when he attended the committee. He had spoken with no disrespect of the motives of others, and he knew not what right the hon. gentleman had to apply such language to him. The only part he took in the committee on the day he attended (he ought, perhaps, to ask God to forgive him for attending it at all) was to put himself under the wing of the hon. member for Corfe Castle, who, he was sure, was sincere in his wish of abolishing sinecures. It was singular, indeed, if those who had formerly opposed all propositions for that abolition were now to be regarded as the only sincere supporters of the measure. He would repeat, that the measure would be lost by being divided into ten bills; he wished it to be put into a shape in which it might pass; but from the course which the business had taken he was convinced that the whole was a juggle.

Mr. Huskisson explained. He had said the right hon. gentleman was disconcerted at finding the business going on in the committee in the hands of his (Mr. Huskisson's) friends.

Mr. Tierney.—I have a right to call on the hon. gentleman to state what reason he has for saying I was disconcerted in the committee. What mark did he perceive of my being disconcerted?

Mr. Huskisson.—I do not know that the right hon. gentleman has any right to call upon me to answer these questions: but when I saw him attend the committee on the first day only: when I saw that he took no interest in the proceedings, and find that he comes down this day and calls all that is done a juggle, I infer that he was disconcerted.

Mr. Tierney.—I have but one word more to say. The House knows the value of the honourable gentleman's assertion, and what he means by my being disconcerted.

Mr. Gilbert explained, that when he spoke of forwarding the bills all together, he meant passing them through their respective stages on the same day.

The bill was then read a first time.

Sir J. Newport said, as the hon. gentleman meant to bring in so many bills, he would suggest to him the introduction of another, which, in his opinion, was very desirable—a bill to abo-

lish the Board of Works in Ireland; on the inutility of which, a committee of that House had already pronounced.

HOUSE OF LORDS.

Thursday, May 8.

CATHOLICS.—The Earl of *Donoughmore* presented petitions from the Roman Catholics of Ireland, praying to be relieved from their present disabilities. They stated, among other matters, that they had devised an expedient for removing the fears of those who were alarmed at the idea of foreign influence, and this expedient was, the making the nomination of their bishops completely and strictly domestic; and they entertained a confident hope that they could procure the consent of the head of their church to this arrangement. The first petition was from the great body of the Irish Catholics. The second was from the Catholics of the county and city of Waterford. There were two others on the table, one from the meeting at Lord Trimleston's, the other from the Catholic clergy. He had a letter from those noblemen and gentlemen who signed the petition at Lord Trimleston's, stating that, as their petition lay on the table, they did not think it necessary to petition again, and requesting that the subject might now be brought under consideration. The clergy had refrained from again petitioning for the same reason; but had requested that the Catholic claims might now be considered; and they had sent over two of their body, in order to render every possible assistance in effecting the object in view, and answering every question which this and the other House of Parliament might think proper to put to them. He would move that the first petition be read: and the ordinary course would be then to propose to their lordships to fix a day for taking the petition into consideration. He would abstain from that, however, at present, as an early day had been fixed for the discussion in another place, and it was desirable that the subject should not be under discussion in both Houses at the same time. Besides, he had hopes that the matter would come before their lordships in another shape—he meant by a bill from the Commons. He would much rather have it before them in that way than in any other; but in case he should be disappointed, he would then propose an early day for the discussion in their lordships' house.

Both petitions were then presented and read, and were in substance the same as the previous petitions; praying the House to consider the numbers, the property, the services, the loyalty, and sufferings of the petitioners, and to remove the remaining disabilities under which they laboured.

The Earl of *Darnley* said, it was not his wish to anticipate the discussion of this subject: he was not sanguine enough to believe, with his noble friend, that the result of the discussion in the

other House would be favourable. But if the Roman Catholics should be again disappointed, he trusted they would not despair, but still look forward with confidence to the final accomplishment of the object of their wishes.

The petitions were ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, May 8.

USURY LAWS.—Mr. *Sergeant O'Sullivan* brought in his bill "for repealing the Laws which prohibit the taking of Interest for Money, or limit the rate thereof," which was read a first time, and ordered to be printed.

STEAM BOATS.—On the motion of Mr. *Harvey*, a Committee was appointed "to consider of the means of preventing the mischief of Explosion from happening on board Steam Boats, to the danger or destruction of his Majesty's Subjects on board such boats."

MILITARY PUNISHMENT.—Sir *F. Bouverie*, seeing the hon. and learned gentleman, the Judge Advocate, in his place, rose to call his attention to a circumstance of considerable importance, more particularly after the opinions which, he believed, he was correct in saying, the hon. and learned gentleman had delivered last year in that House on the subject of military flogging. It was stated, in a paper which he then held in his hand, that a melancholy instance of the consequence of flogging soldiers had lately occurred at Carlisle, when a private of the 13th regiment of light dragoons having been flogged once, and received as many lashes as he could bear, was ordered to be brought out at a future day to receive the remainder of his sentence. In the interval, however, the unhappy man, alarmed by the recollection of his former sufferings, terminated his existence. This melancholy event, said the hon. baronet, was the more to be lamented, and deserved the more serious investigation, as the man's only offence was, that he had married a young woman without the consent of his officers. (*Hear, hear.*) It was said, that his character was exceedingly good; that he had served his country in many battles, in Portugal, Spain, and France; and that he was highly respected in his regiment. The subject to which the hon. baronet wished to call the attention of the learned gentleman was, whether he did not say it was illegal to bring out a man to be flogged a second time, when he could not bear the whole of his punishment the first time.

Mr. *Manners Sutton* said, that he did not know of the existence of any such case, and did not think it could have occurred. If the hon. baronet had no other information than this newspaper, he did not believe it. His opinion respecting military flogging was certainly the same as he had before stated; and, in fact, it had been adopted by the Commander-in-chief in practice, and was known to be his orders. He could only

repeat, therefore, that he entertained very considerable doubts as to the truth of the statement contained in that paper: for if it had been true, it was most likely that he should have heard of it. After what had passed, however, he would make it his duty to inquire, if the hon. baronet would furnish him with the name of the individual, and the date of his punishment. (*Hear.*)

Sir F. Burdett was perfectly satisfied with this explanation. He certainly had no other information than what this paper contained. The name of the individual was not mentioned, but merely that he was a private of the 18th light dragoons. The statement was made in a weekly paper about 10 days ago. He had thought, however, that a regular return was made on these matters; and, therefore, that the hon. and learned gentleman would have been prepared to speak upon it, from his official information.

Mr. Manners Sutton replied, that the returns were made, but not in his office. If, however, such a case had been known to any office whatever, it was not likely that he should not have heard of it. He had no doubt it would turn out to be a perfect libel on those who were accused of having inflicted the punishment; and he regretted that it had been brought before the public on such slight authority, and before any regular investigation could be made.

MR. HERRIES' APPOINTMENT.]—Mr. Bennet, in rising to bring under the notice of the House the half-pay which Ministers had thought fit to be stow on the late Commissary-in-Chief, felt it hardly necessary to say that he was led to it solely by motives of a public nature, as he had not the honour of any acquaintance with the gentleman whose name was connected with the motion. It seemed that Mr. Herries entered the public service in 1798, as a clerk of the Treasury, and in that situation, and as secretary to the Chancellor of the Exchequer, he continued till 1811. In July, 1811, he was appointed Comptroller of Public Accounts, and in October following he left that office for that of Commissary-in-Chief. It was necessary to state respecting this last office, that from 1798 to 1809, it had been conducted in a manner which was considered to be prejudicial to the public service, and on complaint made by Sir John Moore and Sir Arthur Wellesley, now Duke of Wellington, it was wished to put the office on a new footing. Colonel Gordon, now Sir W. Gordon, was consulted, and he undertook to remodel the office, which duty he performed in a manner as creditable to himself, as it was advantageous to the public. From 1809 to 1811, Colonel Gordon performed the business of the office, and in the latter year, when Mr. Herries was appointed, he found the whole machine operating so regularly, that it might be compared to those engines in which the power of a giant is directed by an infant's arm. The merit of Mr. Herries consisted only in keeping it at work. What was the manner in which these gentlemen had been remunerated? Sir W. Gordon, who had estab-

lished the system of Commissariat, had quitted the office of Commissary-in-Chief, and the salary of 2,555*l.* a year for that of Quarter-Master-General, a most laborious office, at a salary of 2,000*l.*, now reduced to 1,800*l.* a year. Mr. Herries, on the other hand, had received half-pay 1,555*l.* superadded to an office of 1,500*l.* a year—the Auditorship of the Civil List. He did not, however, in fact, receive more than 2,700*l.* a year. Thus for five years' service in the Commissariat and 13 years' service as a clerk, this gentleman had 2,700*l.* a year, 1,300*l.* for doing nothing, and the rest for doing little more than nothing. Now it was contended that the office of Commissary-in-Chief was a civil appointment, and therefore entitled to compensation. He did not wish to try the case on the precedents of extravagance, which had been inherited by lineal descent from Treasury to Treasury, (unfortunately there were too many instances of a lavish expenditure of the public money)—but he could prove, that the office was not a civil but a military office. On the commission of military inquiry, as appeared by the evidence, this officer being asked whether his office was civil or military, replied that it was military. The commission was issued from the War Office, the appointment was gazetted among the Staff. The Commissary was enjoined to obey orders from the King and Commander-in-Chief; and lastly, he was subject to the Mutiny Act. (*Hear, hear.*) If it was a military office, it would entitle the holder to half-pay. But what was the half-pay of Commissaries General in Chief—as Mr. Bergman, Sir James Kennedy. These gentlemen who had served in foreign parts, and the most unhealthy climates, who had shared the fatigues and dangers of the army, for the subsistence of which they provided by their activity, had 600*l.* a year; while this gentleman who had been seated snugly at home, on the very threshold of favour and promotion, had 1,350*l.* In the minute of the Treasury, fixing the remuneration to Mr. Herries, on relinquishing the office of Commissary-in-Chief, at 1,350*l.*, it was said, that if he accepted any other office, he should only receive so much of that allowance, as would make the whole amount to 2,700*l.* This was spoken of as if the appointment to another office were contemplated as a distant contingency; but on the very same day, this gentleman was appointed Auditor of the Civil List, for which he received 1,500*l.* a year. In that office there was little to be done, and persons with all securities as to character and talents, would be found ready to perform it at 500*l.* a year. (*Hear, hear.*) He hoped to hear some opinion from the Committee of Finance on this office. As he had shewn that the appointment of Commissary-in-Chief was military, it was known, that by the regulations of the service, when an officer on half-pay received any office, civil or military, his half-pay fell in. The indulgence to this gentleman might be contrasted with the rigour exercised towards those in

lower situations. He held in his hand a letter from the Secretary at War to the colonel of a regiment, requiring the names of those lieutenants who held other civil or military appointments, by which their half-pay was forfeited. When these circumstances were taken into consideration, it should also be considered at what time this transaction had taken place. It was at a time when there was an universal cry of distress throughout the land—at a time when the rich were compelled to give their superfluities, and others their necessities of life, to the relief of their poorer brethren. At such a time, the grant of 2,700*l.* a year to a person, whose services had not been very long or very important, seemed an insult to the public. He did not say that some reward should not be bestowed upon this gentleman; but when the general misery and want were contrasted with this prodigal waste, the House would perceive that Ministers did not consider how they might save, but how they might squander, the money wrung from penury, on their favourites and adherents.—He concluded by moving a Resolution:

“That the allowing the late Commissary-in-Chief, upon the abolition of his office, to retain half his salary of 2,700*l. per annum*, as a retiring pension, was an excessive remuneration, regard being had to the length of his service in the commissariat department; and that the permitting him to hold an office of 1,500*l. per annum* in addition to the same, is an improvident expenditure of the public money, and establishes a precedent which this House conceives to be injurious to the public interest.”

The *Chancellor of the Exchequer* was willing to allow the hon. gentleman all possible credit for the independency of his motives in bringing forward this question; but he trusted what he had to say would satisfy every impartial gentleman who heard him, that in the arrangement by the Treasury, nothing had been done but what was conformable to strict and rigorous justice. The hon. gentleman had not, in his opinion, fairly stated the services of Mr. Herries, by designating him as a clerk. It was more than eighteen years since this gentleman became a servant of the public. Some time afterwards, when he (the *Chancellor of the Exchequer*) was appointed Secretary to the Treasury, he became his private secretary. He was afterwards private secretary to Mr. Perceval; and surely the hon. gent. must know very little of the important duties of such an individual, when he described his employment merely as that of a clerk. It was a situation of the greatest confidence, and one that in all times had usually led to great promotion and emolument. But, without entering into any comparisons of the rewards which other persons had obtained at other periods, who had executed such important duties, he should only say, that it did not appear to him that this gentleman was at all overpaid by what had been done for him. Mr. Herries, as he had said, had been fixed on by

the discernment of Mr. Perceval, to be his private Secretary. He had afterwards proceeded to be one of the Comptrollers of the Army Accounts, at a salary of 1,500*l.* a year. In the year 1811, he was in possession of this office, and he resigned it to become Commissary-general, not on account of the removal of Colonel Gordon for the purpose, as the hon. gentleman insinuated, but because that gallant officer chose to relinquish the appointment, in order that he might resume his military career, which was more congenial with his wishes, and which he had quitted with regret when the situation of Commissary was proposed to him by Mr. Perceval. The situation as given to Colonel Gordon, differed very materially from that held by Sir Brook Watson, the duties of which related only to Great Britain, and had nothing to do with our armies abroad. But Colonel Gordon had to perform the united duties of both, which entailed upon him a more enlarged responsibility. Mr. Herries came to the office with all its arduous labours and responsibility, and he held it till 1816, when it was thought that a more economical arrangement might be made by reuniting the Commissariat as it stood at the beginning of the war, in the annexation of a part of it to the Treasury. He could tell the hon. gentleman, that by this arrangement 11,000*l.* a year had been saved to the public by a reduction of 42 officers from the former establishment. A still further saving had been effected by reuniting the whole of the department to the Treasury, as it was in former times of peace; Mr. Herries was in his friendship and confidence; but he had not been so fortunate as to contribute to his advancement in life. He was indebted to Mr. Perceval for whatever advantages he possessed: and surely it could not be denied that this gentleman was entitled to the consideration of his country, when it was recollected that he was the son of the father of the volunteer system, from which the country had derived that universal military spirit that had enabled us to bid defiance to the threats of invasion, and not very remotely led to those great results by which our prowess had been signalised all over the world. He had entered on the office of Commissary-in-Chief at a time the most arduous and important of any that had ever occurred in this country, and there he (the *Chancellor of the Exchequer*) found him. When his retirement came to be considered, it appeared to be clear, that as he was not entitled to half-pay, from not being a military officer, there could be no way of remunerating him, but by adopting some other mode, and it was decided that he ought to have a compensation not exceeding one half of his salary; and this he was deemed to have merited from having been 18 years in the public service, during which time he had filled so many important stations. He was, therefore, allowed to retire with one half of his salary; but with the consideration, that if he was called again to the performance

of public duties, his whole income was not to exceed 2,700*l.*, and which he now obtained by his late civil appointment. It could hardly be expected by the House, that Mr. Herries should take upon himself the duties attached to the office of Auditor of the Civil List, for an increase of income of 150*l. per annum*.—That office had been appointed by Parliament on full consideration of the subject, from a conviction that it was the only way in which the expenditure of the Civil List could be controlled. The measure had proved effectual, and though under the old system, there had constantly been found an excess of expense, no excess had taken place since the change to which he had adverted had been made. For this Parliament was to be thanked rather than Mr. Herries or the Government; but it must be seen, that if Mr. Herries had not been named Auditor of the Civil List, some other person must have been appointed to that situation, and he knew of no gentleman more fitted to fill it with advantage to the public, from his character, talents, and extensive acquaintance with the world. This gentleman, when at the Ordnance, had exerted himself with much success, and the country had considerably benefited by his labours, but when the question as to what remuneration he ought to receive was under consideration, he thought it necessary to bring his services more distinctly before the House than he had yet done. The appointments of Colonel Gordon and Mr. Herries had been spoken of as being in every respect the same. On the first view of the subject, there certainly appeared no difference between them, but the duties which the two individuals had to perform varied most materially. In order to shew this, he would state what were the sums for which former Commissaries General had had to account, and what those were which were to be accounted for in Mr. H.'s time. Their amount during the last year Sir B. Watson held the office of Commissary-General, was 1,037,000*l.* In the last year of his successor in that office, they amounted to 1,069,000*l.* In the last year of Sir W. Gordon they rose to 1,193,000*l.*, having increased more than 100,000*l.* When Mr. Herries became Commissary-General, from the operations of the war having been extended to so many parts of the world, a great additional expenditure was the consequence. It amounted during the year 1814 to 10,173,000*l.*, and in the year 1815, the monies for which the Commissary-General had to account, rose to the sum of 15,873,000*l.*—When the situations of Colonel Gordon and Mr. Herries were compared in this point of view, he thought it must be seen, that though there was no difference between them in their rank of office, it was not just that their remuneration should be the same, when the disparity between the duties which they had to perform was so great. Mr. Herries had had to account for the same for upwards of 20,000,000*l.* of expenditure. Not only had he to procure vouchers

from persons acting on their own responsibility to prove the application of the sums of which he had to give an account, but he was personally much employed in the laborious duties of his situation. Towards the close of the year 1812, and in the year 1813, when the war assumed a new character, in consequence of the French expedition to Russia, it became necessary not only to provide military, but also pecuniary means for an almost unlimited exertion. He (the Chancellor of the Exchequer), at the period to which he referred had had the honour of proposing measures to that House, which had been carried into effect (as he thought with great advantage to the country) and which had provided for unlimited exertions, and for a very considerable time. Such measures, however, would have been adopted in vain; they could have effected nothing, if some way had not been discovered of bringing the resources of this country to particular places at the proper time. He would ask those who remembered the debates which took place in that House ten years ago, whether it was then supposed that by any effort of activity a sum of 20,000,000*l.* could be realised for this country on the Continent, in one year? This could not be answered in the affirmative; yet, when the scarcity of bullion had increased, and when the exchanges had become more unfavourable to this country, under circumstances unparalleled in history—when it was the object of England to unite the armies of all Europe against France, Mr. Herries succeeded in contriving the machine by which this great object was triumphantly accomplished. He sent proper persons to the several parts of Europe to make the necessary arrangements, and these were so well adjusted, that in no instance had any of the military operations, then in progress, been retarded by a want of specie.—Wherever the armies of our Allies advanced, there the resources of England were to be found; and wherever our own army or navy was directed to proceed, abundant supplies were provided. None of our warlike operations, extensive as was their theatre, had failed for want of pecuniary means. This was in a great measure to be ascribed to the activity and judicious care of Mr. Herries. After this statement, would it be said that the services of that gentleman did not merit to be liberally rewarded? He contended that this was necessary in the case of an individual, appointed as he had been, to offices of confidence and importance, and in which he had acquitted himself with equal ability and honour. If such a course were not pursued hereafter, Government would have great difficulty in finding persons who could safely be entrusted with the expenditure of millions. He certainly thought his retiring allowance of 1,550*l.*, in addition to the income of the office he might now hold, was but a fair reward for his services. This was his sincere opinion; as such he submitted it to the House. Whatever might be their decision on the question before

them of this at least he was sure, that what he had done in the case of Mr. Herries, would ever stand justified to his own conscience and his own heart.

Mr. Tierney allowed that all he had heard concerning Mr. Herries was in his favour; his merits were great and indisputable; he had discharged the duties of the important office intrusted to him ably and faithfully. The question, however, was, whether, the services of Mr. Herries being taken for granted, he had or had not received too great a recompense. He would not call the transaction a job, because he was anxious not to apply any unsuitable term to Mr. Herries; but he would say, that either that gentleman had been grossly overpaid, or other persons in the same or similar situations had been grossly underpaid. The right hon. gentleman had fairly stated the progress of the official life of Mr. Herries. It was true, that he began as a Clerk in the Treasury; it was true that his abilities alone had recommended him to the notice of the right hon. gentleman who had appointed him to be his private secretary; it was equally true, that for his abilities alone, he afterwards was made private secretary to Mr. Perceval; it was true, that persons so situated had always been held worthy of some provision; but none had ever received so great a reward as Mr. Herries; none had received 2,700*l.* a year. Besides, Mr. Herries had received his reward already; he had been appointed Comptroller of the Army, for which he was to receive 1,500*l.* a year for life. Surely, such a promotion was in itself a sufficient remuneration. Mr. Herries, however, chose to relinquish this situation in order to be Commissary-in-Chief, in the room of Sir Willoughby Gordon. Now, he (Mr. Tierney) was happy in being able to call Sir W. Gordon his particular friend, and he was perfectly acquainted with the exertions and services of that officer. He knew that to Sir W. Gordon was due the merit of inventing and arranging that complicated machine, the Commissariat-management. Mr. Herries had all the difficulties smoothed before him, and was not called upon for any extraordinary ingenuity; he had nothing but the increased labour which became necessary from the state of the war. He (Mr. T.) was ready to admit that this labour was greatly augmented by the course of events; but he could never consent to allow the criterion mentioned by the Chancellor of the Exchequer, that the remuneration of a public servant was to be in direct ratio with the number of millions that happened to pass through his hands. This odd mode of percentage would be as inapplicable as it was unfair. For instance, his right hon. friend over the way (Mr. Long) had vast quantities of millions passing through his hands, yet his pay was but 2000*l.* a year; while Mr. Herries was to receive 2700*l.* Surely such an inequality must produce disgust; surely men in office would be apt to compare their own remunera-

tions with those of Mr. Herries, and would think themselves ill-used or him grossly favoured. There was, in fact, no sort of proportion between the reward given to this gentleman and that intended for other persons in situations of greater importance. He would take the instance of the Prime Minister (on whom all the responsibility of administration rested); and yet by the new bill he was only to have 3000*l.* a year. What were the labours of Mr. Herries compared with those of Sir J. Kennedy and Mr. Beardman? and yet those gentlemen, after services of twenty years, received annuities of only 600*l.* while Mr. Herries obtained his inordinate salary after only five years' service. It was true, that the right hon. gentleman said, that Mr. Herries had been distinctly told that he had no claim to his half pay, but that it was given him in consideration of his particular merits. It really seemed as if the Ministers could not be content to abolish any office till they had created another of equal value, so that they might never lose a jot of their patronage. Gentlemen in that House were in the habit of talking so much about millions, that they forgot the value of hundreds; and yet he knew many gentlemen (and surely many members must feel the same) to whom 2,700*l.* or even half that sum, appeared a very considerable sum. One person he well knew to whom such a sum would seem no trifle; and he was sure that the mass of the gentry throughout England must, in times like the present, entertain a similar opinion. Must it not, therefore, be disgusting to these gentlemen to see such a reward carelessly given to such a rate of service, while they themselves were pressed down with the weight of taxation? As to the new-created office, he was more and more confirmed in his opinion—first, that it was unnecessary; and secondly, that, if necessary, it would be fairly and sufficiently remunerated by 500*l.* a year. The whole business of this boasted auditorship was merely to have an eye to the Lord Steward, the Lord Chamberlain, and the Master of the Horse. What was the fact? In the first place the Prince Regent was put on board wages, neither more nor less. (*A laugh.*) Then he had a Lord Steward to look after him, and the Lord Steward had a manager to assist him; but all would not do; they could not be trusted; neither could the Lord Chamberlain and his agent, nor the Master of the Horse, and his agent; so they must have an auditor to look after all six; and for this unnecessary ridiculous office he was to have 1,500*l.* a year. Under Mr. Perceval Mr. Herries received a salary of 300*l.* a year—no more; then his time was fully employed; but now, for not a fourth part of that trouble, he was to receive 1,500*l.* The Commissioners of Excise and Stamps had ten times as much to do. When he thought on this, he must pronounce the business to be a foul and gross job, not of Mr. Herries, but of the Government who appointed him. He (Mr. T.) felt perfectly convinced that the Ministers would not have ven-

tured to say a word in defence of such a bare-faced proceeding, if the present motion had come from any quarter except one which, like his hon. friend, was usually in opposition to administration. For his own part he did not consider it a party question. (*A laugh from the Ministerial benches.*) "Well," said Mr. T. "If you please, I do consider it a party question." (*A laugh.*) One thing at least I feel to be a party question, and that is, I feel it my duty to impress on the House my own firm conviction, that there never was an Administration which shewed such an indifference to the feelings and wishes of the people as is manifested by the present Ministers. (*Hear, hear.*) He (Mr. T.) supposed that the present job, like another not long since, would be supported by a triumphant division, and then people, perhaps, would exclaim, "There, you are at your old work again, always making a fuss and talking nonsense about nothing! How can you waste your time in making motions which have no other effect than to drag members from their homes to vote against you, and to disturb the comfortable feelings of meritorious persons: and all this stir you are making about such a paltry sum as 2,700*l.* a year!" He (Mr. T.) wished from his soul that gentlemen would place their hands upon their hearts, and say whether they thought the present a justifiable remuneration. But alas! gentlemen did not come there to place their hands upon their hearts, but merely to vote. (*Hear, hear.*) He did not mean to attach any blame to Mr. Herries; that gentleman was not to blame for receiving the salary which was offered to him; the blame was with the Government, or rather it would be with that House if it should sanction such an appointment. He hoped to God, if the House did neglect its duty, that whenever an opportunity should occur, the country would come forward and shew to members, in the proper manner, its sense of their conduct.

Lord Castlereagh would separate the question into two parts: 1st. What was the proper retiring provision for Mr. Herries; and 2d. Whether, retiring upon half his former salary, any farther appointment should be given to him. As to the first question, the 1,350*l.* was not given to Mr. Herries upon the principle of half-pay. That principle was applicable only to officers who had a regular rise in the army. When this very consideration was under the view of Mr. Perceval, that scrupulous and conscientious Minister would not admit that the commissary-in-chief should be subjected to the principle of half-pay. He (Mr. Perceval) on the ground that there were no persons under the commissary-in-chief in a military capacity—that he was not in the way of regular promotion—and that his duties were detached from those strictly military, placed it in such a rank as to be connected rather with the Civil List. Mr. Herries had altogether served 18 years, 18 years in situations of great labour; and had he continued in that department of service, he would,

in all probability, have soon risen to a situation of more than 1,500*l.* a year; but he left that kind of service, and was placed in a situation of 1,500*l.* Now, it should be recollected that this situation of comptroller of accounts, was a situation for life. From this permanent office he was removed to one of 2,700*l.*; one in which the greatest responsibility, the severest attention, and the heaviest charges were imposed upon him. His right hon. friend had added the important consideration, that in 1814, 10,000,000*l.* and in 1815, 15,000,000*l.* were put under the management of the commissary-in-chief. For those various and arduous charges, for all the operations he had carried on, he possessed the very highest qualifications. He admitted Colonel Gordon's merit, he willingly assented to all that had been said of him; but Mr. Herries was eminently qualified for that situation from his vigilance, activity, and perseverance, and entitled to the utmost confidence, since Mr. Perceval had selected him to be placed about himself. In this most laborious and highly responsible office, he continued for five years. Now, if the principle of half-pay were admitted, he would be found to have been treated as in the lowest class. In giving half-pay, the principle of proceeding was, than when an officer had served ten years, he should be entitled to half his salary; when he had served twenty years, to two-thirds: therefore, on this principle, they put him, since he had served 18 years, on the lowest scale. On the first part of the question, therefore, it appeared that Mr. Herries had not received a proper retiring provision. On the second question, whether in the event of his accepting another situation he should forfeit his half-pay, he could shew that such a rule by no means applied to this case. When he had retired, the question was whether he should give up 1,350*l.* for an active employment, that would return him only an addition of 150*l.* Now this would be to accept of an inferior situation to that he had formerly held, which was inconsistent with the practice in all such cases. It was well known, that when diplomatic services were paid by placing individuals in a different situation, was always a higher one than they had occupied, never an inferior one. Mr. Herries acted in foreign countries as commissary-in-chief, he had crossed the sea into various parts of the Continent, therefore he could not be reduced to an inferior appointment. In common justice, and in common liberality, he could not be called upon to relinquish his 1,350*l.* in consideration of being appointed auditor of accounts of the civil list. The right hon. gentleman opposite seemed to have viewed the appointment altogether as one part a job, and the other part a sinecure. He had shewn that the first was not a job; he would now prove that the other was not a sinecure. It was clearly established, by two Committees of that House, that the office of auditing accounts on the civil list was one of an important trust; and a noble friend of his considered it of the

last importance, that the civil list should not be again neglected, so as to be brought before the House. Mr. Herries, then, had performed duties of an extraordinary nature; he was now called upon to undertake a duty of very considerable importance; for to superintend and correct the accounts on the civil list was an office out of the common line, and required a man of tried integrity and diligence. The question, therefore, was, (for he had discussed the subject separately,) as to the proper provision for Mr. Herries on retiring, and whether he was bound to renounce that provision on being appointed to a situation of great consequence: the question was, whether since the salary of this last appointment did not exceed the whole amount of his former salary of 2,700*l.* he could be called upon to renounce the 1,350*l.* He thought it a fair appeal to that House, whether such a demand could, in common justice, be made: whether, considering the integrity and ability for which Mr. Herries had been distinguished, he enjoyed too high an allowance. Another point of view in which he would beg leave to represent the subject was, that by this arrangement an actual saving had been effected. It was found necessary to appoint an auditor of the Civil List, with a salary of 1,500*l.* Now, Mr. Herries received only 1,350*l.*: consequently 150*l.* per annum had been saved to the public. He, therefore, upon those grounds, very conscientiously appealed to the House, whether, since one was to be appointed to audit the Civil List, a situation of great importance, Ministers had not acted wisely in requesting Mr. Herries to undertake that trust.

Mr. Ponsonby maintained that the office of Mr. Herries was a military one, notwithstanding what had been said by the noble lord; but suppose he were to allow that it was merely a civil office, he would then ask where was the rule which entitled civil officers, who retired, to receive more than their half-pay? He might ask, indeed, what were the instances in which they were granted the full half of their salary? If Mr. Herries chose to take the office of Auditor of the Civil List, why were the public to suffer? He saw no reason why he should not surrender his half-pay upon having accepted that function; unless, indeed, there was some peculiar merit in his case, which entitled him to have a principle violated for his sake, which had never been violated for any other person. He doubted, however, whether the transaction proceeded upon any ground of merit; he rather believed the whole thing was to be traced to the influence of favour; and he thought the House was bound to pronounce upon it, that it was an improper use of the public money.

Mr. C. Grant defended the course which had been pursued on the same grounds as the noble lord (Lord Castlereagh) had done. The case of a civil officer who retired, he distinguished from that of a military officer on half-pay, by the hopes of promotion, which the latter was led to cherish

when he was obliged to resign his half-pay. The comparison between the two services, he contended not to hold good, as the soldier was not considered to be rewarded by pecuniary advantages, so much as by the glory attached to his profession. The Treasury, in fixing the compensation due to Mr. Herries, were not bound to refer to the enactments of the Superannuation Act, because that act related to offices from which persons retired in consequence of ill health, length of service, or advance of years, whereas the office of Mr. Herries was abolished. The only question, therefore, was, whether the Treasury had, or had not exercised a sound discretion in the mode and amount of compensation. He thought that they had, and therefore that they had not incurred the censure of the House.

Mr. Bennet, in reply, read the answer of Mr. Herries in the year 1811, in which he declared that his appointment was the same as his predecessors, and that he held his commission from the War Office. He would repeat, that Sir James Kennedy had in the Peninsula endured in one month more labour, privation, and danger, than Mr. Herries during the space of five years, and yet he had only thirty shillings per day allowed him. During the time Mr. Herries held office he had 2,700*l.* He was afterwards allowed 1,350*l.* which was precisely half-pay. Colonel Gordon had been invidiously mentioned in the course of the debate, and it had been said, that he had voluntarily left the situation. He replied that he had not. He was required to give it up, and from a quarter which he could not refuse. Mr. Perceval offered him 500*l.* a year as a compensation, but in such a manner that it could not be accepted. Mr. Herries had retired upon half-pay, and had been appointed Auditor of the Civil List. Sir W. Gordon retained nothing but military rank. He has lost 700*l.* by the exchange. He might retire, but he could hold nothing but his rank. Yet his services were infinitely greater than those of Mr. Herries.

The House then divided.

Ayes . . 49 | Noes . . 93 | Majority . . 51.

TITHES.] The order of the day having been read for a Committee on the Tithes-levying Bill, it was resolved, that the Committee have power—

“To extend the provisions of the bill to the leasing of lands substituted for tithes, or annexed to small livings by means of Queen Anne’s Bounty.

“To make provision for continuing current leases to the end of the year, in cases of avoidance of benefices, and for rateably dividing the emoluments between the late and the present incumbent.

“To make provision for ascertaining the payment of tithes on late crops occasioned by bad seasons.

“To extend the provisions of the bill to glebe land under certain conditions.”

The House then went into a committee, when

these instructions were received, several classes were proposed and agreed to, and the committee was ordered to sit again.

Owen's REGULATION-BILL. Mr. D. Gilbert brought in a bill "to abolish certain offices, and regulate others, in Scotland," which was read a first time, and ordered to be printed.

LIST OF THE MINORITY

ON MR. BENNET'S MOTION.

Atherton, Arthur	Iatouche, Robert
Ashley, Sir John	Mackintosh, Sir J.
Banks, Henry	Milton, Vice.
Barnet, J.	Monck, Sir Charles
Birch, Jas.	Moore, Peter
Bradd, Hon. Thor.	Ord, W.
Brougham, Henry	Ossulston, Lord
Calcraft, John	Parrell, Sir H.
Cadogan, Charles	Phillips, George
Danvers, Viscount	Ponsonby, Rt. Hon. G.
Ebrington, Viscount	Priest, Hon. F. A.
Faulstich, N.	Rushleigh, Wm.
Ferguson, Sir T. G.	Ridley, Sir M. W.
Fitzgerald, Rt. Hon. M.	Russell, Lord William
Holburne, Viscount	Sharp, Richard
Grattan, J. W.	Sefton, Earl of
Griffith, Peter	Smith, Wm.
Guthrie, Sir W.	Tavistock, Marquis
Heron, Sir Robert	Tierney, Right Hon. G.
Horsby, Ed.	Waldegrave, Hon. W.
Jervoise, G. P.	Wilkins, Walter
Lambton, J. G.	

TELEGRAMS—Bennet, Hon. H. G.—Gordon, Robert.

HOUSE OF LORDS.

Friday, May 9.

Owen's Divorce Bill was read a third time, and passed.

POOR LAWS.] The Earl of Liverpool rose, pursuant to notice, to move the appointment of a committee to consider the present state of the Poor Laws, and to report their opinion, whether any and what remedy could and ought to be applied to the evils of the system. Considering the importance of the subject, it might perhaps be proper that he should state the reason why he had not brought it forward at an earlier period. Observing that a committee had been appointed in another place for conducting this inquiry, he certainly had felt desirous to see what progress would be made in that investigation before he called upon their lordships to appoint a committee of a similar description. Great improvements often arise from inquiries on the same subject going on at the same time in both Houses, and he was, accordingly, that course of proceeding was attended with great advantages. In the case of the other House, and for that reason he had delayed calling their lordships' attention to the subject sooner. It was

irregular to allude to what had there been done; but whatever might be thought of their conclusions, one thing was certain—that a most valuable mass of information had been collected, of which their lordships' committee might avail itself; but from all that he had observed, and all that he had heard, it would be of great importance that, notwithstanding the labours of the other committee, the subject should be investigated by a committee of their lordships. The other House had no advantages for such an investigation which their lordships did not possess in fully as great a degree. There were many among their lordships as well acquainted with the practical effects of the system, and as competent judges of what measures ought to be adopted. It was not his intention now to enter into the discussion of the principles which ought to govern their proceedings, as these might be considered and discussed with more freedom in the committee; and till the Report was made, it might be proper to refrain from stating any distinct opinion on the subject: he was the more inclined to follow that course, because, however general the coincidence of sentiment was as to the effects of the system, and the evils that resulted from it, there was very considerable difference of opinion as to the proper remedies. The difficulty was not in tracing the source of the evil, but in finding a plan that would put an end to it. It was now generally admitted, that our system of Poor Laws was an evil; but then it was an evil which had existed for 200 years, and was so intermixed with the habits and prejudices of the people, that remedies which might at an earlier period have been easily applied could not now be adopted. He himself knew many persons, whose information on this subject was not less than their candour, and who upon first turning their attention to it had imagined that a remedy might be found without much difficulty; but when they came to probe the matter to the bottom, and to examine the subject in all its views and bearings, they themselves admitted, that they had found their schemes either such as could not possibly be adopted, or such as were highly objectionable. Under these circumstances, he thought that it might be attended with great advantage to have the subject investigated by a committee of their lordships, if those among them who were most conversant with it would attend and give up a great part of their time and serious attention to the investigation. He had conversed with several noble lords of that description, and he was happy to state, that he had received such assurances as afforded the best hopes that every thing would be done that could possibly be effected. This was a subject entirely unconnected with party views and purposes; they could have but one object, and every member of the committee must be desirous to discuss the subject temperately, and with a sincere and anxious wish to find that some effectual remedy could

be applied. If it should unfortunately turn out that no such remedy could be applied, their lordships would, at least satisfy the public that they had done every thing that depended upon them for the accomplishment of so desirable an object. He concluded by moving, that a committee be appointed to consider the present state of the Poor Laws, and whether any and what remedy could be applied to the evils of the existing system.

Lord *St. John* did not rise to oppose the motion, and had only to regret that it was not brought forward sooner. This was an investigation which was likely to occupy a considerable length of time; and it might be doubtful whether it could be satisfactorily completed in the course of the session. The committee ought, in his opinion, not only to examine into the present state of the Poor Laws, but also into the mode in which they were administered; and to consider, whether some means might not be found to afford a more effectual relief to the Poor, and at the same time to diminish the weight with which the system pressed upon the community. The burden, no doubt, was greatly increased by the particular situation in which the commerce and agriculture of the country were at this time placed, but the inquiry could hardly fail of being productive of great advantage.

Lord *Holland* said, if none but those who were intimately acquainted with this subject bight to be heard upon it, then he ought to give no opinion; but though he was not peculiarly conversant with the details of the Poor Laws, yet he knew enough of their tendency and effects to enable him to say, with some confidence, that the motion of the noble earl, if followed up with diligence, and a proper desire to provide a remedy for the evil, would be one of the greatest boons that could be conferred on the country. He did not wish to speak now of the causes of the calamities under which we laboured; but great as were our other distresses, those which originated in the system of the Poor Laws appeared to him to be most alarming, inasmuch as they were likely to be most permanent. He did not intend at present to go into the general discussion: they had lately heard much of the visionary schemes of persons who were called Spenceans; but the real Spencean system was the system of the Poor Laws. He did not mean to impugn the motives of those who had framed these laws. The system originated in the purest motives, but had been attended with the most dreadful effects on the population, morals, and industry of the nation. The great evil of the system was this—that idleness and vice were rewarded at the expense of industry and labour; and certain individuals obtained an inordinate and oppressive control over the lower orders of the community. No time was better calculated than the present for an attempt to relieve the country, to a certain extent at least, from so pernicious a system. He agreed with the noble earl, that considerable

difficulty existed in devising a proper remedy, and that the appointment of a committee held out the best promise of remedying it. He did not despair of that object being ultimately accomplished. The Reverend Joseph *Ferguson* had, in a pamphlet which he published in 1800, suggested a remedy which, with some alterations, such as the extending the time beyond a period of ten years, might be rendered sufficiently practicable. These, however, were matters for the consideration of the committee, who ought to pursue the investigation with diligence, and to set about it immediately. This was a time of pressure, and therefore, a remedy ought to be applied, if possible. If the committee could not complete its labours satisfactorily by the end of the present session, it might, and he had no doubt would, collect a mass of information which would be extremely valuable for the purposes of any subsequent inquiry.

The Earl of *Liverpool* then said, that he did not know that it was necessary to mention names; but he suggested as members of the committee, the Earls of *Aberdeen*, *St. Germain*, *Lauderdale*, and *Rosslyn*, Lords *Holland*, *Desdale*, and generally all the peers who had attended the House in the course of the session.

The Committee was accordingly appointed, with power to choose its chairman, and was directed to meet on Monday at 12 o'clock.

HOUSE OF COMMONS.

Friday, May 9.

CATHOLIC CLAIMS.] Sir *W. Scott* presented a petition from the Chancellor, Masters, and Scholars of the University of Oxford, stating, that they had learned from the votes of the House, that the claims of his Majesty's Roman Catholic subjects were again about to be brought under the consideration of Parliament; that they had deliberately considered the circumstances which were now alleged to be more favourable to the claims of that body; and that their original opinion of the danger of granting such claims remained undiminished: that they had not received proof of any change in the doctrines of those who professed the Romish faith, nor any reason to induce them to suppose that the rebellion could be removed with greater safety. They prayed, therefore, that the constitution of the country, both in church and state, might be preserved, as it now existed, and that those blessings which we had inherited from our ancestors might be transmitted to posterity. Ordered to lie on the table.

Mr. *Grattan* rose, and moved that the petition of the Roman Catholics of Ireland, which was presented to the House on the 20th of April, 1816, be read. It was read accordingly.

Mr. *W. Elliot* moved, that the petition of the Roman Catholics of Great Britain, which was presented to the House on the 21st of April, 1816, be read. This being done,

Mr. Grattan rose again, and said, that as the question of granting the claims of his Majesty's Roman Catholic subjects was one of the most important considerations that could come before the House, and as several hon. members on both sides would naturally wish to deliver their opinions upon it, it was not his intention at present to trouble the House at any length. It would be, on his part, a monstrous presumption to expect to be heard twice in one night on so extensive a subject; he should, therefore, claim the indulgence of the House, and reserve what he had to offer for a reply. The motion which he wished to submit to their calm and dispassionate attention was the same as had been proposed in 1813, namely, that a committee should be appointed to take the claims of the Roman Catholics into consideration, with a view to release them from their present disabilities, and to give every security to the Protestant establishment, and ultimate satisfaction to all orders of men; he said to give ultimate satisfaction to all orders, because it was hardly to be expected, from the nature of the subject, that immediate satisfaction would be given to every person: but the House must legislate so as to give ultimate satisfaction to all, and immediate relief to those who so justly and respectfully claimed it at their hands. The Report which his learned and most useful friend (Sir J. C. Hippisley) had caused to be laid upon the table had shewn them, that in almost all the countries of Europe there was a military and civil qualification for those who professed religions that were not dominant; that there was a certain connection between the clergy and the Government so as to preclude foreign influence. England was almost the only country in which those who differed from the established religion were deprived of the enjoyment of civil and military privileges. There was, however, every reason now to hope, and no reason to doubt, that securities might be given which would enable them to enjoy those privileges, and at the same time afford perfect satisfaction to all parties. There might be domestic nomination; there might be a veto; there might be both: and therefore the question was, whether we would refuse the Catholic claims, and exclude the security of our own church. We must determine now, whether we would exclude the Catholics from civil and military offices, and secure to our church and establishment a monopoly—that is, a monopoly of parliamentary seats, and of the highest offices in the country. The present question was, whether we would have any security at all. There had been a communication on the continent between the Pope and the clergy, and it could hardly be doubted, that if we persevered in refusing the Catholic claims, such communication must end with the incorporation of the clergy with the See of Rome, and the separation of the Catholic people from England. Could we still hesitate, then, to repeal the laws which

disqualify Roman Catholics from civil, naval, and military appointments, subject to such restrictions as we ourselves may choose?—that is to say, such as we may think necessary for our Church and Constitution; or, in other words, necessary for preserving the Act of Settlement, and the Protestant religion. Let us shew the Catholic people that we are not the only intolerant country in Europe; that we are ready to give them all the privileges of a free Government, subject to such restrictions as may be deemed indispensable, so that they may enjoy all the advantages of our Constitution, while we retain all the advantages of our Church. This was the question which he intended to submit to their consideration this night; and, therefore, reserving to himself, as he before observed, the right of reply, he should now merely move, "That this House will resolve itself into a Committee of the whole House, to take into its most serious consideration the state of the laws affecting his Majesty's Roman Catholic subjects in Great Britain and Ireland; with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the united kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his Majesty's subjects." He would only add, that his desire was not in any degree to put the question out of their power before they were perfectly satisfied as to the security which might be deemed necessary. (*Hear, hear.*)

Mr. W. Elliot seconded the motion.

Mr. Leslie Foster then rose, and addressed the House as follows:—Sir, it has been the lot of the right hon. gentleman to present this question to us in successive sessions, under various forms. This variety, it appears, is not yet exhausted, and the claims of the Roman Catholics have assumed, upon the present occasion, an aspect different, in some important particulars, from any that they have hitherto exhibited. In the last year, the Catholics of Ireland were divided into two parties: the one, principally consisting of their lay aristocracy, and those under their immediate influence, presented a list of a few hundred names; the other included their clergy, and the persons present at the various county and aggregate meetings which were held, and, it may be asserted, in truth embraced the great mass of the Roman Catholic population. The first class, in return for emancipation, were ready to acquiesce in any arrangements or regulations that should be found not inconsistent with their religion. The second, and more numerous, would hear nothing of regulations. The different securities which had been suggested, were by them considered as so many forms of insult, and unqualified emancipation alone was, in their opinion, worthy of acceptance: the smaller party were by them denounced as betrayers of the cause; their petition was denominated a scandalous document, and, as I am informed, was

condemned in Dublin by a Roman Catholic Archbishop from his pulpit. The proposed security which excited all this indignation, was the concession of a veto to the Crown in the nomination of their Bishops. To-day we hear nothing of the smaller party. They observe a prudent, and, perhaps, a necessary silence; but we are distinctly told, that the great body of the Catholics, rather than agree to the detested measure of the veto under any form, prefer to continue without emancipation. I appeal to the right hon. gentleman, whether he does not know this from the letters which have been addressed to him; I appeal to an hon. baronet whom I see near him, whether he does not know it from the instructions and commands which have been imposed upon him; and I appeal to both, whether they do not know from the result of all the public meetings which have been held, that such is at present the feeling, almost universally, of the Catholics upon the subject. They come forward, however, with a new offer, and propose the domestic nomination of their Bishops, as an all-sufficient security to satisfy every Protestant apprehension. On a former night, when the petition was presented, we were informed that the Catholics are at this time in a peculiar disposition for arrangements; but it was afterwards distinctly acknowledged, and will not now be denied, that all their readiness is confined within the narrow limits of this offer: they are ready to appoint their own Bishops, and the Pope is ready to give up his claim to their nomination. And this is their proposal. I should proceed, Sir, to submit my view of the total inefficiency and inadequacy of such a measure to confer the security which any reasonable Protestant requires, but I must first perform the preliminary task of endeavouring to explain the delusive nature of the offer. It proposes no new thing, it proposes merely that the Bishops should be appointed for the future in the same manner as they have been in fact appointed hitherto. The nomination of the Roman Catholic Bishops has been for a long time as practically domestic as any possible arrangement can now render it. When a see is vacant, a recommendation is forwarded to Rome, from Ireland, of the individual who is to be appointed, and I understand that, within the time of memory, there have not occurred more than two or three instances of any difficulty in confirming the choice of this domestic nomination. The persons who thus nominate to Rome are, as I understand, a certain number of the Roman Catholic Bishops; how they are selected I do not pretend to know; latterly it is said, that by mutual courtesy they recommend, as of course, the coadjutor of the deceased Bishop. This coadjutor is selected by the Bishop in his lifetime. The transmission of the episcopal rank in the Irish Roman Catholic church is, therefore, in practice a mere matter of testamentary bequest, every Bishop taking his

office under the will of his immediate predecessor in the See. Some persons I know propose that the election shall hereafter be made by their Deans and Chapters: the Bishops, I should think, would hardly consent to such an alteration; but if they should, the new mode will neither be more domestic, nor more conducive than the present, towards giving satisfaction to a Protestant; nay, it may even be supposed that the nature of the canvass, to which such elections must give rise, would be peculiarly unfavourable to the habits which the clerical character requires; and that, in some instances, the candidate might be indebted for his success rather to his talents for political agitation, than to a reputation for a tranquil, a charitable, and a religious demeanour. A more complete system of domestic nomination, however, cannot be proposed than that which exists at present. You can vary its form, but more domestic you cannot render it. The proposition, then, of domestic nomination is distinctly this—that the Protestants and Catholics having each much to require and much to give up, the Protestants are to code every thing that remains, and the Catholics are to make the single concession of remaining exactly as they are; or, in other words, that in consideration of our former repeal of the whole penal code, and of their admission to all civil privileges, for which no one concession was obtained; and, in further consideration of their being now admitted to a complete participation of political power, they are ready to acquiesce in this single but important regulation of their ecclesiastical discipline, that for the time to come their Bishops shall be appointed in the same manner as they have been for time past. Is such a proposal delusive, or is it not? Let me suppose us to act on such an arrangement, and let us discover, if we can, in what way we should be secured. But first, it is necessary to examine the nature of the danger which it is to meet. The Protestant sees with apprehension four millions of our people still mainly dependent for their habits and opinions, and more particularly for their impressions of the religion and government of England, on a great body of ecclesiastics, whom the fatal and mistaken policy of our ancestors had treated in such a manner, that it was not in human nature to expect that those ecclesiastics should make their flocks very much attached to the Government from which that treatment proceeded. The Protestant sees that body of ecclesiastics, who, till lately, were under absolute proscription, still an insulated and an unacknowledged, but most formidable power within the country, totally unconnected with the state, studiously independent of it, unattached to it by any of the ordinary motives of human conduct, but acting all the while on the education, the morals, the habits, the opinions, and conduct of the greater part of our population, more extensively than the Legislature and Executive

powers united: it is their own boast that they can do so, and I am forced to acknowledge this melancholy truth. The Protestant sees further, this great ecclesiastical community, so powerful in command, itself submitted with unlimited devotion to the orders of a comparatively small portion of their own body—I mean their Bishops: and these again acting with an unanimity and steadiness in asserting their authority, and extending the common interest of their order, not inferior to any thing in the example of Papa Rome itself. I am far from blaming them for so doing; in their place I should act, no doubt, in the same manner. It is the nature of every great corporation to infuse a strong zeal into its individual members, for the advancement of its interest and power; and certainly of no other corporation that the world has ever seen, may this so truly be observed, as of the great ecclesiastical body of the church of Rome. In Ireland the Protestant sees a number of the Roman Catholic Bishops meeting annually at Maynooth, primarily for the regulation of the seminary; but he well understands that they do not separate without accomplishing the second but more important object of taking common order for the concerns of their Church; due deference being paid to the recommendations of a committee so conveniently assembled. Upon more urgent occasions he sees the whole body of their Bishops meeting in synods convoked by their own authority, and promulgating whatever decrees upon whatever subjects they think proper, whether it be a declaration of their own resolution to submit to martyrdom rather than comply with the enactments of a law at the time in progress through the British senate; or whether they take a wider range, and discuss the merits of the Gallican *Concordat*, censuring its principles, but justifying their adoption as a necessary compliance with the dreadful necessity of the times. Sir, the Protestant sees in this *imperium in imperio*, an anomaly which I shall presently endeavour to demonstrate is not permitted to exist in any other country, Protestant or Catholic. And when he looks around amongst our population for that extended charity and peace, that respect for British law, that attachment to British connection, which forty years of conciliation and concession, the repeal of the Penal Code, the communication of civil privilege, and the grant of pecuniary endowment for education, might naturally be expected, ere this time, to have produced; he looks in vain, and sees nothing but what tends to increase his dissatisfaction and his fears. He sees our people in too many districts acting in avowed defiance of the law, subverting the very foundations of society: and he sees them, when finally overtaken by justice, heroically ready to meet their fate, firmly convinced that they are dying in a good cause; while their associates, instead of regarding their punishment as a sacrifice to the offended laws, view it rather in the light of the ordinary operations of a cam-

paign; and while their superiors are hoping that the examples of so many executions may strike a salutary terror into the guilty, they are no less congratulating themselves that the cause has lost only so few of its supporters. Let me not be misunderstood as imputing to their clergy the origin of these evils. They are the fruits of a sad course of events in Irish history, with which, through the faults of our ancestors, the Roman Catholic religion has been inseparably interwoven. I wish to be understood to speak of the errors of the present race of our peasantry, as rather being a continuation of the habits of their fathers generated by the misgovernment and calamities of the times, and tremendously enhanced by the bad qualities of the education which they receive—a supply of moral poison, for the particulars of which I need only refer to the Reports of the Commissioners of Education. A new system, both of books and of instruction, has at length been introduced, and let us hope that the Roman Catholic clergy will be amongst the foremost to assist its operation. Upon the spirit which they manifest, its success must greatly depend. The Protestant sees further, in too many districts, an increasing proscription of himself and of his creed; he sees the Protestant tradesman systematically and simultaneously deserted by his Catholic customers; he sees the Protestant farmer menaced in his habitation, and waylaid in his journey, until he seeks his peace in emigration, or buys it by his conversion. He sees a wide-spreading system of intermarriage of Protestants and Catholics, above all things encouraged by their priesthood, ending very generally in the conversion of the husband or wife, and securing almost universally the Catholicism of the children. He sees every where, from these concurrent causes, the diminution of Protestant numbers, the increasing insecurity of Protestant property, the steady career, the unbending intolerance of Catholic aggrandisement. He looks for some practical safeguard and protection for himself, when it shall be endowed (if it shall be endowed,) with the new strength and powers which it seeks; and he is told to be of good cheer, that this all-saving security is now provided, that the influencing and directing spirit, which he considers as propelling forward all that he apprehends, is to continue exactly as it stands, uncontrolled, as unattached, as insulated, and as alienated as ever. Such, Sir, is domestic nomination:—A mere continuation of this moral and religious *imperium in imperio*, exactly as it stands. No, not exactly; we are to make this alteration in its relations to the state; we are to add energy and power to the mass upon which it acts, and to sharpen and strengthen the weapons which it wields. Sir, such an arrangement is not our security, but our danger. But the Roman Catholics declare, that this is the only basis upon which they will treat, and we are told, even by Protestants, that because we have hitherto given up one half of what was sought for, and

obtained no concession in return, that, albeit, we now reap the bitter fruits of our mistake, still we must, in consistency, give up all the remainder, just as gratuitously, and add it to what we have already thrown away. I know there are many gentlemen who wish to go into the committee on the avowed basis of domestic nomination, but hoping, when they get into it, to be able to manufacture something more effectual out of the principle of the veto. I suspect that they have conceived an exaggerated opinion of the efficacy of that measure, and have formed a most inadequate idea of the hostility with which the Catholics of Ireland at present regard every possible modification of that principle. The veto is a term well chosen for allaying what are called the prejudices of Englishmen, and persuading them that it would confer some practical influence on the Government, or afford some protection against some danger; but this is, in my mind, the whole service that this veto ever could perform, and perhaps, all that it was ever seriously expected to accomplish by those who first introduced it to the public. I scarcely ever met with an Irish Protestant who saw in it any security whatever, and for this reason—that the attachment of the great mass of the Irish Roman Catholic population, to the English laws, and their desire to maintain the political connection of the British islands, is, in his view, the only real security against an increase of Catholic power. Towards the production of these sentiments the veto would never advance a single step; it merely proposes to vest a power in the Crown, harsh and ungracious even to possess, and perfectly nugatory for any practical operation. The Government could have no previous knowledge of the individual named from amongst the ranks of a priesthood with which it has no contact, intercourse, or communication. But waving even this objection, and supposing the Government possessed of every means of information, it is the Bishop, and not the Priest, whose conduct, or whose power, or whose influence is of any real moment for him the veto would be a dead letter; once a Bishop he might well disregard it, he has done with it for ever. The moment his power of good or ill begins, any power conferred by the veto is to end. Observe also the ingenuity of the expedient which prepares the ordeal of the veto, just before, and not after, the manifestation of the conduct of the individual who is to be its object.—Of the conduct of the priest the Government can know nothing; of the Bishop, if they should know any thing to his prejudice, it will be too late. But, Sir, it is unnecessary to pursue further the discussion of the veto, because in the eyes of the Catholics it is just as objectionable, as to those of the Protestants it appears inefficacious. The Catholics meet you upon this point *in limine*. Their clergy have, within these few years, in solemn synod declared they cannot assent to it without incurring the guilt of schism; they have, at the same time,

declared their readiness to lay down their lives rather than obey any Act of Parliament that may attempt to enforce it; and they have subsequently resolved, that in the event of the Pope being induced to assent, their own superior concern for the interests of their Church would prevent their submitting to it. Even after the principles of the veto had been recognized, and the terms of it, as contained in the Relief Bill of 1813, had been specifically approved of by the rescript of the Pope's vicegerent Monsigneur Quarantotti, the resistance of the Irish clergy was in no degree diminished. The Roman Catholic Bishop of Cloyne informs his clergy, in a published letter, "that he has read the rescript, that very mischievous document, with feelings of disgust and indignation." Another Bishop declares in like manner, "that he protests against it; and that while he has breath in his body he will continue to do so." The clergy of the diocese of Dublin proclaim "their unqualified dissent from the principles which it inculcates, and which as Catholics and Irishmen they view with disgust and abhorrence." The clergy of Cork declare "that it has excited the most unprecedented alarm among their flocks; and that it tends, in their judgment, to produce incalculable mischief, if not utter ruin, to their religion in Ireland." But it is unnecessary to multiply examples in order to illustrate what no informed person will deny, the abomination in which the veto is held by the Irish Catholic ecclesiastics. The extent to which it is detested by the great mass of the laity, a very few of their aristocracy alone excepted, is equally undisputed. The public meeting at Kilkenny declared Mr. Grattan's Relief Bill to be "a penal law, a law of persecution, which, if persevered in, would shake the empire to its foundation;" and the experience of all the county meetings and all the aggregate meetings, which have since been held, proves this sentiment to be rather strengthened than diminished. The right hon. gentleman has, indeed, admitted the extreme indisposition of these petitioners to any arrangement that rests upon this basis; but he suggests that it is for this House to legislate, and for the Catholics to obey; that it is for us to do, not what we suppose to be popular, but what we feel to be right; not what is agreeable to them, but what is good for the empire, secure of giving ultimate satisfaction, whatever feelings of present discontent may be excited. Upon ordinary occasions, there is no one, Sir, more disposed than I am, to admit that such a course is best suited, both to the dignity and duty of this House, but when you come to apply this rule to the enactment of a Veto, I am afraid you will find the case to be rather an exception, and it appears to me, that this point well deserves our most serious consideration. We must ever recollect, that almost every form of security that has been proposed, and peculiarly the veto, applies to the clergy, and not to the laity. It is, indeed, the character of every arrangement that

has been suggested for Catholic Emancipation, that the concessions and privileges are exclusively for the laity; the conditions, restrictions, and regulations for their clergy.—It must, therefore, be first ascertained, that before the concessions are made to the laity, who are to receive the benefit, the clergy will afterwards fairly bear their part in performing the conditions, in consideration of which those concessions are to be granted. This must be understood as an indispensable preliminary, before we can stir a step; otherwise we might find ourselves in the distressing situation, of having given up every thing for nothing, and incurred every danger which was apprehended, without obtaining any one safeguard which had been held forth, because, when the performance of the conditions should be looked for, the clergy would plead their conscience and their religion in bar of the fulfilment. We should then have no alternative between acquiescence in their resistance, or an attempt to enforce the law by compulsion, which would instantly and inevitably assume the complexion of a religious persecution of the worst species. And this it is which distinguishes the enactment of securities, by the mere authority of Parliament, from the provisions of any ordinary statute. In common cases, the feelings of the individuals who are to be affected, may well be obliged to give way for the general good, and the common penalties of the law sufficiently provide for obedience; but, in a matter of religion, the case is different, and I can conceive no situation more embarrassing, than that of the Legislature, if, after having enacted ecclesiastical securities for the satisfaction of the Protestants, and procured their acquiescence in the measure of emancipation on the faith of Catholic performance, it should afterwards be found that the necessity of refusing compliance with the law, was become a point of religious conviction, upon the part of the clergy. Sir, it is no imaginary case that I am putting: the Irish Roman Catholic clergy never spoke out upon this subject, until a vote had actually passed this House, for going into a committee on the bill for their relief; and it is a curious fact, that the *decretum* of the Irish synod was promulgated in Dublin a day or two before the result of the first vote of the committee had arrived there. The synod must, therefore, have come to its resolution under the impression, at that time universal, that the large majority which had voted for the committee, would carry through the measure of Emancipation, upon the terms and conditions which were proposed, and the determination of the Bishops, convened in full synod, under these circumstances, was, that they could not obey such a law without incurring the guilt of schism, and that, with the blessing of God, they were ready to lay down their lives, if necessary, rather than comply with its provisions. Suppose that law had actually passed: the laity would have had every thing conceded to them, and upon the appointment of the next Roman Catholic Bishop,

when you should come to apply the boasted securities, you would have had the tender of a candidate for martyrdom, in lieu of the performance of the condition, on which alone Emancipation had been granted. And now, Sir, that we have the renewed assurance of the feeling of the clergy being unchanged, are we to repeat the former erroneous course, with this single variation, that formerly the Legislature had the excuse of being under a mistake, but that, in the second instance, we should act with our eyes open; that formerly we should, at least, have thought it practicable to obtain the performance of the compact, but that now we should know it to be impossible, except at the expense of a religious persecution. And would any one recommend the experiment of tranquillizing Ireland, by even the semblance of a religious persecution? but here, in truth, you would not have the semblance but the reality. If the clergy should be refractory for conscience sake, I ask you, what course would you adopt. What course could you adopt, but either to acquiesce in their refusal, or to attempt, by force of some kind or other, to carry the law into execution?—Permit me, however, to do the clergy justice for their candour; they have now told us fairly the course they mean to pursue. It is for us, Sir, to say, whether we shall be so mad as to give them the opportunity. I hope I have made out the proposition, that if the veto is to afford the general principle, which, in the committee, it is hoped to mould into a security, we must not rely merely on the determinations of the Legislature, but that the dispositions of the Catholic Clergy must be a very principal subject of attention. Much stress, I know, is laid upon the assertion, that the Pope is favourable to the measure. How the fact is I know not. Certainly in his letter from Genoa, of the 26th April, 1815, his impression of the nature of concession upon the veto seem to fall very short of the measure contemplated by this House; the following are his words,—“*In quibus mos est Candidatos Sanctæ Sedi commendandos designare, eorum notulam exhibeant Regiis Ministeriis, ut Gubernium si quis invidiosus aut suspectus sit eum statim indicet ut expurgatur, ita tamen ut sufficiens numerus supersit ex quo Sanctitas Sua eligere potest.*” I see here no real power even of veto: the Government are to suggest, it is the Pope who is still to judge of the weight of the objections, and these are not to be pushed too far, lest there should not be a sufficient number of individuals left for the objects of his choice. If this were to be acted on, it would be an increase rather than a diminution of the papal authority.—We should confer on him a positive privilege of choice, in lieu of the present habit of acquiescence in the customary domestic nomination. But, whatever may be the feelings of the Roman Pontiff upon the subject, one thing is certain, that when it was believed that he was in favour of arrangements, the universal voice of all those who assembled at public meet-

ings in Ireland declared, that they would shew they were Catholics, not Papists, and therefore not bound by his authority. When it was thought the Pope was of their opinion, the arrangements were treated as involving spiritual matters of high moment: when he was, on the contrary, supposed to be inclined to yield, he was represented as compromising the interests of Irish Catholicity, which he had no right to surrender; nay, the clergy have publicly resolved that, in the event of his being deceived upon this head, their superior knowledge of their interests in Ireland will not permit them to acquiesce. But, granting for a moment that the Pope and the Parliament, by a rare alliance, should overpower these difficulties, and carry the Emancipation upon the basis of a veto, let me ask, if another Pope were to arise a few years afterwards, who should perchance discover that his predecessor had been in mistake, and should inform the Catholics of Ireland that they had been perfectly right in considering the arrangements as matters of religion, is it possible to doubt, after the feelings their clergy have exhibited, that they would yield to his suggestion, and leave us to the alternative of abandoning the law, or resorting to violence, in order to enforce it? I am compelled to see in these late proceedings an additional proof that political objects, and those founded upon feelings not friendly to this country, are at the bottom with the efficient leaders of the Roman Catholics; and this inference is only strengthened by seeing that even the authority of the See of Rome has failed, (perhaps the only point on which it would encounter failure) when it has attempted to draw closer the bonds of amity between Ireland and Great Britain. When it is proposed, Sir, to go into a committee to inquire upon what terms we may safely accomplish what all admit to be a serious change in the Constitution, is it too much to require that it should previously be shewn to us, that some such terms are, in fact, within the means of attainment? We are not in a committee to search for a principle, but to modify the details of some principle previously suggested in the House. I have endeavoured to shew that none such can be found either in domestic nomination, or in the veto: and no other has been suggested. On a former occasion we were induced to go into a committee under abundant promises, that principles of security, satisfactory to all parties, would be proposed in it. The experiment was fairly tried; we went into the committee to see what could be had, and we found nothing but a veto. The mountains brought forth their mouse, an object of Protestant ridicule, and of Catholic abhorrence. It is clear to me that so long as the Catholics of Ireland continue in the feeling which has prevailed, it will be in vain to propose such terms as would make the proposition of investing them with political power, consistent with the views (I will put it on this practical ground) which have been entertained of their religion, in every part of

Europe. And this leads me to an important part of the question hitherto not discussed amongst us, I mean the nature of the securities actually resorted to in other states. It is the more important that this should be fully understood, in order, that if the time should ever come when the Catholics of Ireland shall desire to obtain their objects upon the principle of conforming to those arrangements to which the Catholics have contentedly submitted in other parts of the world, the Protestants may, on their side, be apprised of the full extent of the terms on which they may reasonably insist. It is scarcely necessary to add, that for the materials of this inquiry I am indebted to the very valuable Report of that committee of which an honourable baronet opposite to me was the chairman. Amongst the Protestant states of Europe I find but two in which Roman Catholic Bishops are permitted to exist—Prussia and Great Britain. The example of the former becomes, therefore, the more important. In Prussia the power of appointing the Catholic Bishops is generally vested directly in the Crown; where the Crown does not directly appoint, they are nominated by their chapters, but the election is subject to the approbation of the sovereign. Even in these cases, however, the patronage is substantially in the Crown: for we are informed, that “upon a see becoming vacant, a commissary is sent to the chapter, bearer to it of a letter from his Prussian Majesty, by which it is directed to proceed canonically to the election of a new Bishop, and the name of a person is stated to them; and they are informed that if it is made in his favour, it will be agreeable to his Majesty; that this recommendation is uniformly conformed to: the chapter is aware, that as his Majesty’s approbation of their choice is indispensable, the surest mode of obtaining it will be to make the election recommended: otherwise the persons successively chosen by them would be exposed to endless objections.” But this is not the extent of Catholic patronage exercised by the Protestant King of Prussia: the House will perhaps be surprised to learn, that the Minister of state names the Priests to vacant churches, the bishops having previously approved of their admission as candidates for holy orders. Nor does the system of Prussian securities end here. “No bull of the Pope can be published without being submitted to the examination of the minister of the interior, by whom it is modified so as to be conformable to the regulations of the state.” And further, “All synods within the realm, must, as well as their decrees, be sanctioned by the cognizance and approbation of the state.” Sir, I am far from thinking it necessary, or even desirable, that the King of England should possess precisely the same powers; but if the Protestants should desire that he should have some of them, or all of them, as conditions of Emancipation, I would ask what spiritual objections could make those regulations incompatible with the Catholic

religion in the Protestant kingdom of England, which are not incompatible with it in the Protestant kingdom of Prussia, and throughout the whole of its dependencies in Catholic Silesia? If there were any thing essentially incompatible with their religion in such arrangements, neither the Catholics of those countries nor the See of Rome could ever have acquiesced in them. The political inexpediency of the measure is another question, and one upon which, I suppose, that neither the authority of the Supreme Pontiff, nor of the petitioners, would govern the decision of this House; but that the absolute incompatibility of such arrangements with the tenets of their faith is a proposition which, after this example, no dictum of Pope or Propaganda can ever impose upon the mind of any being endowed with reason. Let it not be said that a sufficient excuse exists for their acquiescence in Prussia,—that a temporal stipend is in that kingdom connected with the spiritual preferment. To this I give two answers:—first, I should propose to annex a stipend as an indispensable part of any Irish arrangement:—secondly, it is clear that the mere temporal profit of the clergy in Prussia never could have induced the See of Rome to give up the power of nomination, if that nomination were a purely spiritual right. It is the very definition of simony, “*dare aliquod spirituale pro aliquo temporalis*,” a proceeding which I should be the last to charge upon the Roman Pontiff:—it is I, on the contrary, who defend him from this imputation, which gentlemen must necessarily cast on him, if they suppose him to have given up for a temporal advantage any thing that is indeed of a spiritual nature. It is plain that what he has surrendered is a mere temporal right, in consideration (if you will) of the temporal benefits conferred upon the Prussian clergy. In the same manner he might, if he pleased, agree in giving up the same powers to the Protestant clergy of this country, either as an inducement to the Legislature to confer political power on the Catholic laity, or in consideration of a stipend for their clergy, if that should appear to others, as it does to me, an indispensable condition. In case this House, Sir, should ever enter into the consideration of securities, and think such arrangements expedient, I trust we never shall endure that any thing conceded to the Protestant King of another nation shall be refused to the Monarch of these realms. I have said that I should not desire to see our King in possession of all the powers exercised by the sovereign to whom I have alluded; I beg to be permitted to explain my meaning. I should object to it as an undesirable increase of the influence of the Crown. In that feeling I should be satisfied to give up so much of the authority of the Prussian precedent as relates to the lower classes of the clergy; and, instead of their being appointed by the minister of state, I should be better pleased to see that power exercised by their own prelates. As to the selection of the latter, if it should be thought a reasonable sacrifice to any Catholic jealousy, which might possibly be entertained if the original choice of a Bishop were to rest with the Government, I, for one, should not object to entrust it in all cases to their four Archbishops, to choose the next Bishop from amongst their own priesthood; but it must be on the express condition of the Crown having the power of translating to the sees of the greatest rank, value, and importance, such of the Bishops as it should prefer. This share of patronage, this ground of assurance that the general direction of the Roman Catholic Church in Ireland should be in the hands of individuals who had proved themselves exempt from any ground of Protestant objection, I should insist upon as absolutely necessary for the State to possess; and in such an arrangement, coupled with a stipend proceeding from the exchequer, I should see far stronger grounds of hope for safety and stability, than in any securities hitherto discussed. I should also insist on the adoption of the Prussian regulations, in all their latitude, respecting communications with Rome, and respecting domestic synods. If I am asked why then will I not go into the Committee to discuss such arrangements:—my answer is, because it is impossible. Every objection which the Catholics of Ireland now feel to the veto, they would apply with tenfold exasperation to a project which they would consider as a mere purchase of the liberties of their Church: besides, it would, in my mind, be indispensably necessary that the consent, both of their clergy and of the Roman See, should be secured previous to any such discussion; and no person, I believe, will suppose that any of these parties are at present in a state of mind that would tolerate such a proposition. Permit me now to continue the view which I had commenced of the regulations adopted by the other Protestant states of Europe. In Denmark it does not appear that there is any Roman Catholic ecclesiastic of the episcopal order. The missionary priests are appointed by the bishop of Hildesheim, who exercises the delegated authority of a Vicar Apostolic, in relation to several states, in which he is not resident; in all instances, their appointments within Denmark and its dependencies are certified to the civil authorities for confirmation. In Sweden there is not any Roman Catholic Bishop, but there is one Vicar Apostolic, authorized by the diploma of the Protestant King, and exercising his functions subject to the provisions in the edict of toleration. In Holland, I should collect from the Report, that there is not any Roman Catholic Prelate; but it is required by the law of that country, “that no priest of that persuasion shall be permitted to exercise any of his functions, without being previously authorized thereto by a written act of consent and toleration; which act shall be granted in the towns by the burgo-masters, and in the country by the supreme authority of each district.” It is observable

that all regular priests, and particularly the Jesuits, are absolutely excluded from this admission. What regulations are to be adopted with respect to the provinces lately annexed to the kingdom of the Netherlands, do not appear to have been as yet settled. In the state of Hamburgh, there is not any Roman Catholic Bishop: the priests, like those in Denmark, are appointed by the Bishop of Hildesheim, but subject to the confirmation of the Senate. The government exercises the fullest authority over all publications of an ecclesiastical character, and the laws expressly prohibit all such without its previous sanction. In Saxony, the parent of the Reformation, there is not any Catholic Prelate, but there is one Vicar Apostolic; his functions seem nearly confined to acting as the Confessor of the King. On a late occasion, when it was desired by his Majesty to obtain the episcopal rank for the person who officiated in that capacity, it was necessary to resort to *Argos in partibus infidelium* in order to gratify his wishes. In Wurtemberg there is not any Roman Catholic Bishop, but there is one Vicar Apostolic; how he is appointed does not appear. Of Hanover the Report does not enable me to speak. Let us now turn to Russia, the only great State in the communion of the Greek Church;—a church more estranged from the religion of Rome than any of the western establishments founded by the Reformation. The Pope has, indeed, quite as much reason to be jealous of the hostility of the Greek Christian, as of any Lutheran or Calvinist, sharing as he does with the latter in almost every point of their difference from the doctrine of the Roman See, and having one or two others peculiar to himself. In his view, the Latin Bishop is a modern schismatic from the authority and doctrines of the primitive Eastern Apostolic Church, and I have heard more than one Greek Prelate pronounce him to be nearly as great a deceiver of mankind as Mahomet himself. And yet, Sir, we see this Latin Bishop, though still under the actual excommunication of that Church from which he has dissented, acquiescing in the Sovereign of Russia's appointing directly to the only Roman Catholic See within his dominions. I ask, are we to tolerate that a power thus recognized in the Russian Emperor, should be refused to an English King? Again let me ask, what spiritual objection can be urged?—for if it is indeed avowed that the indisposition proceeds from political motives, the Pope is the last person to whom I should attend upon the subject. I now pass to the Catholic nations, that we may inquire what regulations they have found it necessary to adopt against the authority of Rome; and here, instead of increased deference, we shall find nothing but augmented precaution. So that it may be affirmed that with scarcely an exception, there is not amongst them any state so small or so great, so near or so remote, so enlightened or so superstitious, but that it has set itself against the pretensions

of the Papal See with a jealousy at least equal to that of Protestants themselves. In Austria we find the Catholic Prelates appointed by the Emperor; in Hungary by the King, and in the latter country they act without waiting for any Roman confirmation: in Austria and Hungary the coadjutors even are appointed by the Crown. As to the communications with Rome, all ecclesiastical statutes, ordinances, bulls, and rescripts, are submitted to the Provincial Government in the first instance, and afterwards, along with an Attorney-General's opinion, laid before the Supreme Tribunal, by which "their promulgation is prohibited, when they are found to relate to objects not essential to the legitimate ends of government, or obnoxious to the interests of the state." In France the King has appointed all Archbishops and Bishops for at least three hundred years; indeed, there is reason to suppose that the right is as ancient as the French monarchy itself:—"No state maxim," says Pithou, "can induce the King of France to tolerate that a foreign power, ignorant of the true interests of the country, or whose interest may be opposite to theirs, should appoint to the prelatures. The patent of the appointed Prelates and their consecration are left to the Pope, but the choice of those who are to be consecrated is left to Kings. The right is inherent in the Crown, it is unalienable." As to the communications with Rome, a peculiar jealousy has existed in France. So late as 1768, we find the King's advocate pressing upon the Parliament, (See Report, p. 24.) the pernicious principles which the encroaching disposition of the See of Rome would cause to be disseminated, if the Parliament should not carefully examine every act derived from that source, before the publication should be recommended to the Crown." Perhaps we should have expected to discover in Spain more compliance in these matters; far from it. All Bishops in Spain are appointed by the King, who requires that the necessary bulls should be immediately transmitted by the Pope to the newly appointed prelate. The patronage of all ecclesiastical benefices appears also to have been in the Crown, until by a *concordat* in the middle of the last century, reciting the dissensions that had existed between his Majesty and the Pope, fifty-two benefices were declared to be in the gift of the latter. On the subject of communication with Rome, we find the kingdom of Spain as cautious as any of its neighbours. Every brief, bull, rescript, or pontifical letter, must be, in the first instance, transmitted to the Government for examination. Ecclesiastical persons offending against this provision lose all their temporal rights; nay even the attorneys employed are sentenced to expiate, by a ten years' imprisonment in Africa, the crime of having been concerned in such transactions. In Portugal the powers of the Roman See, both with respect to patronage and the intromission of its bulls, seem to have been matter of strenuous dispute.

The Portuguese Government, however, have never ceded to its pretensions; and so lately as 1811, we find a writer handed over to public prosecution for daring to defend them. The condemnation of this work by the royal censor of Portugal, contains language which we should not, perhaps, have expected from a Roman Catholic of that country: he speaks of "the iniquitous pretensions of the Popes to undermine the sacred authority of Kings and Bishops; and the despotism of the Roman Court, of which Portugal, France, Germany, and unhappy England more than the other powers, have complained." (Report, p. 371.) The King of the two Sicilies would not be found upon inquiry to be much more inclined to acquiesce; but I should not feel excusable if I were to trespass on the attention of the House, by a minute examination of the regulations which prevail amongst all the smaller states of the Catholic persuasion. I have already sufficiently adverted to those which are of the greatest consequence, and I shall content myself by referring to the Report itself such gentlemen as may desire further information on the subject. We have thus, Sir, looked round Europe, and seen Calvinists, and Lutherans, and Roman Catholics, and Christians of the Greek Communion, agreeing in two propositions:—first, that the patronage of the higher stations of the Catholic clergy must be vested in the state; and, secondly, that the most vigorous superintendence must be exercised over all their communications with the See of Rome. And, therefore, when the right hon. gentleman asks, whether this nation will continue to be the only great nation that shall persist in intolerance, I say, that his question rather ought to be, whether this nation will determine to be the only one in Europe which shall consent to place the Roman Catholic religion in a situation so free from all practical control, as to form a complete *imperium in imperio* within its bosom. And why, Sir, have all the European powers, and more particularly the Roman Catholic powers, felt it so necessary to guard against the introduction of the Papal bulls, purporting to expound from the highest authority the faith which they themselves profess? Because there are doctrines, peculiar to Papal Rome, insisted on in her early power and never abandoned in her extremest weakness, inconsistent with the legitimate and necessary authority of governments within their respective dominions, and therefore thus guarded against by all, or rather by all but England. These tenets of the Roman See have long been designated by the name of the Transalpine doctrine. That doctrine, on all sides, has endeavoured, with unwearied perseverance, to establish its dominion, but on all sides it has been so vigorously repelled, that at this hour there are but two spots in Europe on which it can rest its foot: and one of these spots is the Vatican, and the other is Maynooth. Whence, Sir, this singular result, that only in the centre of the

British empire has Rome been thus successful? Because all other nations have contented themselves with regulating the Roman Catholic religion, which was practicable, but we insisted on abolishing it, which was impossible. We despised regulation, and persecution produced the effects which persecution never fails to produce upon any creed of man; the more it was assailed, the more it grew and the more it flourished. That fatal policy has long ceased to exist. Let us not, however, in embracing the wiser system of toleration, neglect those precautions of which the whole world has set us the example. We have heard much of the tenets of the Catholic Church,—its councils, its dogmas, and decrees. I have never been disposed, Sir, to lay so much stress on this part of the question as appears necessary to some gentlemen. I was willing to suppose that education and the superior reason of the age in which we live, must have had their tacit influence on the Roman See; and that although a decent sense of consistency might withhold its Pontiffs from formally retracting those principles which the pride, or the power, or the ignorance of an Innocent and a Gregory had imposed upon the world, we might well compound for their becoming matters of silent omission upon their part, and of generous oblivion upon ours; but when I advert to some recent events, I am almost forced to doubt whether I have not been rather too liberal in giving them this credit. I see the order of the Jesuits restored:—after all the experience of their incompatibility with the various governments of Europe—after having been expelled even from Russia—and after having been convicted by the antipathy of the human race, (if I may use the expression), I see the present Pope of opinion that the circumstances of Europe call for the revival of their order.—I see them accordingly sent forth, and journeying after the Transalpine doctrine so congenial to their spirit, I see them following its conducting light, and departing to visit Ireland, the house over which its star has stood.—There was one circumstance more than any other which had induced me to give to the Catholic religion a credit for increased moderation. I mean its late-born toleration for the diffusion of the Sacred Scriptures.—I thanked it, if not for its co-operation, at least for its endurance of the efforts of that noble association, which, amidst all the glories of our country, will stand forth, I am convinced, in after ages, the brightest ornament of our times.—I speak of the Bible Society of Britain, whose spirit, like the angel described in the Apocalypse, is now flying through the midst of heaven,—having the everlasting gospel to preach to them that dwell upon the earth,—to every nation—and kindred,—and tongue,—and people. Alas, Sir! I give to that religion a credit which it had not deserved.—The candour and moderation which had disarmed even Portuguese and Sicilian superstition, have served but to sharpen the keen hostility of Rome. In a pontifical letter, ad-

dressed on the 29th of June last to the primate of Poland, I find the following denunciation of the Bible Society:—"We have been truly shocked at this most crafty device by which the very foundations of religion are undermined and having, because of the great importance of the subject, conferred in council with our venerable brethren, the cardinals of the holy Roman Church, we have, with the utmost care and attention, deliberated upon the measures proper to be adopted by our pontifical authority, in order to remedy and abolish this pestilence as far as possible. In the mean time we heartily congratulate you, venerable brother, and we commend you again and again in the Lord, as it is fit we should, upon the singular zeal which you have shewn under the circumstances so dangerous to Christianity, in having denounced to the Apostolic See this defilement of the faith so imminently dangerous to souls.—And although we perceive that it is not necessary to excite him to activity who is making haste, since of your own accord you have already shewn an ardent desire to detect and overthrow the impious machinations of these innovators; yet, in conformity with our office, we again and again entreat you, that whatever you can achieve by power, provide for by counsel, or effect by authority, you will daily execute with the utmost earnestness, placing yourselves as a wall for the house of Israel."—The Polish bishop, it seems, had deserved commendation, but the conduct of the Archbishop of Malines demanded a reproof.—The following are extracts from another bull, addressed to the latter prelate on the 3d September last:—"We are worn down with poignant and bitter grief at hearing of the pernicious designs not very long ago entered upon, by which the most holy books of the Bible are every where dispersed in the several vernacular tongues, and published contrary to the most wholesome rules of the Church, with new translations which are craftily perverted into bad meanings.—But we were still more deeply grieved when we read certain letters signed with the name of you, our brother, wherein you authorized and exhorted the people committed to your care, to procure for themselves modern versions of the Bible, or willingly to accept them, and carefully and attentively to peruse them.—Nothing certainly could more aggravate our grief than to behold you, who were placed to point out the ways of righteousness, become a stone of stumbling; for you ought carefully to have kept in view what our predecessors have always prescribed; namely, that if the Holy Bible in the vulgar tongue were permitted every where without discrimination, more injury than benefit would arise."—This document finally enjoins the Archbishop "to emulate the example of illustrious men which procured for them such honour, and consider how he might reprobate these his deeds by a solemn and formal retraction."—Such, Sir, are the sentiments of the See of Rome at this time; and I know not in what

they differ from those which it entertained in the first moments of the Reformation. An elaborate work, in four volumes, has lately issued from the press of this country, to which I shall now beg leave to direct your attention:—"A Defence of the *Ancient Faith*," by Dr. Gandolph. In general, I feel as strongly as any one the injustice of endeavouring to affix upon a large party the sentiments of an individual; but this "Defence of the Ancient Faith" comes attended by some circumstances, which entitle it to peculiar credit. The publication appears to have been disapproved of, and its circulation prohibited, by Dr. Poynter, the ecclesiastical superior of the author. Dr. Gandolph tells us that "to this he submitted, expecting justice at Rome." To Rome he accordingly went, "where his character carried him through every difficulty, and he returned with the approbation of his works by the proper authority, that authority without whose approbation the Pope himself cannot publish." This authority, it appears, was the Master of Sacred Theology, and the Professor of the Sacred Scriptures, at Rome. The former states, "that the author has undertaken to explain and illustrate every point of doctrine which has given rise to controversy between Catholics and Protestants; and, as far as it is possible to succeed, has rendered the articles of the Catholic faith clearer than the light." He adds, "that after rigidly examining the whole composition, he is far from discovering any thing in it contrary to the pure faith and doctrine of the Catholic Church." The approbation of the other censor is still more decisive: he states, "that the author has carried the war of controversy into the fortresses of the enemy; and in that land, once the fruitful parent of saints, has triumphantly raised the Catholic standard of victory over his discomfited and confuted opponents; and declares that multiplied editions of this work, so worthy to be cased in cedar and gold, will be highly advantageous to the Catholic Church." This work, so sanctioned, exhibits such sentiments towards Rome, such feelings towards our established church, and such hopes and predictions of its downfall, such views of the British Constitution,—as might well induce a Protestant to pause before he could admit that principles like these can safely be admitted into the guidance of our councils, and the enactment of our laws. In order fully to appreciate these principles, it would be necessary to read the whole work; but the following few extracts may, at present, serve as specimens of its spirit:—"A Catholic finds not more difficulty in assenting to any truth the Church proposes to him as an article of faith, than he would in assenting to the oral testimony of God himself."—Vol. i. p. 429. The Reformation was "the sinful deed of lust, avarice, and pride."—Vol. ii. p. 130. "An impious withdrawal from their mother church."—Vol. iv. p. 19. "Its sole object was to render religion less adverse to the corrupt inclinations

of men."—Vol. iv. p. 23. "With the exception of what the laws of decency and society require, the reformed religion has done away every species of restraint, and the human soul is left by her more completely at large in the moral than in the physical world. She is not more controlled by precept than the actions of the savage, her own will becomes the only binding law."—Vol. ii. p. 220. The errors of the Church of England are elsewhere represented "as the severest curse with which the Almighty visits the sins of the people. More mercifully does he pursue them with pestilence, fire, and sword; and yet on how many millions of our fellow-subjects does the Divine Justice thus secretly revenge itself."—Vol. i. p. 221. In the same place the Protestant Bishop of London is not very indirectly represented as "an Emissary of the Spirit of Darkness—a Disciple of the Father of lies."—*Ibid.* p. 222. The Protestant teachers are charged with "treason against God and religion, misprision of the gospel of Jesus Christ."—Vol. iv. p. 21. The English clergy are designated as "Pharisaical doctors of the reformed religion."—Vol. iv. p. 311. "Ye whitened walls (indignation boils within me, says the author, as in the breast of Saint Paul) God shall strike you."—Vol. iv. *ibid.* The temporal success of the Church of England is considered naturally enough as a grievous aggravation of its spiritual offence. "The ecclesiastical spoil has been already carried off. The reformer is elevated to those same dignities from whence he expelled the Catholic."—Vol. ii. p. 168. "Protestantism is observed occupied in enjoying the spoils, and in insulting the memory of those from whom she derived them."—Vol. iv. p. 395. Some consolation, however, may be derived from the approaching downfall of the Establishment. "The Church of England and Kirk of Scotland have not yet sunk into total oblivion beneath the weight of time, like the reformed Churches of more early date; but if we reflect upon that general cry, that the Church is in danger, which has so often been raised, and the alarm excited for their fate, we may conclude that perpetuity is not a property that belongs to them."—Vol. ii. p. 301. Our Saviour is described as viewing the English Church, after "having been once severed by the destructive hand of schism, with a hateful eye; as viewing the sickly sprouts which issue from its fallen, crushed, and broken branches; as the branch cannot bear fruit of itself unless it abide in the vine, so this shall wither, and they shall gather it up, and cast it into the fire, and it shall burn."—Vol. i. p. 369. "The French Revolution was the child of the Reformation, and the perfect copy in politics of what the other had been in religion. Similar character, similar means, similar pretexts, similar ends are discoverable in both, and both like a raging tempest shall convulse the world, and pass."—Vol. iv. p. 266. The Establishment is elsewhere represented as being now "threatened to be rased

from its foundation."—Vol. iv. p. 444. And we are then told that "the principles of Protestantism render her unequal to the contest, and she must either yield to the violence of these attacks, or again shelter herself under the immovable rock of Catholicity:—She must either resign her hierarchy, or see it again united in communion with the Catholic Church." In another part of the work we find a long and curious parallel between the authority of the Pope, and that of the King of these countries, shewing that as the principle of the King's government is strength, so that of the Pope is truth.—Vol. i. p. 410. The author's views of the British Constitution are thus expressed:—"In two points the British Constitution is absolutely defective as a government: first, inasmuch as it leaves the head of it without the power of acting for the general good without the consent of a third party. Secondly, by leaving the monarch occasionally dependent on the passions of the multitude. I have herein hinted that the monarch is likely to be the fountain of all that is good and wise, whilst the popular part of the government promotes all that is favourable to the passions.—Now, one good and virtuous monarch is capable of reforming a whole kingdom, if he have the means in his power. Every nation, therefore, would have this chance some time or other, under a regular monarchy. But a popular or representative government will infallibly pull in the opposite direction, because it will always be influenced by the baser passions."—Vol. iv. p. 230. Such, Sir, are amongst the tenets of a doctor of the nineteenth century, promulgated in the capital of the British empire, and,—in the opinion of Roman censors,—“worthy of being cased in cedar and in gold.”—But I have dwelt too long upon this topic. I know that many wish to see political power in the hands of the Catholics, from a conviction that it would naturally devolve into the hands of their aristocracy, and that they would become safer leaders of the party than those by whom it has hitherto been directed. I agree, Sir, in the opinion, that the Catholic Members of this House would, in general, be selected from the ranks of their aristocracy, and no one is more thoroughly satisfied than I am of their loyalty, moderation, and good sense; but, I totally disbelieve that they would become the efficient directors of the great Roman Catholic party—they would, I have no doubt, be permitted to lead, and be hailed even by shouts of applause, exactly so long as they would pursue the direction in which they should be driven; but if they should desire to lay aside their separate character—if they should be content to forget their distinctness as Catholics—if they should hesitate to move forward in the path of Irish Roman Catholic aggrandisement, I am persuaded that they would be denounced by their followers as worse than Orangemen themselves—and if their clergy should happen to lend themselves to the cry, I see not how these leaders could refuse to follow

the impulse they would receive. Nor is this, Sir, a mere picture of imagination:—We have seen within these few years, Lord Fingal and others of his friends, the applauded leaders of the body; but afterwards, when they ventured to express a dissent from its proceedings, we have seen them assailed by imputation, and branded as seceders and apostates—and here their leadership expired. Equally founded in reality is the possibility which I have suggested of their clergy associating themselves with the laity in the condemnation of their aristocracy under such circumstances. In the last year, when the principal persons of their laity addressed the House of Commons in a manner which in our opinions was so honourable to their moderation—their petition was, as I have said before, condemned by one Roman Catholic Archbishop from his pulpit, while the very absolution which was given to it by another, indicates still more strongly the authority which their Church assumed in the matter. The following is the acquittal of the petitioners, as published by Dr. Troy, the titular Archbishop of Dublin:—that inasmuch as the petitioners in stating their readiness to admit and conform to regulations, confine such readiness to arrangements not incompatible with the principles of their religion, as they respect its faith and discipline, he does not feel that they who have signed the petition, have merited his displeasure by so doing. Now, it was known to all mankind, that the arrangement to which the petitioners referred was really the veto, which the Roman Catholic Bishops had declared could not be submitted to without incurring the guilt of schism—it is evident, therefore, that the saving generality of their expressions in a petition to this House alone preserved them from the displeasure of their ecclesiastical superior, while the plainer declaration of what he and they equally knew to be its meaning, would have drawn down the weight of that displeasure upon their heads. The history of Ireland presents a very remarkable instance of the lay aristocracy placing themselves at the head of the Catholic party; of their strong desire to cultivate the relations of amity with England; of their incurring the displeasure of their ecclesiastical authorities; of their consequent expulsion from power, and of the final desolation of Ireland, resulting from the measures that were pursued. In the year 1642, when the Irish had succeeded in possessing themselves of the greater part of the country, a general assembly of Catholic deputies, out of all the provinces of the kingdom, was summoned to Kilkenny. The plan of its formation, and the outset of their proceedings, are so similar to those of the modern Catholic Committee, that we must suppose the framers of the latter had the council of Kilkenny in their view. Like that committee, it consisted of their temporal peers, their bishops, and lay deputies, from the counties and towns of Ireland; and, like it, they openly protested, “that

they did not mean that assembly to be a Parliament, but only a general meeting, to consult of an order for their own affairs, until his Majesty's wisdom had settled the present troubles.” The leaders of this council were the Lords Gormanstown, Taaffe, Castlehaven, Muskerry, and others, men of cultivated education, moderate talents, and a sincere disposition to make peace with England on reasonable terms, and terminate the existing disorders. When this council had concluded with the Lord-Lieutenant a cessation of hostilities for a year, in the view of accomplishing, within that period, a lasting pacification, on the basis of concession to the Catholics, their clergy endeavoured to prevent this reconciliation: overborne in the general assembly, they retired in a separate synod, and from thence declared, “that they were bound in conscience, absolutely, expressly, and clearly to set down in the treaty of peace, a special article for keeping in their hands such churches, abbeys, and monasteries, as they were then in possession of;” that is, of the Protestant churches, which, in the rebellion of the preceding year, they had taken care universally to occupy. In vain did the assembly depute their Speaker to reason with the synod, upon the consequence of clogging the treaty with a condition so impossible to be complied with. The lay assembly now came to issue with their Church, and concluded peace with England upon terms, to them sufficiently satisfactory. The progress of ecclesiastical pretension becomes not a little singular. In a new synod, the clergy proceeded to declare, that all persons who adhered to the peace, had violated their oath of association, and were guilty of perjury; they then excommunicated the Catholic commissioners who had signed the treaty, and all who were instrumental in it; and a further excommunication was fulminated against all who should receive or pay money under the orders of the Catholic council, and against all soldiers who should act under their orders. Nor was this an empty demonstration; the terror of the magistrates and the superstition of the soldiers reduced the council to sue to this assuming priesthood; but they sued in vain—the synod seized the persons of the Catholic Lords and other members of the council, and threw them into prison: they then proceeded of their mere spiritual authority to appoint a new council of ecclesiastics and laymen, upon whom they could rely, and commanded that the army should be subject to their controul. No description of the extent of their success can be more complete than that which is given by an eye-witness, the *Nuncio Rinuccini*, in his letter to the Pope:—“The clergy of Ireland,” says he, “so much despised by the Ormondists, were, in the twinkling of an eye, masters of the kingdom; soldiers, officers, and generals, strove who should fight for the clergy, drawn partly by a custom of following the strongest side, and at last the supreme council being deprived

of all authority, and confounded with amazement to see obedience denied to them, all the powers of the confederates devolved upon the clergy." Shortly afterwards, when the murder of the king and the usurpation of Cromwell had thrown the Duke of Ormond into the hands of the Catholics, and when, for their mutual defence, he himself, aided by all the nobility of their persuasion, was heading the Irish armies against the English usurper; in this critical juncture, the laity again besought their clergy to support the Lord Lieutenant, or that the whole nation would unavoidably be ruined. For this purpose a formal letter was addressed to them, their answer to which was, a solemn excommunication; whereby, as they express it, "they deliver unto Satan all that should feed, help, or adhere to the lord lieutenant by giving him any subsidy, contribution, or intelligence, or by obeying any of his commands." The immediate effect of this their reply was, to paralyze all resistance to Cromwell's invading armies, and to let in that full tide of desolation which overwhelmed them and their flocks in one common ruin. Sir, it is impossible to deny that, from the period of the Reformation until the middle of the last century, the melancholy history of Ireland exhibits two great parties. Every thing British, and every thing Protestant, constituting the one; every thing Irish, and every thing Catholic, included in the other; and the possession of the land the prize of combat between both. Hence arose the policy of England, to support what was called the Protestant ascendancy, as being, in fact, her tenure of the country. Hence also the penal code—hence (what ought not to be confounded with it) the exclusion of Catholics from political power. During the last forty years a new system has been adopted, more suited to the spirit of our times and to the better feelings of mankind. In abandoning the former policy, a very fatal error would, however, be committed if this country should be led so far into the opposite extreme as to neglect the security, the maintenance, and, I will say, the encouragement of the Protestants of Ireland. I fear, Sir, that it is the more necessary to press this topic upon your attention, because I think I perceive a feeling in the minds of some persons in this country, that, as the Protestants have hitherto been too much favoured, so that for the future they should be positively repressed. I perceive also appearances in Ireland, too plainly indicating that equality is not the final term of attainment, but that ascendancy is an object not altogether out of Catholic contemplation. Hence the disposition to magnify their strength; hence, in the formal statement of their grievances we are told "that in numbers they are prodigiously increased, and are continually increasing beyond example in any other country. Already they compose the far greater part of the trading and manufacturing interests. The agricultural class, so powerful and influential

throughout Ireland, is almost universally Catholic. They occupy the most valuable positions, whether for commercial or for military purposes; the boldest coasts, most navigable rivers, and most tenable passes, the most fertile districts, the richest supplies of forage, the readiest means of attack or defence." They go on to tell you that "numerically the Catholics constitute full five-sixths parts of the Irish population; that compared with the members of the established Church they are in proportion of at least ten to one—a proportion, be it observed, rapidly advancing of late years. In every city, town, and village, their numbers more or less preponderate. The open country is in their almost exclusive occupation. The gross population of Ireland at this day, is moderately estimated by the most competent judges at five millions of inhabitants. Of this number we may, without exaggeration, state the Catholics as amounting to four millions two hundred thousand; that is, equal to one-half of the united population of England and Wales. In fine, the Catholics are emphatically the people of Ireland." Such, Sir, is the Catholic declaration. I quote from their statement of the Penal Laws. In the same manner the numbers of the Protestants are depreciated in every publication, and at every meeting. What is of yet more importance, it is sought to give them a bad name—it is sought by every effort to impress upon this country that they are the oppressors of their peaceable and suffering countrymen. Feeling, Sir, as I do, of the utmost moment that the House should be enabled rightly to estimate the Protestant character in Ireland, may I beg your attention to the history of our origin, as well as to our actual situation? When gentlemen are told that one-fourth of our population is Protestant, it may possibly occur to them, that the Reformation proceeded in Ireland in the same manner as amongst other nations, that it made a certain progress amongst the people, and then was arrested. Nothing can be more different from the fact. The Reformation never made any progress amongst the native inhabitants of Ireland. If you were to look merely to the Irish Statute Book in the reigns of Henry VIII. and Elizabeth, you might indeed suppose that the separation of Ireland from the church of Rome proceeded *pari passu* with that of England. But during the reign of Henry, the reality of the English sway extended but a few miles from Dublin. "His Highness's rebels," as they are emphatically called in the parliamentary language of the day, were in the undisturbed possession of almost the whole island, and it was to them a matter of the utmost indifference what laws a parliament in Dublin might think proper to enact. The generals of Elizabeth cared but little for conversion, and the campaigns by which they effected the final subjugation of the people were not of a character to soften their feelings of hatred for the English invaders. Their conquest was completed with-

out the Reformation having advanced a single step; no ray of that illumination, which in this country prepared the minds of men for its reception, had penetrated the thick darkness in which Ireland was buried, and it still remains for us to inquire who and from whence are the Protestants of Ireland. Elizabeth had frequently inflicted the forfeiture of land as the punishment of broken faith; but she changed only the proprietors, not the people—the condition of the country was nothing altered. It was James who conceived the project of changing the population of a great part of the island, and of introducing a new race of men, who, from religion and their race, and the continual necessity of self-preservation, should for ever be attached to the interests of England. The rebellion of Tyrone had furnished an excuse for considering the province of Ulster as forfeited to the Crown, and James proceeded to fill it with English and Scotch undertakers. It was an age of foreign adventure—the establishment of colonies was peculiarly the fashion of the day, and thousands who would otherwise have emigrated to the rising settlements of America, preferred the less remote plantation which was thus offered. In a little time the northern province assumed a new aspect—the settlers imported with them the habits of previous civilization. The Irish tenures of tenancy at will, aggravated by being also a tenancy in common, containing in themselves a perfect antidote to improvement, were laid aside. Freehold leases, farm-houses, law and industry, were every where introduced, and Ulster speedily presented a picture of the results of human labour. James was pleased with his success, and he was proceeding in the same manner in Longford, Westmeath, the King's and Queen's Counties, parts of Wicklow, Wexford, and Sligo, when death terminated his designs. These are the districts which, notwithstanding the wars and massacres that succeeded, have from thenceforth continued the seats of Protestantism in Ireland. James did not intend to drive out the ancient inhabitants altogether. On the contrary he allowed them a certain portion of the land for their future habitation. It must, however, be acknowledged, that the measures were the conquerors themselves—that the sword was thrown into the scale, and that the colonists took for themselves whatever was arable, plain, or fertile, and allotted to the Irish their share almost exclusively in the mountains. The diminished numbers of the natives, reduced by their unparalleled losses during the campaigns of Lord Mountjoy, and by the dreadful famine which succeeded, opposed no further resistance to these unwelcome intruders. They accordingly retired to the mountains which were assigned to them; but they regarded the heretical robbers with abhorrence, and held themselves in readiness for exacting a bloody retribution. In 1641 they did exact it. The population of the Protestants in their fertile plains naturally increased with rapi-

dity, whilst that of the Catholics in the mountains as necessarily diminished: hence are we to account for the great majority of the former at this day in the northern province; a proportion in several places so great, that I could name extensive tracts in which there is scarcely a Catholic to be found. The line between the two nations has, in later times, become less defined—many Roman Catholics have descended into the plains, principally to become labourers to the Protestants, and a few Protestants have ascended into the mountains on agricultural or commercial speculations; but it is nevertheless true, speaking generally, that in the province of Ulster, and more or less in the other counties which I have specified, the Protestant holds the plains—the mountains are inhabited by Catholics—and the two parties are, in all the essentials which constitute the character of a people, still distinct. The character of this Protestant yeomanry is peculiar and striking; with very little resemblance to that of their Catholic neighbours; and yet not very like the nation from which they are derived; if I might venture to express an opinion, perhaps too partial on this subject, I should say they had improved by transplantation, and that no part of these islands can produce a more industrious or a more generous—a more intelligent and loyal population. The casual observer can easily distinguish these districts from those of the west and south by their superior improvement. Let not this, however, be too hastily assumed as a circumstance of disparagement to the latter. The northern districts have had all the advantage of the skill and knowledge of the early settlers, and, what is of more consequence, were afterwards, by the religion of their cultivators, exempted from the barbarising operation of the Penal Code. It is a part of the system to endeavour to bring these people into discredit, to represent them as an Orange faction, as men leagued for unconstitutional purposes, and thirsting for the blood of their Catholic fellow-subjects. I deeply regret that we should have any distinctions of this nature; I wish we had neither Orangemen nor Ribbonmen. But after expressing my regrets at their existence, and my hopes that their own good sense will finally extinguish them, I cannot therefore acquiesce in the unbounded misrepresentation that daily takes place upon this subject. The spirit of the Northern Protestants, for a great number of years, has appeared to me almost entirely defensive. I can speak on this point from some opportunities of observation, from a long knowledge of the districts to which such feelings are principally attributed; and I can declare that among the very numerous trials which the unfortunate feuds of Protestants and Catholics have brought under my view, I can recollect but a single instance in which the Protestants were the aggressors. Such infinite misrepresentation has prevailed upon this point, that I hope I shall be permitted to describe the true nature of these unfortunate

disensions. Ever since the battle of the Boyne, this Protestant population has been in the habit of its annual commemoration. Their fore-fathers, who were contemporaries with that event, saw in it the confirmation of the titles to two-thirds of the property of Ireland, which the Catholic Parliament had confiscated; they saw in it the reversal of the attainder of two thousand five hundred Protestants, which that Parliament had inflicted; and they saw in it their own preservation from a renewal of the scenes of 1641, of which their province had been the theatre, and which many of them were old enough than to recollect as eye-witnesses. It was, in their opinion, a day much to be remembered; and on that day in each succeeding year almost the whole Protestant population assembles in solemn processions, unarmed in every instance that I have known. We must all be aware how easily a pageant of this nature is continued, and with what difficulty laid aside. Of late years these exhibitions are considered as studied insults by the Catholics. The Protestants, repairing unarmed to the places of assemblage, are attacked by superior numbers—they take refuge in a house—they find arms there: the house is attacked, and shots are fired from within. On some occasions the Protestants, rescued by their friends, have sallied forth and retaliated severely on the assailants. Lives have thus been lost, and houses burnt. This is a shocking state of society: it is right, however, that the blame should duly be apportioned. At the next assizes the Catholics are indicted for the riot, and necessarily found guilty of the misdemeanor; the Protestants are prosecuted capitally, and it is in vain to expect that any juries will condemn to death, when it appears that they were previously attacked. I am sure, Sir, that it is the common feeling of every one whom I address to wish that the good sense of the Protestants should voluntarily discontinue processions and distinctions, which, however harmless in their intention, produce so much practical offence; but I trust that, on the other hand, no misrepresentation of their consequences will lead this House into the dangerous mistake of considering the Protestants of Ireland in any other light than as the surest stay of British power—the firmest bond of the connection of the British islands in all time, past, present, and to come. To preserve this connection through the medium of Catholic sentiment, rather than of Protestant preponderance, has been the generous aim of British policy now for nearly forty years. Within that time the Penal Code has been abolished, and the enjoyment of every civil privilege has been communicated. If there are any Protestants who regret it, never will I share in their feelings. To this, however, has been added the elective franchise—a great practical participation in political power; and it is now proposed to complete the experiment, and effect a vast change in the Constitution. An intimate union between the Established Church

and the Civil Administration has since the Revolution been considered as one of its essential principles. We are now desired to abandon that mistaken doctrine, and to view an accordance with our religious establishment as no longer a necessary qualification for administering the government; we are henceforward rather to consider our ecclesiastical establishment as a list of pensions; to reduce the United Church of England and Ireland to the mere rank of a more favoured priesthood. All this may accord with the practical indifference to matters of religion, which prevails in some other nations, but it has not hitherto been the British Constitution. We are invited, Sir, to make this trial in the hope that ambition will be disarmed, in proportion as power is brought within its reach—that desire will be repressed by the nearer prospect of enjoyment—and that peace and good-will will be established in Ireland by undaunted perseverance in a course, which, so far as it has been hitherto pursued, has produced the contrary results. We are invited to put our trust in the abstract gratitude of great multitudes, but to neglect the conciliation of the interests of the ecclesiastical community from which their impulse is derived. We are told that to bind that community in any manner to the maintenance of the new order of things, by any of the motives of human conduct, would be a most unstatesmanlike proceeding; but that for our safety we may adopt the happier expedients of insulting its members by the tender of degrading oaths, or irritating them by a peevish opposition to their appointments; or we may look on at the domestic process of their assigning to each other their several ranks and stations. These, Sir, are the securities which are offered. For me they are not sufficient, and I enter my protest against them.

Mr. C. Yorke was anxious to deliver his sentiments again on this question, and to state the impressions now made on his mind. His view of the subject lay in a narrow compass. The time was now arrived for an absolute decision of the House. The present circumstances of the country pressed upon them to put an end to it, one way or other. Every one should now be ready to give his verdict. His own, being a kind of special verdict, might not meet the ideas of many. He had always felt the greatest difficulty as to the foreign jurisdiction, and nothing could make him give way without a proper security for our national church. On former occasions, when this question was agitated, we were at war, and almost all Europe was under the power of France, who had made the Pope her prisoner. He saw then no probability of coming to any practical understanding with his Holiness; therefore he had always opposed going into a committee. He had, however, no wish to negotiate with the See of Rome, as we were not bound to apply to it. The true way of proceeding might be for Parliament, in its own wisdom, to decide without

any reference to papal authority, which, he believed, was not founded in history, in religion, or in reason; (*hear*), but he perceived that it was impossible to treat satisfactorily with the Catholics, without the intervention of the Pope. We knew that, on other occasions, we were told they acquiesced; but then they found that they could not take the oath, and the *regium placitum* was objected to. The Pope was now re-established in his independence; and, therefore, we could enter into a negotiation with him. This circumstance certainly placed the petitions in a more favourable light. He hoped to hear distinctly what was meant by domestic nomination. As to the oath of 1813, if the Pope regularly sanctioned it, he should so far be satisfied. He had never insisted on a veto, in the way that plan was sometimes described, but only for some means by which the Irish bishops could be taken from the mercy, and sole jurisdiction, and authority of the Pope. If that could be satisfactorily done, the mode of doing it did not appear so material. He had before said he was surprised that the Irish Catholics did not take the nomination on themselves, through their chapters and bishops. He had thought that no reasonable Catholic in Ireland could have objected to that: but it was necessary that such a nomination should be purely national, and that the electors should swear to appoint persons of good character, proper qualifications, and loyal principles. It should be a fair though not a numerous body of electors, and the mode should be regulated by the act. If the consecration by the Pope was necessary, the Pope should bind himself to institute the person so elected: and he thought that his Holiness should agree to give authority in such cases to the four titular archbishops. He could see no more objection to this mode, than, as he understood, there was in the kirk of Scotland, where the clergyman was always chosen who was regularly presented by the patron. The petitioners took no notice of the *regium placitum*, or the right of inspecting bulls and other communications from Rome. He hoped, however, that they would not object to that power, which, to him, appeared to be indispensable. But two points were to be considered—what was our security that a negotiation would be carried on in a direct manner, and, then, what probability could we entertain of its final success? He hoped the measure of emancipation would not be attempted to be carried into effect on our part, till we had the sanction of the see of Rome to the acceptance of concessions on the part of our Catholic brethren. He would not proceed one step in definitive legislation till this point was gained. We should first know whether the Pope wished to negotiate, and on what conditions, before we offered rights or privileges, and upon the issue of his declaration should depend our passing of a bill. A clause might be introduced empowering his Majesty's Government to enter

into treaty with the see of Rome, and placing the whole measure on the footing, that none of its provisions should take effect, except in the event of an authentic ratification by the Pope of that part of it which depended upon him to allow the Church, of which he was the spiritual head, to accept or reject. There appeared to him no difficulty in such a negotiation, nor any danger in entering upon it. The commencement of the operation of the bill would thus be simultaneous with the promulgation of the Pope's accession to its conditions. On these principles, he should be satisfied to go into a committee; but if a bill was to be the consequence of such a proceeding, he would not pledge himself to support all its provisions. He would go as far as he in prudence and conscience could go—he would not stand upon trifles—he would not resist important concessions; but still his assent would have its limits. He was willing to allow the eligibility of the petitioners to almost all offices, but he would fairly state at once, that he should have a difficulty in admitting them to seats in Parliament, and into the high efficient offices of the Crown. (*Hear, hear.*) The number of offices which he should be willing to give, or disposed to withhold, would depend upon the securities to be rendered, or the degree of danger to be apprehended. If there was little or no danger, there should be few or no restrictions. He felt it difficult to say how many offices should be refused. If the Catholics of Ireland were like the Catholics of other enlightened kingdoms, his scruples would be very much lessened, or even entirely removed; but although he regretted to state, he would not shrink from stating, that the Roman Catholics of Ireland were the most bigotted in Europe. In France and Germany the Catholics were three centuries in advance of those of Ireland, with regard to liberality and moderation. To bring the points of comparison nearer home, he would say, that the Irish Catholics were behind their brethren on this side of the water. He should be understood only as speaking of those of a certain rank and of certain prejudices. Were all the Catholics like the Shrewsburies, the Cliffords, and the Howards, on this side of the Channel, and the Barnwells, and Plunketts, on the other, he should have no difficulty, and would desire few restrictions. The propriety of enacting these restrictions in detail would depend much on the opinions that might be expressed by the members from Ireland. He was satisfied that men of property, men of character, men of rank, influence, and information on the temper of the Catholics, and men having a deep interest in the question of their being admitted to all the privileges of the constitution, would not lend themselves to support measures of concession if they conceived them to be dangerous (*hear, hear*); and that they would see them to be dangerous, if they really were so. But whatever might be the ultimate difference of opinions,

it was obvious that this was the proper time to take the subject into consideration. We were now at peace with all the world; we had attained a great and a secure eminence among the nations of Europe; we had overturned the throne of the most inveterate enemy of this country, who endeavoured to find an ally in the discontents of our own subjects; no danger threatened us from without, and we should therefore prevent, by liberality and conciliation, those dangers which might arise from impolitic restrictions at home. He should, therefore, vote for going into the committee, and would agree to a bill, to be sanctioned and ratified by the see of Rome. Such a measure, he was persuaded, would do no harm; and while it brought all the inhabitants of the United Kingdom to a proper understanding with each other, would, he trusted, be so formed, as to allay all heart-burnings, and admit every one to taste the benefits of our unrivalled constitution. We had attained high and distinguished success in our late contests, which threatened our existence as an independent people; but we were no sooner out of one difficulty than another met us, for which, to ensure our security and glory, a new remedy must be provided. "*Nulla magna civitas diu quiescere potest. Si foris hostem non habet, domi invenit: ut prævalida corpora ab externis causis tuta videntur, sed suis ipsa viribus onerantur.*"*

—In order to prevent any decay, and to secure our internal stability, we should endeavour to conciliate our fellow subjects, and to allay all political animosities. He did not believe that concession, however far carried, or however much restricted, would please every body, or satisfy the wishes of all parties. He could not even hope that what he had said would meet with the views of either side of the House; but he was inclined to press upon Parliament to take the subject into earnest consideration, to decide upon what was just and proper, and to leave the result to Providence. (*Hear, hear.*)

Sir J. C. Hippisley took a view of the facts recorded in the Report relative to the regulation of Roman Catholics in foreign states, and observed, that great pains had been employed out of doors to weaken its authority, and to make it appear a garbled selection, compiled to attain a particular object. The Vicar Apostolic of the middle district (Dr. Milner) had thought proper to attribute that Report wholly to him, in which he had been followed by Mr. Lingard, a clergyman of the Roman communion; both of whom had contended that the Government had no right to interfere with four millions of its subjects. Mr. Lingard, however, who now opposed the veto, had once stated, that it was perfectly consonant with his views, and that he had drawn up a plan of nomination, subject to the control of the Crown, to which, in his judgment, no Catholic could have objected. Having dwelt at some length on these glaring

inconsistencies, and their injurious effects upon the cause of the petitioners, the hon. baronet remarked on the many anomalies that existed in the present system, such as the admissibility of Irish Catholics to offices from which English Catholics were excluded, and the total exemption of Scotch Catholics from any disabilities whatever. (*Hear.*) These points, he thought, required investigation, and a committee alone could adjust them. He was sincerely disposed to alleviate the condition of the Roman Catholics of Ireland, but he should insist upon the strongest guards and securities for the establishment.

Sir H. Parnell rose to answer some parts of the hon. gentleman's speech, who spoke from the second bench opposite, (Mr. Foster,) and to satisfy some of the scruples of the right hon. gentleman (Mr. Yorke), who spoke afterwards. The speech which the latter right hon. member had delivered gave him great satisfaction, from its candour and conciliatory temper. With regard to domestic nomination, he would shew that the right hon. gentleman (Mr. Foster) was mistaken, and that the right hon. gentleman (Mr. Yorke) ought to be satisfied. It would give, he was convinced, security to Protestant interests, and should allay the alarms of Protestant apprehensions. It had been stated that it was the practice for each bishop to elect his coadjutor, who was to be his successor. No such practice existed. When a bishop, from age or infirmities, was unable to discharge, to the full extent, the duties of his office, and to superintend the direction of his diocese, he had it in his power to name an assistant; but this was not resorted to except in cases of necessity, nor was it at all general. There were only three coadjutors of bishops at present in the whole of Ireland, and these had been elected because the painful and laborious duties of the episcopal office could not be performed without them. He would state the practice usually followed in filling up a see on the occurrence of a vacancy. It was common on such occasions for the bishops of a province to assemble, and to consult the opinions of the clergy of the vacant diocese with respect to a successor. They named three individuals whose qualifications they thought sufficient for the office, and whose life, opinions, and temper, entitled them to such a distinction; and those three names being transmitted to the Pope, his Holiness generally fixed upon the first in the list. He did so, however, not as a thing to which he was bound, but as an act of voluntary courtesy—not as a duty, but as an act of discretion. Some people expressed great objections against this power in theory; but no practical evil had resulted from it. For the last century, the nomination of bishops had been free from improper influence, and productive of no mischievous effects. But as evil consequences were apprehended, and as there was no security that a foreigner should not be elected, or a canonical institution to a native refused, with even a

* Hannibal apud Karthaginienses. Liv. lib. 30. c. 44.

keeping of the see vacant, domestic nomination by a fair body of electors was now proposed; and the petitioners expressed their belief that a *concordatum* could be obtained from the Pope to grant institution to no one not elected at home. This would remove foreign influence in the appointment of bishops in future; this was as much as the right hon. gentleman (Mr. Yorke) expected on this point; and with this, he hoped, he would be satisfied. In this respect, then, he might call the measure, in opposition to what had been said by an hon. gentleman (Mr. Foster), a new one. The Catholic bishops went further, and tendered an arrangement which, he thought, would be satisfactory to all parties. They agreed, that no person should exercise the office of a bishop who was not a native, and that no person should be elected to that office who was not of peaceable disposition and loyal principles. In addition to this, they agreed to take an oath (to be inserted in the bill) "to defend to the utmost of their power, the settlement of property in Ireland, as now fixed by the laws; that they would be loyal subjects; that they would not attempt either by open force, or secret fraud, to subvert the establishment in Church or State, and that if they knew or heard of any conspiracy or contrivance to do the same, they would immediately disclose it to his Majesty's Government." This was the oath which they were willing to take; and they trusted it would be considered a sufficient security. With respect to the details of the bill, he would not now enter into them, as the committee would be the fitter place. The Catholics would submit to any regulations that the House should order, which might not be inconsistent with their substantial claims. A right hon. gentleman (Mr. Foster) had required some tangible proposition before they entered into the committee, and what he now stated, would, he hoped, be considered as such. In tendering domestic nomination, they had acquired a claim to the vote of the right hon. gentleman for a committee. He did not believe that the committee could be refused, as he had heard no reasonable objection against it; and he trusted that the House would see that the time had now come for a deliberate consideration of the question, and for settling the points which were necessary to give satisfaction to all parties. (*Hear.*)

Mr. Webber said, no qualifications, no system of arrangements that have been or could be devised, could, in his view of the question, in the least remove or mitigate the enormous mischiefs which must attend the success of the proposed measure. He therefore had little to say on the subject of those arrangements. The veto would be the deliberate and express admission of the exercise of Papal power within this great and hitherto independent empire. It would be the admission of that power in the very instance in which it had been resisted, even when the Roman Catholic was the established religion; and in direct contravention to the statutes of

provisors and *præmunire* which still remain the forgotten or insulted laws of the land. Domestic nomination was as objectionable in principle, and more objectionable and dangerous in practice. It would establish a numerous corporation spread over the country, possessing extensive powers, still more extensive influence, independent of and unconnected with the constituted powers of the state, necessarily dissatisfied unless the church establishment were to be conceded, and therefore under a permanent principle of sympathy with the discontented and disaffected.—That an extension of privileges had been sought with eagerness, with an unremitting importunity, which never before attended the constitutional pursuit of any other public object, he was willing to overlook or excuse. If intemperance or clamour had proceeded to menacing and insulting demand, it was not with the Roman Catholics that the disposition of so treating the question originated. It had been suggested by the wild declamations of unprincipled or inconsiderate partizans, and the misrepresentations of what persons of deserved weight and authority had said in their behalf. Hence the fallacious misapplication of terms, which, in violation of every degree of truth and candour, had now got into established use in speaking of this question. Toleration, religious liberty, were said to be violated by withholding political power—as if those terms were not applicable only to the freedom of religious faith, and the exercise of religious worship. But these abuses of terms were trifling and venial, compared with that by which this measure had been artfully and delusively designated. The term *emancipation*, in the outset, suggested a prejudice, and summoned our best feelings to its support; it assumed the fact of a pre-existent state of slavery, from which to be emancipated. This term, familiarly adopted by their Protestant advocates, had encouraged them to believe that such really was their unmerited condition. His right hon. and learned friend, the representative of the University of Dublin, was actually reported as having so spoken of their condition in debate—as representing them as standing in chains behind the backs of their Protestant fellow subjects. He would state the words of that most able and zealous advocate of their claims, as acknowledged by himself. "They are not slaves, as some of their absurd advocates call them, but free men, possessing substantially the same political rights with their Protestant brethren, and with all the other subjects of the empire—that is, possessed of all the advantages derived from the best laws, administered in the best manner, of the most free and most highly civilized country in the world." This was the condition of Roman Catholics under this Protestant government, with the addition not only of the most perfect toleration of their religion, but having an exclusive seminary for the education of the clergy, supported at a great public expense. Did Roman

Catholics in Catholic states so treat or so tolerate Protestants? Some degree of toleration, but none of maintenance, had been admitted in revolutionized France, and in part of the Austrian dominions. It had been made a basis in the new constitution of the lately established kingdom of the Netherlands. But wherever it had been in any degree admitted, Papal censure had followed, and condemned and remonstrated—asserting and denouncing that fundamental principle of intolerance from which all their persecutions have arisen—"that out of the pale of their church salvation cannot be found." See the late Papal rescript, respecting permission of the use of the Holy Scriptures in Poland, and the inveterate opposition which in these kingdoms—even in this metropolis—they give to all schools where under any modification, it is permitted. Such was their notion, and such their principle of toleration!—Such their construction of the toleration they claimed, and of the toleration they admitted. That which they claimed, included political power in its fullest extent: that which they admitted, excluded even the use of the Holy Scriptures. Candour, therefore, must allow that this was not a question of toleration or religious liberty, or a cause of emancipation. When the penal code existed, there might have been some pretence for the constructive application of that term. But that code had now no existence. It was enacted mostly in the 2d and 8th of Ann, and was finally repealed in 1793. Its name and the memory of its severities only had remained. The former for misapplication to the disqualifying statutes which were completed and made fundamental of our Constitution at the time of the Revolution. The latter to excite a false feeling, and to preserve and transmit hostility and vindictive resentment against the descendants of those who enacted them; who found them—as far as their agency was required, did not execute them, and finally repealed them with acclamation. No person who heard him, had felt more objection to their principle, or more regrets that under any provocation or excuse they were adopted. But he could do so without falling into the unjust and vulgar error of unqualified condemnation of our forefathers, without taking into consideration the provocations under which they acted respecting themselves, and the motives which actuated them for the security of their descendants.—[The hon. member then took a view of the rise and progress of the Popish religion and power, and having enumerated the several statutes passed against the Roman Catholics to the period of the Revolution, he observed, that it had been formerly argued, and very much at length, that the whole of that constitutional settlement was embodied in the Bill of Rights and the Act of Settlement, and much erroneous argument had been built on this strange error.] The Bill of Rights, indeed, was the head and principle of the different acts which, between the first of William and Mary, and the Act of Settlement of the Crown,

the 12th and 13th of William, formed together the system and body of this great fundamental settlement; and Mr. Burke, speaking of that act as the representative of the whole, calls it "the corner-stone of our Constitution, as at that time declared, explained, and in its fundamental principles for ever settled." We were now called on to take down this corner-stone, to unsettle that which he had declared to have been for ever settled. But it had been delusively, and strongly and triumphantly argued, that because the Bill of Rights only provides for one part of the exclusion which the whole of these statutes embrace, that therefore no more was intended at that time than providing for the Crown being Protestant; and that the other exclusions, represented as resting solely on the statutes existing before the Revolution, were little adverted to, and manifestly left for revision to future legislatures. So persons of high authority in both Houses were represented to have distinctly asserted and argued. Was it not monstrous, that such persons should so shut their eyes against what appeared so open before them, lying together within a few pages of the statute book! The statute of 1st William and Mary, chapter 1, which recognizes the convention as a parliament, repeals the statute of 30th of Charles II. as far as relates to members of either House taking the oath of supremacy and allegiance, and substitutes other oaths in their place; and the 4th section of that act directs them to be taken, and the declaration against Popery, as set forth in the 30th Charles I. to be made with like formalities by the members of both Houses of Parliament. So that, were the exclusionary statutes antecedent to the Revolution all repealed, the exclusion from the legislature would remain in full force under this first statute of that great era. The 1st of William, chapter 5, sets forth and directs the coronation oath, and enjoins the declaration against Popery to be made at the same time. Chapter the 8th again recognizes the declaration, and directs it to be made by all persons in office, ecclesiastical persons, and naval and military officers. So far, therefore, it is provided that the Legislature, the Crown, and the Government, and all its subordinate instrumentality shall be exclusively Protestant. But, to shew how decided was this intention and determination, they proceed and endeavour not only to exclude Popery from office and trust, but even to expel it from the land: for chapter 15, empowers justices to tender the oaths and declaration to all Papists. All this, independent of the Bill of Rights, or the key-stone of them all, which, commencing with the recital,—"That whereas the late King James II. by the assistance of divers evil counsellors, &c. did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of the kingdom"—afterwards makes a strict limitation of the Crown, debarring all Papists, or persons marrying Papists, from succession to it, and provides that every king and queen shall take

the declaration against Popery as contained in the 30th of Charles II. Thus, this great exclusionary statute of 30th Charles II. which it had suited the purpose of some eminent persons to treat so lightly, and to represent as so considered by the framers of the Bill of Rights, was deliberately adopted and incorporated by them into every one of those five enactments, which, clustering round the Bill of Rights, with the Act of Settlement, form the code of our great constitutional charter—and altogether, with decisive and emphatic solemnity, pronounce—that the Government shall be Protestant,—the Legislature shall be Protestant, and the King shall be Protestant. That was the Constitution which Mr. Burke said “was declared, explained, and improved, and in its fundamental principle for ever settled.” It was, therefore, finally established, as a matter never to be infringed on, that the Roman Catholics should be excluded from all power in this country. He admitted that there were in all ranks great worth and merit; he admitted this respecting the Roman Catholics. It was his object to support, as far as in his power, whatever rewarded their merit; but it was an object of still greater moment to protect the constitution of the country from violation. He admitted that their zeal and benevolence were very great; but from their very zeal and benevolence was the danger to be apprehended. Popery was not a dominion of a temporal nature: it brought the minds and the actions of men into a state of subserviency that was quite unknown in any other kind of government. The sacraments and rites of this religion violated every principle of reason and every dictate of humanity. Marriage was formed and dissolved in a peculiar and cruel manner. When it was dissolved, it was declared to have been void *ab initio*. It prohibited marriage to the seventh degree of affinity; and for a marriage of this degree a poor unfortunate woman, to his knowledge, was deprived of her husband. This couple were living happily together, and had three children. The man had been married again, and the woman had been turned out on the world—herself a virtuous wife without a husband—her children, though born in wedlock, bastards, and without a father. One might suppose this a solitary case, and the arbitrary act of an unfeeling and tyrannical churchman; on the contrary, he knew him and his parochial conduct before he was a bishop—and he knew not of any church a better or more humane man, or a more pious and zealous clergyman. The great and decisive objection to granting power to the Roman Catholics was their doctrine of exclusive salvation. This doctrine was most firmly believed by the most benevolent of them. All the horrors of Mary’s reign were prompted and sanctioned by men of the greatest piety and benevolence. Exclusive salvation hardened the feelings and deluded their minds, so that they were not influenced by morality or piety. They had morality and piety; but in acting upon their exclusive

principles they forgot both. That this was a tenet of their religion was incontrovertible. It was avowed by Dr. Troy and Dr. Milner; and in the publication quoted by the right hon. gentleman (Mr. Foster), those doctrines were all recognized in their utmost extent.—He then read from a publication in 1809, by Delahogue, professor of theology at Maynooth, that exclusive salvation belonged to the Roman Catholics; and that Protestants were particularly excluded, because they had originally been Roman Catholics. The tract was entitled, *De Ecclesia Christi*, and was a class-book at Maynooth College. This point, whether the doctrines were right or wrong, was of the utmost importance in the present question. It proved the danger of admitting men believing such a doctrine to a participation of a Protestant government.—He mentioned the case of Lord Bristol, in the time of Charles II. In a debate in the House of Lords, that eminent and conscientious man stated the opposite and conflicting principles under which he was placed. He admitted that his sense of duty as a peer of Parliament, called on him to vote for the measure, but that his sense of religious obligation called on him to oppose it. And what did he do? He abided by his religious obligation. He could not have acted otherwise; and hence Mr. Locke, in his Essay on Toleration, was for excluding the Roman Catholics from all toleration. God forbid that he should go so far; he would tolerate intolerance, but he would not give power to intolerance. (*Hear, hear.*) The Roman Catholic religion was a superstition that had desolated the world, and deformed Christianity; and would they give power to what had done so much mischief in the world? What was the history of this superstition? For nearly three centuries the most powerful princes of this country exerted their civil authority in vain against the Papal power. It entailed discord at home, and degradation abroad. At length it was excluded from all power; and the consequence was, a period of science, and wisdom, and happiness, beyond the most sanguine expectations. From this era we enjoyed peace at home and glory abroad.—The next subject to which he would advert was the coronation oath. It contained these words, “That I will uphold and maintain”—not the Church, but—“the Protestant reformed religion.” He would appeal to any man whether the King, by exposing the Protestant reformed religion to danger, acted according to his oath. The Roman Catholics were, from conscience, hostile to the Protestant religion; and was not conscientious hostility dangerous? He would ask the hon. baronet (Sir H. Parnell), and the right hon. gentleman (Mr. Grattan) why they proposed securities? In the name of God what was the meaning of securities, if there existed no danger? (*Hear, hear.*) (The hon. gentleman was proceeding in this strain of reasoning, when the impatience pretty general through the House led him to apologize for continuing so long; this was his

first speech upon the question, and he was anxious to express his conscientious conviction. He could never give his consent to admit the petitioners into the legislature, or into the high efficient offices of the State. If he entertained any prejudices upon this subject, they were prejudices which he should carry with him to the grave (*Cries of hear, hear, from the Opposition.*) His opinions, however, were deliberately and conscientiously formed; they were not prejudices, and the opinions of those gentlemen would appear to be from their cheers, and those opinions convinced him that no power should be given to Roman Catholics. To act otherwise, and to grant what was now demanded, would lead to Catholic ascendancy here, and to revolution in Ireland (*hear, hear*); it would be to rip up the fundamental statutes of the country. It would be precisely a counter-revolution. According to his view of these claims, the "be all and the end all," if the petitioners succeeded, must be a representation of the Catholics, as such, in the legislature of the United Kingdom. Now he would refer the House to three particular periods of our history, in order to shew that those claims were progressive, and that whenever the Catholic constituents formed the majority of electors scarcely one Protestant member was returned. In the Irish Parliaments of 1613, 1639, and 1689, the composition of each of which was regulated by spiritual interference, there were not above six Protestant members chosen. How could it be doubted that the same motives still existed, or that they did not exist in equal or greater force, considering the advances which had been made towards the object which they appeared to have uniformly had in contemplation? He asked, therefore, whether it would be wise or politic to adopt measures which would, sooner or later, lead to a transfer of the Irish Government from Protestant to Catholic hands? Was it certain, in such an event, that the Church or the State itself, as by law established, could be considered as secure? (*Hear, hear.*) He could not sufficiently express his astonishment, that such a project should ever have been entertained in a British Parliament. He trusted, however, that too much of the character of their forefathers remained, to suffer the possibility of its adoption. But if they decided against the sense and opinions of the most sound and reflecting part of their constituents, he should trust to the wisdom of the hereditary council of the nation. If the revolutionary spirit should find reception there also, his last hope would rest on the firmness of the illustrious personage at the head of the Government, who would recollect that the sacrifice of religious principle, or the adoption of a temporizing spirit respecting it, had never yet prospered:—he would recollect that Henry IV. had his Sully too—wise, provident and attached, that under his advice (and he was at least as sincere a Protestant as any minister of later times) he compromised with Popery, and submitted to it, and that the consequence was, the loss of his life and the extermination of

the numerous Protestants of France.—The question should be closed—"The isle is frightened from her propriety." He had stated the principles on which it should be closed; let those who encouraged the agitation of it, reflect in time on the evils it had already produced, and the horrors that might ensue from it.

Mr. W. Elliott observed, that he hoped the little which he had to offer would plead his excuse for the trespass he was about to make on the attention of the House. He could not avoid commencing his observations by some notice of the pamphlet which had been referred to by a right hon. gentleman (Mr. L. Foster), and of which the author was understood to be Dr. Gandolphy. It was true that this pamphlet had been printed, and had received the approbation of the master of the sacred palace, who did not understand the English language. (*Hear, hear.*) Dr. Gandolphy had consequently incurred the censures of the Church; and although the removal of the interdict had been surreptitiously obtained, he was at present actually suspended. (*Hear, hear.*) When he adverted to the other parts of the argument of the right hon. gentleman, he could only understand his proposition to be this:—that we had so long exercised dominion over Ireland, and arrived at length at such a system of misgovernment, that no alteration could be attempted without danger, and therefore it was most advisable to continue the restrictions. It was very true, as had been remarked, that we could not satisfy all the Catholics; but he believed it also to be true, that the longer the delay in giving satisfaction, the greater would be the controversy respecting it. Upon the subject of security, the principal ground of difficulty in this question, he could not suppress his old opinion, that the repeal of these obnoxious laws would in itself be the best security. Different opinions, however, had been entertained upon this subject; but he, for one, had acquiesced in the conditions proposed in the session of 1813. His acquiescence in those conditions was founded upon a conviction, that the removal of civil restraints upon so large a portion of the community, was the surest means of healing those dissensions, and extinguishing those passions, which poisoned the happiness and troubled the very elements of society. (*Hear.*) He thought the success of this question important, inasmuch as it would not only satisfy just and reasonable claims, but as it would tend to shew the Catholics themselves what, in any state of the laws, they were likely to obtain. Those who agreed with the views taken by the right hon. gentleman (Mr. L. Foster), must proceed upon the supposition that the empire might safely remain in its present state. It was with this opinion he desired to argue; it was this principle which he was anxious to controvert. (Here the right hon. gentleman was indisposed for a few moments, but was encouraged to proceed by the general cheerings of the House.) He had never endeavoured or sought to place the argument upon principle of abstract rights. He still regarded

it as a question, the determination of which was subject to the discretion of the sovereign legislative authority. It was, in fact, like all other disputed questions of right in church or state, one upon which the chief power of the state must decide, as it did even in cases of church property; because, however identified the church and state were by the constitution, the state always acts as the governing party. He was willing to admit that it had become a fundamental principle in the constitution, that the crown should be Protestant; but subsequent and incidental laws were of equal authority in regulating the application of that principle, and would be classed among the most enduring and beneficent statutes of the present reign. (*Hear, hear.*) At the same time he could not but embrace this opportunity of remarking, how important it was for the Irish and the English Catholics to act in concord, as to the means and instruments they employed in producing any impression on the public mind. The principal objection to the motion of his right hon. friend (Mr. Grattan) was founded upon danger. To him it appeared that danger already existed, and that its increase must depend upon the mind and disposition of the population from whom it was apprehended. To allay irritability, not to excite it, would be his means of suppressing the danger arising from such a cause. He would not go into all the painful details of hardship and oppression—such as the necessity of a British Catholic officer being obliged to go to Ireland to obtain promotion; but he would generally call the recollection of the House to that ancient stock of English nobility and gentry, upon whom these laws pressed with most severity, and against whose loyalty or domestic virtues, not one suspicion had ever yet been breathed. (*Hear.*) It was his most earnest wish that the House should go into the Committee, with a view to remove all animosity between the different classes of our countrymen, and to bring the inhabitants of all parts of the empire to a better understanding of each other, to the promotion of mutual charity and forbearance. (*Hear, hear.*)

Mr. B. Bathurst spoke against the motion. Strong arguments, he said, had been urged against it, and none of them had been yet contradicted by any sound reasoning. They were called upon to go into a Committee, there to discuss that which had been already discussed, and against which they had so often pronounced their opinion. In point of fact, to accede to the motion, would be to give up the whole question. They might be as well openly and fairly called upon to concede the claims, without any security; for if they went into the Committee, the only choice would be between the *veto* and domestic nomination. One of the most extraordinary assumptions in the arguments on this occasion was, that we had come to such a state that some change must be made in the laws respecting the Roman Catholics. For his own

part, he denied this *in toto*: and maintained, that unless they were prepared to overturn the fundamental principles of the Constitution, they could not accede to those measures which the petitioners now demanded.

Lord Castlereagh regretted that he should be placed in the painful situation of differing from those for whose judgment he entertained the highest respect, and he should therefore offer what he had to submit with the utmost diffidence. One of the difficulties attending this discussion was, that it was scarcely possible to adduce one new argument or one topic, that was not already exhausted on either side of the question; but it was not the less necessary, in his opinion, that parliament should, with all convenient speed, deliver itself from the agitation of this painful subject, and the feelings which its renewal necessarily created. He believed, indeed, that parliament could not confer a greater benefit on society, or add a greater security to the country. The danger which it involved was not one of an ordinary kind, that could be faced and surmounted at once: but one that hung about the empire, presenting itself in forms which it was not possible to anticipate, or to provide for. The House would look back to the bill which had passed a second reading, and was stopped in the committee. They would recollect the difficulties presented in another place, where an attention to ecclesiastical interests might be supposed more particularly to prevail. Under circumstances which called forth so much difference of opinion, to keep any question in suspense for a long series of years, to be periodically agitating the public mind with it, would be a most injurious course of proceeding: but how much greater was the danger to be apprehended, when the question was one which interested the religious feelings of the country? It was, above all, to be recollected, that there was no probability that this question could be laid asleep by persisting in a system of permanent exclusion. In the present state of the world, that was not practical in any country, and certainly not in this. He would not cite the example of any particular state, but would refer to the general system of the governments of Europe, and the feelings of the people, to prove that such measures were no longer supportable. On such a question as this, it was well to look at the conduct of other nations, and to compare the present spirit of legislation in Europe with the past. It was well known that there was a time when the power of the Pope was great in temporal as well as in spiritual matters, and when his alliance was an object of importance to the princes of the continent; but in these latter days his political power was incapable of exciting alarm. This alteration in the affairs of the world was too important to be overlooked in considering the question of exclusions. At former periods of political arrangements, the state of religion made an

important feature in all negotiations. On the conclusion of the treaty of Westphalia, it formed a great principle in adjusting the claims of different States; and in the settlement of the affairs of Germany, a regular balance was established of Catholics against Protestants. So far, however, was the spirit of governments now removed from this jealousy, that in the last settlement of the affairs of Europe, at Vienna, the question of religious difference was never once mentioned as a ground for any such precautions. Indeed, he could state, that there prevailed not only a disposition not to interfere in such questions, but on the contrary, to place religion on the footing of political equality.—This principle of equality had been even introduced into States in Germany, in which the Protestant religion was the dominant mode of faith: and though there had occurred instances of disputes between the governments and the Pope, there had not been any contests between the different religions within the State, nor any other evil consequence from the system adopted. From all this, then, he had a right to draw the inference he had already stated, namely—that in the present state of public opinion throughout Europe, as well as in this country, the question now before the House could not be put to sleep on the principle of maintaining the system of exclusion. It had been said, that a change had taken place in the Protestant mind on this question, and that the disposition to be severe in restraints was greater than it lately was: but he would put it to the House to consider, whether it did not appear that the change in this respect, to whatever extent it might exist, arose more from a feeling of disapprobation at the conduct of the Catholics themselves, than from any supposition that the removal of the restrictions under which they labour was a measure incapable of being reconciled with the safety of the Church and State. An honourable friend of his (Mr. Foster) had, with great ability, stated much with which he agreed, and also much with which he disagreed; but much of what he had stated as objections were, in his opinion, reasons for supporting the measure. What he had urged respecting the see of Rome maintaining what was called its ultra-montane doctrine was true, but of no importance to the present question. It was true, the Jesuits had been restored; but that was in countries where they were popular, and where the Pope could not do any thing better calculated to tranquillize the people; but was that any reason that we should persevere in maintaining what it was a fault in our ancestors to establish? That important chapter in his hon. friend's speech, that picture of religious animosity and want of charity in Ireland, which he had drawn so ably, and coloured so highly, was to him an additional and powerful reason for acceding to the motion. It was not to please the Catholics that he recommended this course, but to place the State in a situation of safety. (*Hear, hear.*) He was confident that we never could

rely on the existence of a sound mind in Ireland, until measures of conciliation were frankly and unequivocally adopted. He was perfectly satisfied that the introduction of a few Catholic peers and commoners into Parliament would be productive of no danger; but that, on the contrary, their presence there would furnish them with the best means of operating beneficially on the minds of the population of Ireland. It was to be regretted at present that the State had not sufficient channels through which it could communicate with the people. If there were Catholic members in that House, they would have an influence over the people of Ireland which they did not now possess. He knew that in the minds of many there was a great repugnance to farther concessions, and that there were many difficulties to be overcome: but if they were even greater, he would proceed with the measure, so much was he persuaded of its utility: for it was no proof against the policy, or justice of a law, that it had been passed with reluctance and pain. While he went along with his hon. friend in a great part of his argument, he was not to be deterred from his purpose by representations of the intolerance of the Church of Rome. What he looked forward to as the most important advantage of conciliation, was, the complete settlement of that question which, while it was kept in suspense, afforded full scope to the malevolent spirit of every agitator.—He would now draw the attention of the House to the subject of securities; and he was happy to observe, from what his hon. friend had said, that on that point there was little difference of opinion between them, except as to the extent of the difficulty in obtaining the securities, which he could not help thinking far less than it had been represented. He perfectly agreed with his hon. friend, that unless every security which oaths could afford were given, the relief that was asked ought not to be granted; but he believed that the Pope had no objection to the oath which had been proposed, and that he was not likely to object to any other that might be framed on the same principle. He was also of opinion, that no intercourse should be permitted to be held with the See of Rome unknown to the Government, with the exception of the confessional communication. It appeared that the *regium acquiescat*, or the right of inspecting Bulls, was exercised by every Catholic State, and it was indispensable with respect to this country. It was a security which the Government owed to itself: and he had understood that, whatever objection there had been to the appointment of the clergy by the Crown, there was no objection whatever in Ireland to this species of security. With respect to the authority which his Holiness ought to retain over the Catholic clergy, his hon. friend had stated that in Prussia, and other Protestant states, the Government had the power of appointing to ecclesiastical situations in the Catholic Church. That statement was certainly cor-

rect, and therefore, as a matter of conscience, no Catholic could object to the right of appointment being in the British Government. They might be afraid of the extent of the influence; they might dislike the exercise of the power of the government in that way; but as to the Catholic conscience, that was unaffected by any interference of this kind: for such was the decision which the see of Rome had pronounced upon it. In touching on this point, he could not refrain from referring to M. Quarantotti's rescript. That document had been much criticised in Ireland; but it was certain that it was made with the full authority of the church of Rome. There was a fact with respect to that rescript which was not generally known; it was issued *ex cathedra*, under the impression that the relief bill of 1813, had actually passed through Parliament, and become the law of this country; but if any doubt could have existed on the subject, it was put an end to by the head of the church of Rome. The Pope had himself decided the question, having shewn, through the medium of Cardinal Litta; that the rescript contained no direction contrary to the conscience of any good Catholic. He did not understand that the system of nomination, authorized by the rescript, was so objectionable in Ireland as his hon. friend had stated it to be. He should regret if that respectable body, the Catholic Bishops of Ireland, had come to a final determination against any plan of that kind. He had found them ready, at a crisis of great difficulty and danger, to give a loyal and zealous support to the government. But, with all respect to those venerable persons, he must say, that it was painful to perceive in them that weakness of human nature which produced a yielding to popular clamour: for, had the measure been against their consciences, ten of that respectable body would not have given him to understand, several years ago, that they were ready to agree to it. They had, it was true, since started objections: and some of them, he was willing to acknowledge, appeared to be not unfair; but though they had declared a preference for domestic nomination, he still did not believe that there existed any sentiments in their minds which would create a repugnance to what parliament might decide, and the see of Rome sanction. Notwithstanding all that had passed, there was therefore no reason to refrain from giving as a boon that which might appear fit to be granted. If, after they had done what they conceived to be just and right, the boon should not be received with thankfulness, he would trust to time for the creation of a better spirit.—Another hon. friend (Mr. Yorke) had gone a great deal farther with regard to the encouragement of domestic nomination than he was willing to follow him. He, for his part, would have the appointment of the bishops to be made with the knowledge of the crown. He was aware of the nature of the oath; but there were many cases in which the state might have grounds for setting aside the choice of a person to whom the bishops might

see no objection. No reason could be assigned why the Catholics of Ireland might not place as much confidence in the liberality of this government, as the Catholics of other Protestant countries did in their governments. He therefore thought that this question of nomination was not likely to create so much difficulty as had been supposed. With regard to the mode of election, if it were to be in the whole chapter, it would introduce a spirit of democratic contest, bad in any country, but particularly so in a country like Ireland. If the election were confined to the bishops, the evil would be greatly diminished, but it would not be wholly removed. Much stress had been laid on the repugnance which the Catholics had shewn to the veto. He regretted extremely that that word had been ever employed on this subject. The effect of a name was often very mischievous, and veto was a forbidding word. This government, however, ought to have the same knowledge of the persons to be elected, as was given to the other governments of Europe in a similar case. He was very much disposed to go along with his hon. friend, in thinking that a period ought to intervene between the declaration of Parliament in favour of this measure, if it should be adopted, and the actual enactment of a bill. The see of Rome would then have time to give its decision upon what had taken place. When the preliminary resolutions had received the sanction of the Pope, and the sanction of the legislature, all pretence of cavil would be removed: and the law would go into operation in Ireland as easily and as tranquilly as a turnpike-act. Though he should prefer this mode, yet he would not hesitate to proceed without it, because the opinion of his Holiness had been already so decidedly given as to leave no doubt upon the subject. It had been said, that the numbers of the Catholics were as ten to one: he never before had heard them stated at more than four to one. Be this as it might, he believed that the landed property of the country was almost all in the hands of the Protestants. On the principle of giving security to property he had supported the Union; because it tended to take Ireland out of the situation of a garrison. It was not the introduction of Catholic gentlemen into Parliament that would do any harm: on the contrary, their presence would conciliate and soften that spirit of animosity which prevailed in Ireland. There was no danger of a Popish parliament; but since the laws had been relaxed, we had to incur the danger of Catholic influence, without Catholic responsibility. The Catholic gentleman, sitting in that house, would have a character to maintain; but the Protestant, chosen by Catholic interest, might come, rather like a pandar of Catholicism, or a false Protestant; and, in that view, would be far less respectable, and more dangerous, than the son of a Catholic peer or a Catholic gentleman, who would be more worthy of sitting there. His firm conviction was, that this great question could never be brought to a proper conclusion, nor full effect

given to the energies of the country, until they had the Catholics among them—(*hear, hear*)—until they were with them, side by side, to fight the battles of the constitution in that House, as they had already fought the battles of the country in the field. (*Hear.*) Till this measure should be adopted, they could never have any repose in legislation. He implored them, therefore, to go into the Committee, and to put an end to those heart-burning and afflicting discussions, which were constantly agitating the other country, and which were annually revived in this, by incorporating the Catholics with the constitution. (*Loud and continued cheering.*)

Mr. Peel rose, and spoke as follows: Sir, it is not without great reluctance that I rise to address the House.—I cannot but perceive an indisposition to listen to those who concur in my view of this question; I may subject myself to the imputation of presumption by endeavouring to reply to my noble friend; and, above all, I have the painful task imposed on me of avowing my total dissent from the opinions which he has delivered. But, Sir, I have a public duty to perform, and cannot be deterred by any considerations from performing it. It would tend to impede the freedom of discussion, and prevent the discovery of truth, if the arguments advanced by men of superior abilities were exempted, through the deference or apprehensions of others, from being fully and minutely canvassed. I must, in the first place, call the attention of the House to the course of proceeding which has been adopted by the advocates of the Roman Catholic claims. Towards the close of the last session, on the 21st of May, we were called upon to give a pledge, that *early* (observe) in the present we would take into our serious consideration the laws affecting the Roman Catholics; and it is not until the 9th of May that we are invited to enter upon the discussion. We have at length entered upon it, and we are arrived at this stage of the debate, without having heard, from the proposer or from the supporters of the resolution which has been moved, one single word with respect to the distinct nature of the proposal which is to be made in the Committee, should the Committee be granted. The resolution proposed by the right hon. gentleman (Mr. Grattan) is that which was moved previous to the introduction of the bill of 1813. It proposes “that we shall take into our most serious consideration the state of the laws affecting his Majesty’s Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of his Majesty’s subjects;” and I leave the House to judge from the speeches that they have heard from the supporters of this motion—above all, from the speech of my noble friend—what prospect there

is that, from the adoption of this resolution, any *satisfactory* proceeding can result. The House will bear in mind that it was in pursuance of this resolution that the bill of 1813 was introduced; that bill which gave satisfaction to no class of his Majesty’s subjects, but was most reprobated and rejected by that very class for whose benefit it was intended. By that bill every political privilege and capacity was conferred upon the Roman Catholics, with two exceptions; and certain restraints and conditions were imposed, with a view of securing the state and the Protestant Establishment from any danger which might result either from the appointment of improper persons to be Roman Catholic bishops, or from an unfettered communication between the Roman Catholic Church and the See of Rome. Sir, the Roman Catholic body of Ireland declared they could not accede to the terms on which it was thus proposed to grant them political privilege. The Roman Catholic prelates resolved that they could not be parties to the ecclesiastical arrangements without incurring the guilt of schism, and the Roman Catholic laity declared that they would prefer their present state of exclusion to the removal of that exclusion on the conditions proposed. Now I distinctly understand from my noble friend, that he thinks the same securities which were required by the bill of 1813 must be now demanded. My noble friend has shewn that greater securities are taken by every state of Europe, and has proved, on the authority of the See of Rome, that it is not incompatible with the doctrines of the Roman Catholic Church to admit an interference on the part of the Crown in the nomination of Catholic Bishops, and to allow an examination of the correspondence between the See of Rome and the Roman Catholic Church. But will the Roman Catholics of Ireland admit of either one or the other? Will they consider that to be a final and satisfactory arrangement, of which securities they reject with abhorrence form an essential and indispensable part? They cannot do it with any regard to truth or consistency—nor will they. To the authority of my noble friend, who thinks they will, I oppose the authority of the Roman Catholic prelates, and the Roman Catholic body at large, who have spoken in terms as unequivocal as language can supply. You may enact these securities if you will—you may even compel obedience—but will this be in conformity with the resolution you have moved? and will this be the satisfactory and tranquillizing arrangement which you are desirous to conclude? My noble friend says, that it is absolutely indispensable, in his mind, that the security against improper communication with the See of Rome, which is called technically the *Regium Exequatur*,—should be taken. He thinks too, that the authority of the See of Rome should be procured before it can be taken satisfactorily. Now I will prove to him, from a document which he admits to be authentic,

that this security, by this authority, he cannot have. I hold in my hand the letter from Cardinal Litta, the official organ of the See of Rome, to Doctor Poynter, of the 26th of April 1815, from which I will read the following extract:—"As for the examination of rescripts to which I have alluded above, or what is called the *Regium Exequatur*, it cannot be even made a subject of negotiation; for your lordship well knows, that as such a practice must essentially affect the free exercise of that supremacy of the Church, which has been given in trust by God, it would assuredly be criminal to permit or transfer it to any lay power; and indeed such a permission has never any where been granted." I ask, then, my noble friend, whether, with his views upon the subject of securities, he sees the prospect of an arrangement which will give satisfaction even to himself. It is true that, in place of the securities required by the bill of 1813 we have a substitute proposed, a new security as we are told, called *Domestic Nomination*. This professes to be an arrangement which will exclude foreign influence in the appointment of the Roman Catholic Prelates. Now I must observe, in the first place, that, in the bill of 1813 it was not against foreign influence merely that you attempted to guard. In that bill you declared that it was "fit and expedient" not merely that the Roman Catholic Prelates should be exempt from foreign influence, but that "their loyalty and peaceable conduct should be ascertained to the satisfaction of his Majesty." This new security, therefore, which you proffer, not only falls far short of the security which, in 1813, you declared to be "fit and expedient," but it is not even of the same character. But is it not extraordinary that this offer should be called the offer of something new, and, above all, should be so called by the hon. baronet, (Sir Henry Parnell,) who proposed it? The hon. baronet has scarcely ever made a speech on this subject, without informing us that there is not at present any foreign interference whatever in the selection of the Roman Catholic Prelates, that their confirmation at Rome is a mere matter of form. He has told us, if I am not mistaken, that the Pope has interfered only *once* in the direct nomination of a Roman Catholic Prelate, since the Revolution (1688), and that we did not much benefit by the selection which his Holiness on that solitary occasion was pleased to make. Now I can understand the hon. baronet, if he will argue that, as there is no foreign influence, there is no necessity to guard against it; but I am utterly at a loss to comprehend him, when he, who denies that there exists any foreign interference, dwells with such satisfaction upon the value and novelty of an arrangement, which professes to exclude it, and thus obviate a danger which he does not believe to exist. Now, Sir, I wish to know by what authority even this security is offered, and I entreat the attention of the House to this point. This offer professes to be made by the Roman Catholic

Prelates. Not one word has yet been uttered from which we can infer that the See of Rome has sanctioned the offer; yet, without the consent of the See of Rome, it cannot, I presume, be accomplished. I infer this from the resolutions of the Roman Catholic Bishops on two occasions. In 1812, they resolved, "that as we are at present precluded from any intercourse with our supreme Pastor, we feel ourselves utterly incompetent to propose or agree to any change in the long-established mode of appointing Irish Roman Catholic Bishops." And in 1813, when referring to the ecclesiastical arrangements contained in the bill of that year, they resolved that "it would be impossible for us to assent to them, without incurring the guilt of schism—inasmuch as they might, if carried into effect, invade the spiritual jurisdiction of our supreme Pastor, and alter an important point of our discipline: for which alteration his concurrence would, upon Catholic principles, be indispensably necessary." Now, does not domestic nomination, if it affects any thing, invade the spiritual jurisdiction of the See of Rome? and if the concurrence of the See of Rome is, on Catholic principles, indispensably necessary, why are we not informed whether that concurrence has been obtained or not? After what passed on the subject of the veto, it is right that there should be no misunderstanding on this point. Remember that, in 1799, the Roman Catholic Prelates resolved, that "such interference of Government, as may enable it to be satisfied of the loyalty of the person appointed, is just, and ought to be agreed to." Remember that, in 1808, a right hon. gentleman (Mr. Ponsonby) thought himself authorized by Dr. Milner, to accede to the veto on the part of the Roman Catholic Prelates of Ireland; and now, notwithstanding the resolution of 1799, and the supposed authority of 1808, the veto is denounced as utterly incompatible with the tenets of the Catholic Church, and subversive of the religion itself. I ask not with whom this mistake originated, I stop not to criminate, I only notice the fact, to shew that a serious misunderstanding has more than once arisen, and that we ought to guard against its recurrence. I ask, then, whether the Pope has sanctioned this offer of domestic nomination? I ask it with more earnestness, because I have seen a document published, apparently by authority, from which it does not seem clear that this sanction had been given. A correspondence has been published between Mr. Hayes, a Roman Catholic Priest, deputed to Rome, and Cardinal Litta, in which Mr. Hayes puts to the Cardinal the following question: "Whether that mode which in order to remove every groundless fear of any possible abuse, by which the pontifical authority might interfere, which never will happen, in the civil concerns of the kingdom) is proposed by Government by the Catholics, namely, that the clergy or bishops, or rather both jointly, should nominate the candidates, and which is

therefore called domestic nomination, seems subject to meet with any difficulty on the part of the Holy See?" To this the Cardinal replies: "Finally, as to what is now annexed in your letter, touching what is called domestic nomination, I do not perfectly understand what this term is meant to signify. An explanation therefore seems requisite before any definite reply can be given." This correspondence took place so late as October, 1816. Whether the explanation has been given, and the definite reply received, I know not, but it is fit that some information upon the point should be afforded to the House, before it is called upon to accept of this domestic nomination as a full security for the present Protestant Constitution. I must now advert to the extraordinary speech of my right hon. friend (Mr. Yorke). I listened to him with the firmest conviction of his sincerity, with the highest respect for his character, and with no small admiration at the singular project which it is his intention to launch forth upon that boundless sea, on which we are invited to embark. Let us see what prospect there is for him also of a satisfactory arrangement. If I understand him, he will, in the Committee, propose a bill, containing provisions, regulating the election of Roman Catholic Bishops, not merely providing for domestic nomination, but enacting the precise mode in which that nomination shall be effected. In order that foreign influence may be altogether excluded, he will place the Popedom, so far as Ireland is concerned, in commission as it were, and a board composed of the four Roman Catholic Archbishops, is to possess that spiritual jurisdiction in Ireland, which is at present exercised by the Pope. And this bill, when it shall have received the assent of the Legislature, is to have its operation suspended until the acquiescence of the Pope shall have been obtained. Of all the propositions that have ever been made, objectionable in principle, or dangerous as precedents, this is the most objectionable and dangerous. What, Sir, will you make the operation of a solemn act of the King, Lords, and Commons, of this kingdom, contingent on the acquiescence of the Pope? Will you in the very act which professes to exclude for ever the influence of the Pope, recognize and establish that influence so far as to erect it into a fourth estate? Will you deal so harshly and unjustly by the Catholic as to admit by so solemn an act the policy and justice of concession, and then withhold it from him for ever; not for any fault of his, but because an aspiring and unreasonable Pope shall refuse the terms which Parliament proposes, and which the Irish Roman Catholics may be willing to accept. I have, Sir, hitherto been addressing myself to those who are of opinion that it is practicable to accompany the proposed concessions with such securities as shall effectually guard the Constitution of this country from danger. I must confess, however, that in their number I am not included. I have heard

of no securities, nor can I devise any, which will allay the apprehensions I entertain. I will now state my own view of this question; and, as my noble friend has particularly applied his reasoning to the state of Ireland, and to the manner in which that country will be affected by the success of this motion, I will now follow his example, and confine myself within the limits which he has chosen. The question which we have to determine, is this: whether it be advisable to continue the present system of laws affecting the Roman Catholics, under which Ireland has been governed since the year 1793, or whether we shall substitute some new system in its place? It is not, whether we shall remove certain inconsistencies and anomalies which are pointed out in the existing laws; but whether we shall substitute, in the place of the present, almost a new form of Government. The gentlemen opposite dwell upon these inconsistencies, they tauntingly ask why a Roman Catholic may hold the commission of the peace in Ireland, and is not qualified to hold it in England? why he may hold a certain rank in the army in Ireland, and yet must forfeit that rank on his arrival in England? But the remedy they propose is not to remove the inconsistencies they complain of, not to put the Roman Catholics of the two countries on an equal footing in these respects, but to confer on all the right of sitting in Parliament, and every capacity for office and political power. When the clause of the bill of 1813, which admitted the Roman Catholics to Parliament, was negatived in the Committee, the bill was withdrawn altogether, and we were told that, divested of this clause, it was a measure of relief neither benefitting the Protestant Parliament to grant, nor the Catholic community to receive. I am warranted, therefore, in arguing, that we are now discussing the respective merits of two systems for the government of a great country: Now, I say, that it is impossible to decide on the merits of any such systems, without reference to the history, the state of society, and all the political and moral relations of the country for which they are intended. When I hear that an equality of political privileges has existed in Hungary, or that the Roman Catholics in Canada have the same capacities with Protestants, I must first inquire whether the situation of Hungary, or the situation of a distant North American colony, corresponds with the situation of Ireland. My right hon. friend, (Mr. Canning), informed us, that in a department of France, the department of the Gironde, the professors of the two religions were on the same footing as to political privileges, that they lived in harmony together, and thence he draws this inference, that a similar participation of power in Ireland will produce the same harmony. But can I infer, that because in a province of France, where the vast majority of the population are Roman Catholics, where the established religion is Roman Catholic, it has been there found practicable to admit

all classes to equal privileges; that, therefore, as a matter of course, the same measures are advisable when applied to a great kingdom wherein the vast majority are Roman Catholics, and where the religion of that majority is not, and must not be the religion of the State? I repeat, then, that I must consider the internal state and political relations of the country, for which I am about to legislate, before I can determine what is likely to be the result of legislation. Let us, Sir, then consider the state of Ireland; let us recollect that Ireland is a country separated by nature from that to which she is united by law—a country having once had an independent existence—having within twenty years had an independent legislature—having still her separate courts of justice, and distinct departments of executive government. In that country there exist two religious establishments, two co-extensive hierarchies, the one sedulously affecting, the other legally possessing, the same dignities, titles, and spiritual authorities; the latter superintending the religious concerns of the great majority of the people, not endowed, indeed, nor encouraged, by the State, but exercising over the minds of its adherents, from the very nature of its doctrines and the solemnity of its ceremonies, an almost unbounded influence; the other, the Church of the minority, splendidly endowed no doubt, but endowed with the temporalities which once belonged to its excluded but aspiring rival. Recollect under what circumstances the transfer of these temporalities took place—recollect that in Ireland there was, in fact, no reformation there was no conversion of the mass of the people from one religious creed to another—no conviction brought home to their minds of the errors or abuses of their ancient Church; attempts were made to effect that conversion by other means, and they failed, and have left the natural consequences of such attempts, irritation and hostility. You assert that we have misruled Ireland, and you argue that we must adopt the policy you recommend because we have misruled her. Without discussing the truth of that assertion, I deny the force of that argument. We may regret this misrule, and its consequences; but what we have to determine is this—circumstanced as Ireland now is, by what course of policy shall we best promote the interests of the empire at large? We find Ireland, then, circumstanced as I have described, united by an inviolable compact to Great Britain; and we find it an essential article of that compact, that the Protestant religion, the religion of the small minority (in point of number) shall be the established and favoured religion of the State. We cannot make a constitution *de novo*; it is needless to resolve what would be the best system of law under another state of circumstances. We must modify and adapt our theories to the conditions of that national compact which we cannot infringe; and to that state of national establishments, which no one proposes to alter. Sir, with respect to Ireland, we might originally

have pursued one or other of four lines of policy. We might have proscribed the religion of the Roman Catholics, and reduced them by the severity of penal statutes, to a state of degradation. This policy we have pursued, and, be the consequences what they may, I never can regret that it has been abandoned. To revert to this policy is impossible. We might have pursued a totally different course, have established the Roman Catholic religion as the religion of the State in Ireland, and have given every political privilege to its adherents. The adoption of this course is precluded, not merely by that solemn settlement, the Act of Union, but by the unanimous sentiments of every member of every side of the House, which are pledged to preserve the Protestant as the established religion of the State, and to maintain an inseparable union of the Church of England and of Ireland. There remain two other systems possible to be adopted in Ireland, and between these we must make our choice. The one is that on which we are acting at present, the other that which we are called on to substitute in its place. By the first we give every toleration to the faith of the majority, but maintain that of the minority as the religion of the State. We exclude the Roman Catholics from those offices which are immediately connected with the administration of, and may be said to constitute the Government of the country, admitting them, generally, to all other offices, privileges, and distinctions. It is proposed to replace this system by another, which shall equally profess to maintain the religion of the minority as the established religion, but shall open to the Roman Catholics both Houses of Parliament, and every office in Ireland, save the first executive office of the State, that of Lord Lieutenant. Now, Sir, it will be my purpose to prove that the code of laws on which we are now acting is preferable to that which it is proposed to substitute in its room, more likely to preserve inviolate the union between the two countries, more likely to provide for the stability of the Protestant church establishment in Ireland, and to ensure harmony between the Roman Catholic and Protestant inhabitants of the country. In attempting to prove this, I will avoid, as far as possible, every topic which can tend to inflame or even to give offence. I will not revive the memory of ancient struggles for ascendancy, and if any advantage to my argument might be derived from dwelling on instances wherein power has been abused, or revengeful feelings have been indulged, that advantage I cheerfully resign. I will not impute to the Roman Catholic Church any doctrines which are not avowed, and I will give to the professors of that faith the full advantage of every disclaimer they have made. If the privileges required are to be conceded, I have no wish to lessen the grace of concession; if the hopes of the Roman Catholics shall be disappointed, that disappointment I will not aggravate. I will suppose the Roman Catholics of Ireland to have the

same feelings, to be influenced by the same motives, to act on the same principles with other men, and I affirm that almost every objection which applies to that code of laws which you seek to abrogate, will apply, with equal force, to that code by which you propose to replace it; that there will be greater anomalies and inconsistencies in the latter, and a moral certainty that the arrangement you seek to make will be less conclusive and satisfactory than that which you have made. Let us examine the objections to the present laws. Do not suppose that I think they constitute, in the abstract, and without relation to the state of society for which they are intended, a perfect system, or that I rejoice in the exclusions and disabilities which they induce. I regret that they are necessary, but I firmly believe you cannot alter them, in any essential point, for the better. It is objected, in the first place, that, as we have admitted the Roman Catholics to the elective franchise, and as we have thus placed substantial power in the hands of the democracy, it is absurd to withhold the higher privileges—office, and seats in Parliament from the aristocracy. Now, I must observe, that objections of this kind shew how cautious we should be in making further concessions. When the elective franchise was sought for, it was not then foreseen, at least it was not argued, that the capacity for political office must necessarily follow. (*Mr. Ponsonby dissented.*) Sir, Mr. Burke, that most anxious advocate of the Roman Catholic claims, did not so argue: after observing that the Constitution is not made for general proscription, he states that there is a clear distinction between a franchise and an office, and the capacity for one and the capacity for the other. He says that franchises belong to the subject, as a subject, and not as a member of the governing part of the State; and that the Test Acts, while they left the privilege of sitting and voting, excluded the Protestant Dissenters from civil and military offices. He adds, that he does not mention this as approving the distinction, but as establishing the fact that such a distinction has been made by the Legislature. But, Sir, I see no inconsistency in admitting the Catholics to an influence in the State, which the possession of property usually confers, and in requiring at the same time that this influence should be exercised through a medium not hostile to the religion of the State. I see no inconsistency in permitting the Roman Catholics to choose the representatives and advocates of their interests; and in taking at the same time a security that those representatives, warmly as they may espouse their cause, shall have no religious bias in their own minds against a Protestant Government in Church and State. Again, Sir, we are told that we cannot stop where we are: I answer, that we are more likely to stop where we are, than we shall be if we advance to the point to which we are invited. We are told that the present system proceeds upon no principle; I answer, that the system which is pro-

posed as a substitute contradicts the principle on which it professes to be founded. You propose to open to the Catholics Parliament, and to invest them with political power, to make them capable of acting in the highest offices of the State, and of being the responsible advisers of the Crown. You tell us, that the Roman Catholics of Ireland are advancing in wealth and education, and that, as you remove the disabilities under which they labour, their advance will be the more rapid, and they will become more influential in the State. Do you then mean, *bond fide*, to give them in Ireland the practical advantages of the eligibility you propose to confer upon them? Do you mean to give them that fair proportion of political power, to which their numbers, wealth, talents, and education, will entitle them? If you do, can you believe that they will, or can, remain contented with the limits which you assign to them? Do you think that when they constitute as they must do, not this year, or the next, but in the natural, and, therefore, certain order of things, by far the most powerful body in Ireland—the body, most controlling, and directing the government of it—Do you think, I say, that they will view with satisfaction the state of your church, or of their own? Do you think that, if they are constituted like other men, if they have organs, senses, affections, passions, like yourselves—if they are, as no doubt they are, sincere and zealous professors of that religious faith to which they belong—if they believe your “intrusive Church” to have usurped the temporalities which it possesses, do you think that they will not aspire to the re-establishment of their own Church in all its ancient splendour? Is it unnatural that they should? I argue even from my own feelings, if I place myself in their situation, I answer that it is not. May I not then, without throwing any calumnious imputation upon any Roman Catholic, without proclaiming (and grossly should I injure them if I did) such men as Lord Fingal or Lord Gorminstown, to be disaffected and disloyal.—May I not, arguing from the motives by which man is actuated, from the feelings which nature inspires, may I not question the policy of admitting those who must have views hostile to the religious establishments of the State, to the capacity of legislating for the interests of those establishments, and the power of directing the Government of which those establishments form so essential a part? Sir, the history of Scotland is referred to as proving the policy of granting those privileges which we are now called on to grant, and though I reject it as affording any precedent at all analogous to the present case of Ireland, I cannot help feeling that it may be, at some future time, with great force, appealed to in favour of the establishment of the Roman Catholic religion in Ireland. What was the policy towards Scotland? After vain attempts to impose on the people a form of religious worship against which they revolted, you abandoned these attempts, and established, permanently and

inviolably, the Presbyterian church, its doctrine, discipline, and government. Scotland with her Presbyterian Church, has been united to England with her episcopal Church: all jealousies are buried in oblivion, and the political union is complete. And shall we not hear, at no distant period, appeals to the case of Scotland not to prove the policy of conferring mere civil privileges, but to shew that the union of countries with different religious establishments may lead to the happiest results. "Carry, then," we shall be told, "a principle sanctioned by reason and experience to its full accomplishment; establish every where the religion of the majority as the religion of the State, and unite in one consistent frame of government—Protestant England, Presbyterian Scotland, and Catholic Ireland." But not being yet prepared to go so far, we are for the present assured, that the numbers of Roman Catholics who will be returned to Parliament will be very limited. "True, there may be danger, but then it will not be very great! You will not have more than ten Roman Catholics in the House of Commons, and ten Roman Catholics cannot overturn your establishment!" And are *these* the clumsy securities which are offered to us? *These*, so little in unison with the spirit of that Constitution which we profess to maintain, but which in truth we are about to abandon? If the Roman Catholics entertain no principles and no views hostile to the establishments of the State, admit them to privilege without reference to the number to be admitted; if they entertain such, exclude them, not because their numbers will be limited, but fairly and openly, because you cannot confide in them. We are told again that the Roman Catholics will only be qualified for office, that they will only have eligibility, and that the Crown may still, if it think fit, continue the exclusion. Sir, if the Parliament confers eligibility on the Roman Catholics, the Crown ought not to exclude them from a just proportion of power: the exclusion will be ten times more mortifying than their present disqualification; it will be so, because it will be attributed to caprice, to unjust preference, to unfair suspicion. If it be unsafe to admit the Roman Catholics to a share in the Government proportionate to their numbers and influence in the State, all the branches of the Legislature ought to share in the odium of disqualifying them; it ought not to be transferred to one branch exclusively—to that branch, too, which is to continue unchangeably Protestant—to that branch which will be the more liable on that very account to the suspicion of prejudice and partiality, instead of being, as the Constitution intends it to be, the fountain of all grace and favour. But we are told that these concessions are to tranquillize Ireland; we are told that the mass of the people are in a state of irritation, and that nothing but Catholic emancipation can allay it; but we are not told what this emancipation is to effect with respect to the mass of the people? Do you confer any direct and immediate benefit upon the lower orders? You argue, in-

deed, that the ultimate effects of emancipation will be to ameliorate their condition, to raise up new classes in society, and to unite the lower and upper orders by gradations which are now wanting. Will the peasant understand this? Will he feel any immediate benefit? Will he receive any practical proof that his condition is improved? Will he be less subject to the influence of that most powerful body, the Roman Catholic Clergy? And reflect how that body is affected by what you call Catholic emancipation. You confer certain privileges—substantial benefits perhaps—on the Aristocracy and the Bar: but you confer none on the Clergy: you do not even leave them as you find them: you concede to the Laity, but you accompany these concessions with regulations and restrictions, bearing exclusively on the Clergy; on that body whose influence is all-powerful, and who, of all classes, must naturally view your establishments with the greatest jealousy and hostility. And then, the connection between the mass of the People and the Clergy remaining the same,—the People receiving no immediate advantage, nor prospective advantage which they can comprehend, and the Clergy being subjected to restrictions against which they vehemently protest; can we flatter ourselves that the predictions of tranquillity and concord are likely to be verified? I am aware that in my argument, I have been assuming that the measure which is to be proposed, in the event of our going into the committee, will resemble the measure which was proposed in the year 1813. I am at liberty to assume it, at least from the speech of my noble friend, if not from the silence, with respect to any different measure, of those who preceded him: I cannot forget, too, that very able men were employed in framing the bill of 1813, and that it was the subject of the gravest deliberation; I cannot therefore presume that any better or more palatable measure will be now offered for our adoption. As new securities, however, are talked of, let us put aside all the provisions of the bill of 1813, which regard securities, and refer to those only by which privilege and capacity were conferred. With all due respect for the authors of this Bill, I must declare that it appears to me more replete with absurdities and inconsistencies than the laws which are now in force; and I consider it a most useful and instructive document, to prove how difficult it is for the ablest men to improve the Constitution, and how cautious we should be in attempting to innovate on so sacred a subject. Let us examine a little into the manner in which this bill was framed. The preamble of it recites that the Protestant Episcopal Church of England and Ireland is established permanently and inviolably; it then admits that the Protestant Episcopal Church forms an essential part of our free Constitution, and prays that certain provisions may be made with a view to put an end to all religious jealousies between his Majesty's subjects, and to bind them in all times to come by the

same privileges and (observe) by the same interests in defence of their common Government. The same interests!—you confirm the Protestant establishment as an essential part of the Government, and then assume that the Protestant and the Roman Catholic will have the same interests in maintaining that Government! You may declaim as you will, and make what preambles you please, but the force of nature and the spirit of religion are opposed to you, they contradict your preambles, and confute your declamation. The bill then proceeds to admit the Roman Catholic to Parliament, and how does it provide for his admission? It leaves the oaths which are to be taken by the Protestant Member the same as it found them. He is still to advance to the table, and to take oaths disclaiming, as pernicious and damnable, doctrines which are imputed by implication to his Roman Catholic colleague; and he is not merely to disavow these political doctrines, but he is to abjure certain spiritual tenets of the Catholic faith as superstitious and idolatrous. Having heard the disclaimer of the Protestant, the Roman Catholic Member will then advance, and an oath is to be administered to him, which (as has been well said) looks more like a bill of indictment against him than an oath which is to qualify him for the exercise of the highest privileges and most sacred duties. He is required to renounce as unchristian and impious the worst principles and doctrines that his most bigotted enemies in any age have imputed to him. Why do you call upon him to renounce such doctrines? Do you suspect that he entertains them? If you do, you should disqualify him, not from being a member of Parliament, but from being a member of society; if you do not, why do you humiliate him by requiring a disclaimer? Oh, but he must disclaim them, however unjustly imputed to him, to satisfy the scruples and the prejudices of Protestants.—And is this your final and satisfactory arrangement?—Is this your plan for burying in oblivion religious animosities, and binding the Protestant and the Catholic by an identity of privileges and interests? Then comes the clause admitting the Roman Catholic to office, quickly followed by the proviso, that from the first political office in Ireland—from the first legal office in England, the Catholic must still remain excluded: you differ then only with us in degree. You tell us that we have conferred substantial power on the Catholic, but subject him to mere mortifying exclusions, that serve but to irritate and annoy him;—that we have broken the chain which bound him, but still reserve some useless links of that chain to remind him of his former servitude. But you yourselves retain some of those links, fewer indeed in number, but just as offensive as a memento of degradation, and as a proof that the equality of privilege and the identity of interest is not established. And when you dwell, and with justice, upon the rank, and the station, and the character of Lord Fingal, let me ask you how,

consistently with your principle, can you close against him for ever the first executive office of his native land, the only one, perhaps, to which he could aspire? He may represent his Sovereign in Jamaica or in Canada,—he may exercise in distant colonies all the functions of Sovereignty in Church and State,—but in Ireland he cannot represent him,—in Ireland the source from which grace, and mercy, and favour flow, is still to continue Protestant, exclusively and for ever. But, though you must have a Protestant Lord-Lieutenant, you may have a Roman Catholic Secretary: his friend, his adviser, his representative in Parliament, may be a Roman Catholic. Sir, those who know any thing of the relation in which those two offices stand, must know how desirable it is, even on public grounds, that something more than mere cold official confidence, something partaking of personal esteem and mutual attachment should subsist between those who fill them:—and if you will look through this bill you will discover, that, if this faithful servant and friend of the Lord-Lieutenant shall presume, in some hour of careless confidence, to advise him in the appointment of any ecclesiastical, nay even any lay, office or preferment in the Protestant Church of Ireland, the Secretary shall—(observe the cautious provisions against danger)—he shall, being convicted by due course of law, be deemed guilty of a high misdemeanour, and disqualified for ever from public service! And this is the bill which is to remove anomalies, to establish some perfect system of Government, some final and satisfactory arrangement, to bury in oblivion, in all time to come, religious animosities! Then, again, the Crown is to remain Protestant, but the adviser of the Crown may be Roman Catholic. You confirm in the bill the exclusion of the Roman Catholic from the Crown,—from that branch of the legislature from which he was most recently excluded by law,—from that high office from which he is excluded, not by the indirect operation of an oath, as is the case in other offices, but distinctly because he is a Roman Catholic. The irresponsible head of the executive government must be a Protestant, but his responsible Minister, his Secretary of State, may be a Roman Catholic. You expose the successor to the Crown to be educated under the guidance of Roman Catholic Ministers; and if he, from sincere conviction, shall conform to the religion of those whom you have given to him as confidential and responsible advisers, you subject him for ever to the forfeiture of his inheritance. In all this I can see nothing that can lead to harmony,—nothing that can constitute a final and satisfactory settlement—nothing but a wild and irreconcilable contradiction of principles. Sir, I will now conclude. I am grateful to the House for the attention with which they have heard me. Let me entreat them to pause before they take the first step towards a radical alteration in the Constitution of their country, and to reflect how difficult it is

to predict the consequences of much less important alterations. It is observed, Sir, by Mr. Hume, when speaking of the reigns of James the First and his successor, that religious spirit, when it mingles with the spirit of faction, contains in it something supernatural; and that, in its operations upon society, effects correspond less to their known causes than in any other circumstance of Government. And this, says he, while it constitutes some apology for those who, having interfered in religious matters, are disappointed of the expected event, imposes at the same time a grievous responsibility on all who lightly innovate in so delicate an article. This reflection, says he, is confirmed by all history;—and may it be a warning to us how we proceed to unsettle that which we find established. Let us recollect, that, under the Constitution which we have derived from our ancestors, we have enjoyed more liberty, we have acquired more glory, we possess more character and power, than has hitherto fallen to the lot of any other country on the globe; and, if there be any man yet undecided on this question, I entreat him that he will give the benefit of his doubt to the existing order of things, and that, before he gives his vote to a measure, of the consequences of which he is at least uncertain, he will weigh the substantial blessings which he knows to have been derived from the Government that is, against all the speculative advantages which he is promised from the Government that is to be.

Lord Castlereagh rose to explain, but the cheers which followed the speech of the right hon. gentleman who had just sat down rendered it impossible to collect what the noble lord said.

Sir H. Parnell then rose, but the continuance of the cheers, and cries of question, prevented him from being heard.

General Mathew rose, and, as soon as order was restored, he observed, that he felt himself more particularly called upon to present himself to the House in consequence of the triumphant manner in which the right honourable gentleman had asked, whether any person there was authorized by the Pope to say, that his Holiness would consent to domestic nomination? He (General M.) did not mean to state, that he was directly authorized by the Pope to say this (*a laugh*); but he had every reason to believe that there was a document in this country to that effect.

Mr. Canning said, it was not his intention to detain the House for many minutes from that vote which was so loudly and generally called for. He could not, however, give a silent vote on this important question, without declaring what he had uniformly thought of it; and he was the more anxious to do this after the very able speech of the right hon. gent.—a speech which appeared to comprise every argument on that side of the question, in the most luminous point of view in which the subject was capable of being treated. The result, however, of his reasonings

appeared to be only this—that we were in a state of extreme difficulty. The practical question for the House to decide was—whether, by going as far as we could consistently go, we could purchase the removal of those inconveniences which now existed, without hazard to our establishment? If he thought that any danger could be introduced, for which actual securities were not provided, he should agree with the right hon. gentleman, that we ought to pause where we are; but, being in his conscience satisfied, that we might go safely to the extent of the measure now proposed, he should certainly give his support to this motion. The bill of 1813 was rejected on the first clause—namely, the admission of Catholics to Parliament; but he believed that the members of that body might be safely admitted, and he hoped that, as soon as opportunity offered, the House would see among them professors of the Roman Catholic religion. Of those who must be chosen as representatives of the people there would be persons of property; and what evil could result from the admission into that House of such persons, who were only excluded by that faith which none of us called on them to forego? There might be persons of another character, who now seek to inflame the passions of the people merely for the mischief they could do; but to open to them the doors of the House of Commons would be to nullify those mischiefs. If the Catholics possessed considerable abilities, why should we deprive ourselves of such eminent advantages? The true extinction of the mischiefs which the exercise of such acquirements was now calculated to produce, would be found in their admission to that House; there they would be met by equal ability, and the friends of the Constitution would be able to cope with them. If the fact really was, (from what causes arising he would not discuss,) that we had a perpetual spring of contention in Ireland, there was every probability that the discontent would be allayed, by consenting to do whatever we could to satisfy reasonable claims. He was not deterred by the apprehension that we could not do all: we must do what we could, not with a view to theoretical perfection, but for the sake of practical improvement. He knew not how we were beforehand to obtain the assurance, that whatever we might do would be satisfactorily received; and as to expecting complete satisfaction, tell not him what the Catholics would accept; for whether we were with more or less of gratitude, Parliament would grant the boon with its own conditions, and it was not for any isolated persons to object to it. We ought not to be deterred, from a feeling of what might be approved by a part of the people, which, if it were good at all, must be good for the whole. (*Hear.*) Whether the Roman Catholic prelates of Ireland should be nominated in one way or other, could not be matter of previous negotiation. He confessed, that if he thought the great object of conciliation ought to be accomplished, he cared not on

which side the advance began ; whether it were the submission of the Catholics to Parliament in the first instance, or the benevolence of the Catholics which excited the gratitude of the Catholics : he cared not from what point the circle began to be drawn. Satisfied he was that, by adopting the present proposition, much would be done to quiet the irritation of the people of Ireland, and to take away from those who wished to do mischief the means of doing it. It was in this view, therefore, that he was anxious they should go into a committee. He was not, he repeated, deterred by the objection that there might be differences of opinion. True it was that, in 1813, when the matter failed, it was received with much discontent ; but it was lost by a majority of only four, in one of the fullest Houses ever remembered. He had then given way on a single point ; but he was not quite sure, after the experience of that failure, that if he could not obtain all, it would be wise, on another occasion, to throw away all. (*Hear, hear.*) But if this failure had produced discontent, it had been also received with approbation ; and where was it received with discontent, and where with approbation ? With approbation at Rome, and discontent in Ireland. At Rome they thought it was carried ; in Ireland they knew it had failed. The continuance of his belief was, that, in spite of the impossibility of arriving at perfection, it was their duty to go as far as they could ; and, therefore, he should expect the House to go into a committee, without being deterred by the apprehension of not being able to devise any thing more perfect. (*Hear, hear.*)

Mr. Grattan rose amidst loud and repeated cries of question. He would now beg leave to avail himself, late as the hour was, and impatient as the House appeared to be, of the right which he had reserved to himself of replying to the principal arguments which had been urged against the appointment of a committee. And first, with regard to security, you may (said the right hon. gentleman) command your own securities. You can command the security of domestic nomination, and demand a check on the Papal power. As to the expectation of giving complete satisfaction to every person, you are to legislate upon the principle of serving the country, without accommodating any particular set of men. If the idea of this House is to serve, depend upon it you will ultimately satisfy. (*Hear, hear, hear.*) He did not know how it could be maintained, that this was a Protestant Constitution. Originally the Constitution was Catholic : it was formed by Catholics ; all the best laws to which the people owed their rights and liberties were the work of Catholics. The Bill of Rights itself was merely a declaratory law of the privileges obtained by Catholic ancestors ; and, therefore, we could not contend that it was not a Catholic Constitution. The Commons formed the third estate in the realm ; but they were chosen by Catholic as well as by Pro-

testant electors. An hon. member had said, that, at the time of the Revolution, the exclusion of the Catholics was a fundamental principle of the Constitution. But the disabilities of which the Catholics complained were not imposed till after that period. Some of them were enacted in the latter part of William's reign, and others in the reign of Anne. Now, what sort of an experiment was this ? It was an experiment to uphold one religion by inflicting pains and penalties on the professors of another. But, if we looked a little farther, we should find, that the oath afterwards administered was not an oath against the Catholic religion, but against the temporal power of the Pope. In order to shew that he did not mistake the fact, the right hon. gentleman read the preamble of the act of Parliament in which this principle is recognised. In 1793, the British Parliament expressly declared, that the oath of the Catholics was not intended as a fundamental oath, but was only meant to operate against those who paid obedience to the temporal power of the Pope—that it was, in fact, a dogma—and that the oath of allegiance had been substituted in its place. It appeared, by a passage in the journals of the House of Lords, that a motion for a committee to consider whether this oath was fundamental or not, was negatived by a great majority. Here, then, was the opinion of the House of Lords, and of our own Parliament, against the fundamentality of the oath ; and could we now say to Ireland, the Revolution is in your face—we cannot get over the fundamental oath ? He must infer from all this, that the Protestants could not prescribe for an exclusive title to the Constitution. The common law gave capacities to the Catholics in common with other subjects ; Parliament, indeed, had limited those capacities, but religion afforded no fair ground for such measures. Religion, as far as it consisted of the sentiment and opinions of an individual, Parliament could not limit ; it was an interference between God and man ; he affirmed, therefore, that religion ought not to disqualify any man from sitting in Parliament. It was true, that religion might be so connected with other subjects as to afford some ground for exclusion from offices of State, as where it might be the means of filling those offices with persons in subjection to a foreign Power. It was objectionable that ecclesiastical dignitaries here should be nominated by a foreign State ; and on that ground the veto had been offered ; but in the present instance that right was no longer claimed, and domestic nomination was proposed as a security. The argument had ceased with the right, and yet we were urged to reject a security for our Church and State, in order to continue our monopoly of power. Still less was any argument to be grounded on the monstrous crimes imputed to the Catholic religion. The most respectable authorities had disclaimed the doctrine, that no faith was to be kept with heretics ; and as to moral atrocity,

the reasoning went to this—that the religion of Christendom is an abomination. Why, then, did we continue to tolerate it? We must either give up our argument or our religion—or say, that the Christian religion exists only in England, Scotland, Sweden, and part of the North of Ireland. With regard to any peculiar disaffection to the reigning family, it was absurd to suppose that a belief in transubstantiation must necessarily produce disloyalty to the House of Brunswick. In 1791, the Irish Parliament put arms into the hands of the Catholics, and he would shew, from an act passed in that year, that the principle of admitting them to civil and military office, had been expressly recognized by the Legislature. He then read a clause, which declared, that “it should be lawful for Papists to enjoy all civil and military offices.” Here was a direct contradiction to those who pretended that it was contrary to the principles of our Constitution to admit Catholics to political power. The law that gave them the right of voting at elections, was a farther proof that their loyalty had been trusted. What right then was there to limit the capacities of the Roman Catholic? The power, indeed, he acknowledged, but not the right. He maintained, that a religious belief was no proper disqualification of a man for holding civil offices. The seven sacraments were no disqualification: transubstantiation was no disqualification. He would appeal to our generals and admirals: they would not impeach the loyalty of the Catholics, who had shed their blood in defence of that very Constitution which, it was now said, they meant to undermine. What if an individual had revived the order of Jesuits? Because the Pope thought fit to revive the Jesuits, would they say that Lord Fingal should be attainted? No: and yet the argument of hon. gentlemen went farther, and would in fact punish the whole body of Catholics for the crimes, real or supposed, of one man. The history of Ireland had been appealed to, as furnishing strong arguments in favour of the opponents of this question. What was that history? Generally, it was the tale of an unhappy province, ill-governed, and cruelly mismanaged. If gentlemen would go back into the history of Ireland, let them not go back to a period, when the oppressions of England made Ireland retaliate: let them rather look back to the last forty years. Instead of pointing out—here such a man committed a murder, let them look at our battles, and say, “here such a man fought nobly in defence of his country: here such a regiment stood forward to maintain the British Constitution.”

Without a sign his sword the brave man draws.
And asks no omen but his country's cause.

Gentlemen should be consistent: they affected to think it part of their religion to love their enemies; but to love their friends they found too bitter a task. They were asked in the pre-

sent case not to look upon their enemies as friends; but only not to consider their friends as enemies. They might depend upon it, that if they repudiated the Catholics without sufficient cause, they would be guilty of a crime; and they would soon see whether this policy did not go to the destruction, not merely of the Catholic religion, but of the Protestant also. Some had been pleased to prophesy about consequences, for the purpose of perpetuating disqualifications on their fellow subjects. (*Noise and coughing.*) “I know (said the right hon. gentleman) I have tired the House, and can easily imagine, that if I were in the place of some of the gentlemen opposite, I should be quite as impatient as they are: but I have some little claim to their slight indulgence in my reply. *Hear, hear.*”) I remember the observations of Mr. Fox on the arguments concerning the dangers of admitting a few Catholic members into the Legislature. Here is the very same case again. It is a mere arithmetical proposition. Could a few Catholic members overturn the Constitution? It would be highly absurd to say that they could do so, even if they desired it. The theological arguments are equally unavailing. The landed property in Ireland is almost all in the hands of the Protestants. It has been argued strangely, that the 100 members returned for Ireland might be Catholics. But could they even then control more than 500 members for Great Britain? And yet they are, it appears, to outvote both them and the House of Lords! and then they are to depose the King! But do you think it fair and honest, on such mathematics or arithmetic, to say that you will disqualify four millions of your fellow-subjects? This great question has been 39 years under discussion. The poison which a wrong system has spread, and the dangers of it, have increased. Will any gentleman say, that the Protestants, or the English Irish, are now only a settlement, or a sort of colony, to be defended by a large army, which must be paid by the people over whom it is placed. After so many years' possession of the Parliament, of the power of making the laws, of the power of government, can the Protestants in Ireland be only a settlement now? What then have they and you been doing all this long time? Perhaps you have been doing little or nothing but giving sentiments and toasts in honour of “a glorious memory,” and drinking “success to his Majesty's arms by land and sea.” Is that what you propose to continue? Do not suppose that you can set up claims on the score of religion to trample on your countrymen. Do not say, after your long possession, and many opportunities, that you cannot appease troubles and discontents, when you have taken away liberties and privileges. Do not tell men whom you have robbed of their liberty—whom you have disqualified by your legislation, and taxed in every shape of human endurance, that the fault is theirs, and

not among their rulers. You are taught by God to love your enemy, but here you will not embrace your friend. Such a system cannot last; depend upon it, it cannot. If you continue to exclude the people from the State, they will attach themselves to that ancient connection of which you are so alarmed. The Catholic body have now no communion with the State; they are morbid and excluded; and, on the other hand, the State is alive and vivacious. Then let a new order of things mark the times in which we live, and let an immediate termination be put to clandestine intercourse between them and the See of Rome. Do not let us be deluded by your folly and your absurdity, nor let us be led to identify the Constitution of England with your political malversation of it. It is glorious, says a great orator of former times, for a man to endear himself to his country; to perform noble services for her; to be the object of her praise, her veneration, and her love: but it is odious, detestable, weak, and momentary, to be the object of her fear and hatred. Act wisely, liberally, and rationally, and your measures of redress must be attended with the most beneficial results. You may have, on some points, a popular outcry to endure, but that outcry must ever be transient when it is raised against the true interests of the country. When I see Britain at the head of nations—when I contemplate her greatness, and the majesty of her empire, I am deeply astonished to see that majesty bending itself down into a contest with a set of puny theologians and angry bigots. Let me implore you, then, to put an end to these discussions, to stand before the eyes of Europe in the high and distinguished character to which you are entitled, and to secure the independence and love of the nation, by admitting Roman Catholics to the freedom of the Constitution, and the rights and privileges of British subjects.

The question was again loudly called for, and the House then divided—

For the motion	221
Against it	245
Majority	—24

LIST OF THE MAJORITY.

Abdy, Sir W.	Bathurst, Right Hon. B.
Addington, Rt. Hon. H.	Bentinck, Lord F.
Alexander, J.	Beresford, Lord G.
Allan, Alexander	Beresford, Sir J.
Allan, Geo.	Bernard, Lord
Apsey, Lord	Blackburne, J. J.
Archdall, M.	Bloomfield, Sir B.
Arkwright, R.	Bolland, John
Ashurst, W. H.	Boswell, Alex.
Astell, W.	Bouquoy, Sir J. F.
Atkins, J.	Bradshaw, R. H.
Banks, Geo.	Bridport, Lord
Barclay, C.	Brogden, J.
Barne, M.	Brydges, Sir S. E.
Barry, J. M.	Buller, James
Bastard, John	Buller, Sir E.
Bastard, E. P.	Burrell, Sir C.
Beach, M. H.	Burrell, Walter
	Butterworth, J.
	Benson, R.
	Calley, Thomas
	Calvert, John
	Campbell, Alex.
	Castwright, W. R.
	Casberd, R. M.
	Chetwode, Sir J.
	Chichester, A.
	Chute, W.
	Clements, H. J.
	Clerk, Sir G.
	Clinton, Sir W.
	Clive, Visc.
	Clive, H.
	Clive, W.
	Collett, E. J.
	Collins, H. P.
	Cooper, F. S.
	Corry, T. C.
	Cotter, J. L.
	Cranborne, Visc.
	Crickett, R. A.
	Curtis, Sir W.
	Curzon, Hon. R.
	Cust, Hon. W.
	Dashwood, G.
	Davenport, Davies
	Davis, R. H.
	Dawson, G. R.
	Denys, Sir G. W.
	Disbrow, F.
	Dowdeswell, J. E.
	Deerhurst, Viscount
	Dalrymple, Ad.
	Drake, T.
	Drake, W. T.
	Drummond, G. H.
	Duckworth, Sir J.
	Dugdale, Dugdale
	Duncombe, C.
	Edmonstone, Sir C.
	Ekerton, W.
	Elliot, Hon. W.
	Ellison, R.
	Estcourt, T. G.
	Fitzharris, Lord
	Fane, J.
	Fane, Thos.
	Fellowes, W. H.
	Fetherstone, Sir T.
	Finch, Hon. E.
	Foley, Hon. A.
	Folkes, Sir M. B.
	Forester, C. W.
	Foster, J. I.
	Frank, Frank
	Fynes, H.
	Gell, P.
	Gilbert, D. G.
	Gipps, G.
	Golding, Fd.
	Gooch, T. S.
	Goulburn, H.
	Grant, C.
	Grant, A. C.
	Greville, Sir C.
	Hall, B.
	Harvey, Charles
	Heathcote, T. F.
	Hanniker, Lord
	Hill, Right Hon. Sir G.
	Holdsworth, A. H.
	Holford, G. P.
	Holmes, W.
	Honyman, R. B. J.
	Hope, Sir G.
	Houblon, J. A.
	Hume, Sir A.
	Jackson, Sir J.
	Jenkinson, Hon. C.
	Jervoise, G. P.
	Innes, Hugh
	Jocelyn, Visc.
	Irving, J.
	Kock, G. A. L.
	Kerrison, Sir I.
	Kirkwall, Visc.
	Knatchbull, Sir I.
	Knox, Thomas
	Lacon, E. K.
	Lascelles, Visc.
	Lefevre, C. S.
	Leigh, C.
	Leigh, J. H.
	Leigh, Sir R. H.
	Leigh, Thos.
	Lemon, Sir W.
	Lassie, C. P.
	Lockhart, J. I.
	Loftus, Gen.
	Long, Rt. Hon. C.
	Longfield, M.
	Lowndes, Wm.
	Lowther, Lord
	Lowther, Hon. J.
	Lowther, J. jun.
	Lowther, Hon. H. C.
	Lowther, James
	Lushington, S. R.
	Luttrell, H. F.
	Luttrell, J. F.
	Lyster, R.
	Lygon, Hon. Col.
	McNaughten, F. A.
	Magennis, R.
	Maitland, F. F.
	Manners, Lord C.
	Manners, Lord R.
	Manners, Gen.
	Mellish, W.
	Michel, Gen.
	Mills, C.
	Milne, P.
	Mitford, W.
	Moore, Lord H.
	Mooroom, Adm.
	Morgan, Sir C.
	Morgan, C.
	Neville, R.
	Newman, R. W.
	Nicholl, Sir J.
	Noel, Sir G.
	Northey, W.
	O'Neil, Hon. J.
	Osborn, J.
	Paget, Hon. B.
	Pakenham, Sir H.
	Pechell, Sir T.
	Pennant, G. H. D.
	Perring, Sir J.
	Pitt, Jos.
	Pitt, W. M.
	Pole, Sir C.

Porter, G.
Powell, W. E.
Price, R.
Richardson, W.
Robinson, Gen.
Rochford, G.
Round, John
Ryder, Right Hon. R.
St. Paul, Sir H.
St. Paul, Col.
Scott, Right Hon. Sir W.
Shaw, Sir James
Shelley, Sir T.
Shelley, Sir F.
Shiffner, G.
Smith, C. Ald.
Smith, I. A.
Sneyd, Nit.
Somerset, Lord I.
Somerset, Lord G.
Stamford J.
Stewart, Sir J.
Stirling, Sir W.
Strathairn, A.
Strutt, J. H.
Sturt, H.
Sulivan, Rt. Hon. J.
Summer, G. H.
Suttie, Sir James
Sutton, Right Hon. C. M.
Swann, H.

IPPES—Banks, H. Pecl, Right Hon. R.

ORTH.

Alexander, Hon. J.
Acland, Sir T.
Althorp, Viscount
Arbuthnot, Rt. Hon. C.
Atterley, Arthur
Abercromby, Hon. A.
Bentinck, Lord W.
Babington, Tho.
Bewick, Right Hon. W.
Boulton, J. I.
Bernard Viscount
Bancroft, J.
Beckett, Lord I.
Bennet, Hon. H. G.
Bernard, Thomas
Binning, Vis.
Buck, Joseph
Blak, A.
Blair, H.
Bourne, S.
Brand, Hon. F.
Brock, C.
Brougham, H.
Burrows, Sir W.
Browne, A.
Brown, D.
Brown, Right Hon. I.
Burdett, Sir Francis
Butler, Hon. J.
Butler, Hon. C.
Byng, George
Calcraft, J.
Calvert, C.
Campbell, Lord T.
Campbell, Hon. J.
Canning, Right Hon. G.
Carew, R. T.

Taylor, J.
Taylor, Watson
Thynne, Lord J.
Tomline, W. E.
Townshend, Hon. H.
Tremayne, J. H.
Ure, Master ton
Valletot, Vise.
Vansittart, Right Hon. N.
Vaughan, Sir R. W.
Vereker, Right Hon. C.
Vyse, R. W. H.
Wallace, Right Hon. T.
Walpole, Lord
Webber, D. W.
Webster, Sir G.
Willesley, W. L.
Wetherill, C.
White, M.
Wigram, R.
Wilbraham, F. B.
Williams, R.
Willoughby, H.
Wilson, C. L.
Wood, T.
Worcester, Marquis
Wright, I. A.
Wyatt, C.
Yarmouth, Earl of
York, Sir Joseph

Pecl, Right Hon. R.

Foster, F. T. H.
Freemantle, Wm.
French, A.
Folkstone, Viscount
Gleadowley, Lord
Gaskell, Ben.
Gordon, Robt.
Grant, C. jun.
Grant, J. P.
Grant, G. M.
Guincy, H.
Grattan, Rt. Hon. H.
Grenfell, P.
Guise, Sir Wm.
Hamilton, Lord A.
Hamilton, Hans
Hanbury, William
Hammerst, H.
Hill, Lord A.
Heron, Sir Robt.
Hippisley, Sir J. C.
Hobbs, J.
Horne, W.
Howard, Hon. W.
Howard, Hon. F. G.
Hughes, W. I.
Hulse, Sir C.
Hurst, Robert
Jones, J.
Johiffe, J. H.
Kensington, Lord
Lamb, Hon. W.
Lambton, J. C.
Latouche, Robt.
Latouche, Robt. jun.
Law, Hon. Ld.
Lead, Wm.
Lewis, T. F.
Littleton, Ld.
Lloyd, J. M.
Lloyd, H.
Lubbock, Sir J.
Lyttelton, Hon. W. H.
Mordaunt, Sir C.
Macdonald, R.
Macdonald, James
Mackintosh, Sir J.
Madocks, W. A.
Mahon, Hon. G.
Maitland, Hon. A.
Mukham, Admiral
Murray, Jos.
Mutton, H.
Mutton, John
Mathews, Hon. Gen.
Meyler, R.
Milton, Viscount
Monck, Sir C.
Moore, Peter
Morland, S. B.
Mosely, Sir O.
Molyneux, H. H.
Money, W. T.
Morris, J. S.
Manning, W.
Neville, Hon. R.
Newport, Sir John
North, Dudley
Nugent, Lord
Needham, Gen.
O'Brien, Sir E.

Odell, Wm.
Ogle, H. M.
Onslow, Hon. T. C.
Ord, Wm.
Osborne, Lord F.
Ossington, Lord
Palmerston, Vise.
Paget, Sir E.
Palmer, C.
Pearse, Henry
Pelham, Hon. C. A.
Phillimore, D.
Phillips, George
Phipps, Hon. Gen.
Pigot, Sir A.
Pole, Rt. Hon. W. W.
Ponsonby, Rt. Hon. G.
Ponsonby, Hon. F. C.
Plunkett, Right Hon. W.
Power, Richard
Powlett, Hon. W.
Pungle, Sir Wm.
Prittie, Hon. F. A.
Proby, Hon. Capt.
Pym, F.
Purbeck, G.
Quinn, Hon. Wm.
Ramsbottom, John
Ramsden, J. C.
Ranchiffe, Lord
Rashleigh, Wm.
Reddy, Sir M. W.
Riddell, Sir J. B.
Robinson, Right Hon. F.
Robinon, G. A.
Romilly, Sir Samuel
Rowley, Sir W.
Russell, Lord W.
Russell, Lord G. W.
Russell, R. G.
Seadamore, Robert
Sebright, Sir J. S.
Seaton, Earl of
Shard, Rich.
Shaw, Benj.
Shaw, Robt.
Sheldon, Ralph
Smith, Geo.
Smith, John
Smith, Robt.
Smyth, J. H.
Sunerville, Sir. M.
Spies, Arch.
Stanley, Lord
Stewart, Hon. J.
Sceicer, Lord R.
Talbot, R. W.
Tavistock, Marquis
Taylor, C. W.
Taylor, M. A.
Thornton, Gen. W.
Thornton, Sam.
Tierney, Rt. Hon. G.
Waldegrave, Hon. W.
Walpole, Hon. G.
Ward, Hon. J. W.
Warre, J. A.
Warton, John
Wilberforce, W.
Wilkins, Walter
Wood, Thos.

Wortley, J. Stuart Wynn, Sir W. W.
 Wrottesley, Hon. Wynn, C. W. W.
 TELLERS—Parnell, Sir H.—Smith, Wm.

PAIRED OFF.

MINORITY.	MAJORITY.
Curwen, J. C.	Rise, Right Hon. G.
Grenville, Rt. Hon. T.	Gascoyne, Gen. I.
Morpeth, Visc.	Seymour, Lord Robt.
Barham, J. F.	Brodrick, Hon. W.
Western, C. C.	Gunning, Sir G.
Huskisson, Rt. Hon. W.	Blackburne, John
Langton, W. Gore	Foulkes, Evan
Hobhouse, Sir Benj.	Simcoe, Sir John
Forbes, C.	Ward, Robert
Howarth, Humphrey	Farmer, S.
Williams, Owen	Singleton, Mark
Fitzroy, Lord J.	Fenton, Sir John
Calvert, N.	Graham, Sir J.
Desart, Earl of	Davis, Hart
Daly, Right Hon. D. R.	Bruen, H.

The following names were omitted in the List of the Majority.

Farquhar, James	Protheroe, Edw.
Grant, F. W.	Smith, Sam.
Onslow, Sergt.	

HOUSE OF LORDS.

Monday, May 12.

CATHOLIC CLAIMS.] Earl Fitzwilliam presented a petition from certain Catholics of Warwickshire and Staffordshire, referring to a bill which they supposed to be before Parliament respecting the veto, and praying that the privileges they now enjoyed might not be abridged. His lordship stated, that the Catholics of the counties from whence the petition came, were divided in opinion upon the subject to which it referred.

Lord Kenyon moved, that the petition and signatures be printed, in order that the House might know what it was the Catholics desired.

Earl Grey regretted that the petition had been sent up, as it could answer no useful purpose. He had hitherto had the honour of being entrusted with the petitions of the general body of the English Catholics, and at a recent meeting they had passed a resolution signifying their determination not to petition in the present session, but content themselves with referring to the petition last presented. With respect to the petition now presented, it referred to a supposed bill with regard to the veto. Where the petitioners obtained information of any such bill, he knew not; certainly no such measure was coming from the Commons, nor did his noble friend, who had given a notice on the Catholic question, intend to submit to their lordships any such measure. He (Lord Grey) had undoubtedly, on a former occasion, held opinions favourable to the veto, conceiving it at that time to be a measure promising many advantages. Those opinions, however, were changed, and the veto now appeared to him to be most objectionable. It was for the Legislature to enact what in its wisdom seemed

meet with regard to the Catholics, and no idea was attempted to be held out by the latter, that they were not ready to submit to whatever provisions it might be deemed expedient to enact.

The Lord Chancellor believed there was no instance in which the House had ordered a petition to be printed, and therefore their lordships would pause before they introduced a new practice into their proceedings. The petition might be referred to by every noble lord, and undoubtedly the question to which it related, was of the utmost importance, affecting as it did the very vitals of the Constitution.

The Earl of Donoughmore observed, that his noble friend (Earl Grey) had fully explained his (Lord D.'s) sentiments and intentions: he had no intention of introducing any measure respecting the veto. The petition of the general body of the Catholics of Ireland, which he had had the honour to present, humbly made a voluntary offer of domestic nomination as a species of security which would satisfy the Protestant Establishment; but the idea of making terms, or proposing conditions, was altogether foreign to their intentions. It was, as his noble friend had observed, for the Legislature to enact, and for the Catholics to submit to its enactments. He could not, however, help lamenting that the noble and learned lord should, by anticipation, have so completely condemned the Catholic claims.

Lord Kenyon was not aware that it was contrary to the practice of the House to print petitions, but being so, he begged to withdraw his motion.

Lord Holland did not mean to oppose the withdrawing the motion, but had it been put he should have felt it his duty to vote against it, not on the ground of form, which appeared to him doubtful, but because it would be invidious to select this petition in particular, from a portion of the Catholic body, for the purpose of giving publicity to it. He was somewhat astonished at the warmth manifested by the noble and learned lord (he did not mean ill-humour, for the noble and learned lord always preserved in a remarkable degree his good-humour), in stating the question regarding the Catholics to affect the vitals of the Constitution. He could only account for this warmth by supposing that the noble and learned lord was engaged in a continual contest with his colleagues in council, who thought that this measure would be highly advantageous to the best interests of the country.

The motion for printing the petition was withdrawn, and the petition was ordered to lie on the table.

LORD SIDMOUTH'S CIRCULAR.] The order of the day having been read, Earl Grey rose and spoke as follows:—

My Lords,
 I have felt considerable hesitation and reluct-

ance in bringing forward for discussion the question on which your lordships have been summoned to attend this night; not because it is not of great importance, or that it does not claim from your lordships the most serious attention, but because it is, in my hands, exposed to difficulties, which I feel myself ill qualified to encounter. It is, in the first place, a *legal question*, to which I, unlearned as I am, can little hope to do justice, considering the legal ability and experience, which, I have too much reason to fear, will be arrayed against me. It is, in the second place, a constitutional question; and though, in this view, it is of the utmost importance to the freedom of the press, and the liberty of the people, I have had but too many proofs, that this character alone is sufficient to deprive it of all interest, if not to expose it, when brought forward by me, to the suspicion and disfavour of those, to whom my arguments must this night be addressed. In this respect, as it appears to me, a lamentable change has taken place in the feelings of this and the other House of Parliament. Our affections are now all on the side of prerogative; our fears, of popular rights and privileges. It is no longer the encroachments of power of which we are jealous, but of the too great extension of freedom. Every symptom of popular uneasiness, every ill-regulated effort of that spirit, without which liberty cannot exist, but which, whilst it exists, will break out into occasional excess, affords a pretence, which we seem emulous to seize, for imposing on it new restraints; whilst all the increased advantages of the Crown, in the extension of our military establishments, in the augmentation of our revenue, and in the patronage and influence annexed to its collection, seem to pass unnoticed, in our anxiety to support and strengthen the executive government, whenever called upon to do so, by new and extraordinary powers. Feeling the effects of this change, it is for this, amongst other reasons, that I have resolved, upon this occasion, not to offer to the House any distinct proposition with respect to the important matter which I am about to bring under your consideration; fearing, that, if I were to do so, I should only give occasion for an adverse decision, and thereby injure those interests, which I am anxious to uphold and to protect. I shall therefore, this night, content myself with moving for the case laid before the Law Officers of the Crown by the Secretary of State, upon which their opinion has been given, as to the powers of Justices of the Peace to hold to bail, or commit to prison for want of bail, any persons accused of publishing blasphemous and seditious libels. We shall, by this course, have the advantage of not coming to a premature decision on a subject of such vital importance; and an opportunity will be afforded of examining it carefully in all its bearings. I cannot conceive what reasonable objection can be urged against producing the information which I require. It is of the great-

est consequence that we should be possessed of it, to see on what precise grounds the opinion was given; whether it was applicable to the case; and whether the purpose of the noble Secretary of State was fairly brought under the consideration of the Law officers of the Crown. My motion, then, will be simply for the production of the case; but I shall take the opportunity, which this motion affords me, of supporting it by such general observations on the whole subject, as, I trust, will prove to your lordships, how deserving it is of your most serious attention. The Circular Letter of the noble Secretary of State, addressed to the Lords Lieutenants of counties in England and Wales (whether properly addressed to the lords lieutenants of counties, where the object was to communicate with the magistrates, I will not now inquire), is before the House. (See the end of this debate.) The letter states, that the dangerous and extensive circulation of blasphemous and seditious libels had induced the Secretary of State to consult the Law Officers of the Crown, as to the power of bringing before a justice of the peace, and compelling to answer for his conduct, any person found selling, or in any way publishing such pamphlets and writings; that the Law Officers had answered, that a justice of peace might issue his warrant to apprehend a person charged upon oath with the publication of such libels, and compel him to give bail; and the lord lieutenant is then desired to make known to the chairman at the next quarter sessions, the substance of this communication, "in order that he may recommend it to the magistrates to act upon it in all cases, where any person shall be found offending against the law in the manner above-mentioned." The character, then, of this extraordinary letter—for extraordinary I must call it, as there is no precedent, that I ever heard of, for such a proceeding—is this; that, having consulted the Law Officers of the Crown, the Secretary of State has, upon the ground of their opinion, taken upon him to instruct the magistrates in their judicial duty.—The dangerous consequences of such a precedent I shall hereafter endeavour to point out. The letter states, that the opinion related to blasphemous and seditious libels. In the opinion I do not find the word blasphemous, but I admit, nay I shall have to contend, that not only blasphemous, but all other libels, of every description, must, if the opinion be correct in principle, necessarily come under it. The letter refers only to the powers of justices of the peace. The opinion relates also to the powers of the Judges and of the Secretary of State; and it is of great importance to have the case produced, in order to see whether the noble Secretary of State had intended to instruct, not only Justices of the Peace, but also the Judges in Westminster Hall, in their judicial duties. The opinion first affirms generally the power of the Secretary of State, of the Judges, and of Justices of Peace, to apprehend persons charged with

publishing a libel. It then states separately, with respect to each, the grounds on which the existence of such a power is asserted. As to the power of the Secretary of State to apprehend in cases of treasonable and seditious libel, I must admit it now to have acquired the force of law. Whether it was or was not originally an usurpation, it is unnecessary now to inquire. It has been sanctioned by the decisions of the Courts, and therefore I feel it can no longer be disputed. The opinion next states, that it appears that Judges have such a power, at all events under the 48th of the King, cap. 58. Now, with all due deference to these learned persons, I must say, that this part of the opinion seems to me to have been somewhat inaccurately and carelessly expressed. The act of the 48th of the King gives no such power to the Judges generally, but only to the Judges of the Court of King's Bench; and in this construction I am fortified by a late proceeding in the Old Bailey before two Judges, not Judges of the Court of King's Bench, who evidently doubted, at the least, their powers in this respect; though in that case the information was soon after filed, and the question was not farther agitated. The act, then, does not apply to the Judges generally, but only to those of the Court of King's Bench, and the words of the opinion, "It appears to us, that, at all events under the statute 48 Geo. III., cap. 58, a Judge has such power," imply a strong doubt whether a Judge had any such power before that statute. These learned persons then go on to state, that a Judge "would probably expect, that it should appear that the Attorney-General intended to file an information against the person charged." They seem to have conceived, that a person so charged might, under the act of the 48th of the King, be committed before information filed. I doubt whether that be the true construction. I was not in the House when the bill was in its progress; but I understood, from those who were present, that the interpretation given to it, in the discussion, was, that it was only intended to confer the power of committing, after an information had been actually filed. These learned persons appear to think differently; but they say, that a Judge would require some evidence of the intention of the Attorney-General to file an information against the person charged. I do not very clearly see what evidence the Judge could have of such intention. Is the Attorney-General himself to prove, by his oath or affidavit, that such was his intention; or is some one else to give evidence of an intention, which could be certainly known only to the person who entertained it? This appears to shew, that the learned persons, who have given this opinion, have not rightly construed the act, and that the opinion is, in this respect also, erroneous. But leaving this minor point, which hardly deserved so much notice, I now come to the principal question, in which every subject of these kingdoms is indeed most deeply interested

—the question, whether any Justice of the Peace may be called upon, by any common informer, to decide at once what is or is not a libel (one of the most difficult questions, in many instances, that can possibly come under consideration;) and, upon his sole judgment and authority, commit or hold to bail the person accused. The opinion states, that the decision of the Court of Common Pleas, in *Wilkes's* case, only amounted to this—that libel is not such an *actual* breach of the peace as to deprive a member of Parliament of the privilege of Parliament; and then these learned persons proceed, on the authority of two modern instances, to say, that all Justices of Peace have the power of issuing warrants to apprehend persons charged by information on oath with publishing scandalous and seditious libels, and to compel them to give bail to answer such a charge. In the first paragraph of the opinion, this power is not confined to blasphemous and seditious libels, but extends to all libels generally; and this undoubtedly is correct: for if magistrates possess this power with respect to one description of libel, they must have it over all, whether public or private, malicious or treasonable; and not only over all cases of libel whatsoever, but over every species of minor offence, which comes within their jurisdiction at the sessions. I now state this generally, as a consequence which, I shall hereafter have to argue, must follow of necessity from the opinion of the Attorney and Solicitor-General. I can, my lords, conceive nothing more dangerous than the assumption of such an authority; nothing more contrary to the whole spirit of our laws and Constitution. In examining this question, where are we to look for the proof, that such a power is or ever has been possessed by Justices of the Peace? The proof must be found either in the common law, in some express statute, in decisions of the Judges, in the writings of lawyers, or in ancient practice. In one or in all of these authorities the proof of this power, said to be possessed by the magistrates, must, if it do exist, be found: and, if it is not to be found in any of these, it will not be denied to me, that it cannot be the law of the land. In considering this subject, I shall have no trespass for some time on the patience of your lordships, in order to state what has been the result of my inquiries, in the course of which I have been able to find no foundation for the opinion in question. In the common law I have not discovered any thing that tended to support it. There is no statute which sanctions it; for, if any such statute had existed, the Law Officers of the Crown would doubtless have referred to that statute in support of their opinion. In looking into the most approved writers on the law, as well as the opinions delivered on particular occasions by judges, I have met with nothing to warrant the conclusion, that the power now attributed to Justices of Peace is legal. Whether considered separately or collectively, I have no

difficulty in declaring, that all the great authorities will be found to preponderate against the existence of such a power. But before I proceed to examine these authorities I should wish to draw your lordships' attention to the commission of the Justices. That commission, which was settled by the Judges in the reign of Queen Elizabeth, consists, as your lordships well know, of two clauses: the first gives them the power "to keep and cause to be kept all statutes and ordinances for the good of the peace, &c.; to chastise and punish all persons that offend against the form of these ordinances and statutes; and to cause to come before them, or any of them, all those who have used threats, &c., to find sufficient security for the peace or their good behaviour; and, if they shall refuse such security, them in the king's prisons to cause to be safely kept." The first clause, then, describes the power of the Justices out of sessions, as Conservators of the Peace. The second clause relates exclusively to the jurisdiction of the Justices at the sessions of the peace. "We have also assigned you, and every two or more of you, to inquire the truth more fully, by the oath of good and lawful men, of all manner of felonies, poisonings, enchantments, sorceries, arts magic, trespasses, forestallings, regratings, ingrossings, and extortions whatsoever; and of all and singular other crimes and offences, of which the Justices of our Peace may or ought lawfully to inquire—to inspect all indictments, &c.—and to make and continue processes thereupon; and to hear and determine all and singular the felonies, trespasses, &c., according to the laws and statutes of England." This second clause it is material to keep in our view, as it is on the jurisdiction which it gives, that this power, as necessarily consequent upon that jurisdiction, must be maintained. It relates, as I have already stated, solely to the duties of magistrates in sessions. It is clear, then, that the first clause, which confers the power of arrest and commitment only in cases of actual breach of the peace, does not give it in cases of libel, or of any inferior offence. It is equally clear, that no such previous authority to compel an appearance at the sessions, is conferred by the second clause, which relates exclusively to the jurisdiction of the Justices there, which it requires the presence of two or more Justices to exercise. It is not to be found, then, in the *letter* of the commission. Does it come within its equity, by fair and necessary construction? This is the question which your lordships have to examine; and in this examination the first step is to consult the great authorities of the law, who have treated of this subject, and who, if such a power legally exists, could not have failed to notice it in such clear and distinct terms, as would leave it subject to no dispute or doubt. Lord Coke, so far from acknowledging the existence of such a power, denies the right of a magistrate to commit, even in cases of felony and treason, before indictment; a power which

he held to be contrary to Magna Charta. His words are as follow:—"But for the Justices of the Peace to make warrant, upon surmises, for breaking the houses of any subjects, to search for felons or stolen goods, is against Magna Charta: 'Nec super cum ibimus nec super cum mittemus nisi per legale iudicium parium suorum, vel per legem terræ;' and against the statute of the 42d Edw. III. &c.; and we hold the resolution of the court, viz. of Brudenell, Pollard, Broke, and Fitzherbert, in 14 Hen. VIII. to be law, that a Justice of Peace could not make a warrant to take a man for felony, unless he be indicted thereof; and that must be done in open session of the peace." (4 Inst. 177, 8.) If, then, such a person as Lord Coke denied the existence of this authority, even in cases where the peace and good order of the country were involved, how can it be supposed, that the ancient law of the country authorized magistrates to hold to bail for lesser offences? I admit, that, under the general word *trespass*, as it has been interpreted, libel, with other offences of a similar description, as tending to a breach of the peace, is cognizable by Justices of the Peace at their sessions; but still, the utmost latitude of construction gives this authority to magistrates only in their sessions; and before your lordships can decide in favour of the opinion of the law officers of the Crown, you will require clear proof, that libel, by becoming an offence cognizable in sessions, is also subject to the power of a single magistrate out of sessions. The next opinion I shall notice is that of Mr. Sergeant Hawkins. That learned author has stated, (Pleas of the Crown, b. ii. p. 84.) that "any Justice of the Peace may commit in cases of treason, felony, or *præsumpture*, or any other offence against the peace. Also wherever a statute gives to any one justice a jurisdiction over any offence, or a power to require a person to do a certain thing ordained by such a statute, it impliedly gives a power to every such justice to make out a warrant to bring before him any person accused of such offence, or compellable to do the thing ordained by such statute." He proceeds to state, that, "anciently, no one justice ever could make out a warrant for an offence cognizable by a sessions of two or more justices. Constant and universal practice appears to have altered the law in this particular: the practice of justices is now also become law, in granting a warrant for the apprehension of any person, upon strong grounds of suspicion, for a felony, or other misdemeanour, before indictment found. Yet as Justices of the Peace claim this power rather by connivance than any express warrant of law, and since the undue execution of it may prove highly prejudicial to the reputation as well as the liberty of the party, a Justice of Peace cannot well be too tender in his proceedings of this kind," &c. The opinion, then, of Mr. Sergeant Hawkins, your lordships will observe, is of this character: it is clear as to the power of justices to apprehend and commit for

treason, felony, or *præmunire*, or any other offence against the peace: it is also clear as to the power of a single justice with respect to offences over which a jurisdiction is given him by statute. But is there any thing to sanction the possession of such a power as to other offences? If this should be inferred from the words subsequently quoted, that one justice might make out a warrant for offences cognizable by a session of two or more justices, or for apprehending any person "for a felony or other misdemeanour," I must contend, that these words cannot fairly bear such an interpretation. That they must, in the first place, be understood in reference to the offences of which the author was treating, and these are expressly stated to be treason, felony, or *præmunire*, or any other offence against the peace: this, therefore, must be considered as the description of misdemeanour which Hawkins had here in contemplation. That, in the second place, he expressly founds this power, which he states to have acquired by an alteration of the law, on ancient and universal practice. It rests upon practice and convenience. This practice, with respect to treason, felony, and actual breaches of the peace, is admitted; but where can it be shewn with respect to other misdemeanours and offences, not breaches of the peace, but only having a tendency to that effect? Had there been any such constant and universal practice in cases of libel at the time that Hawkins wrote? If there had, it is impossible that he should have failed to notice it in clear and precise terms. Your lordships have then the opinion, the clear and distinct opinion of this able writer, as to treason, felony, and breach of the peace; and if any doubt should arise as to the sense in which he has used the word misdemeanour, that doubt is cleared up by the context, by reference to the description of offences of which he was treating, and by the practice, which he states to have been constant and universal. The next authority to which I shall refer is that of Lord Chief Justice Hale; and here I am aware of a proposition laid down by that great lawyer, which at first sight may appear to militate against the view which I have taken of this question. That learned authority has stated, (*Pleas of the Crown*, vol. i. p. 579.) that "Justices of the Peace may also issue their warrants, within the precincts of their commission, for apprehending persons charged with crimes within the cognizance of the sessions of the peace, and bind them over to appear at the sessions, and this though the party be not yet indicted; and therefore the opinion of my Lord Coke is too strait-laced in this case; and, if it should be received, would obstruct the peace and good order of the kingdom." This opinion, at the first view, to state, that for all offences, so cognizable, a warrant might be issued before indictment; but is afterwards explained, and the nature of the offences, to which this passage refers, made evident, by the remark that follows

on the opinion of Lord Coke, which, it states, was too strait-laced, in this case, as to the authority of magistrates. What was the case on which Coke gave his opinion? The case of felony only. Lord Chief Justice Hale must, therefore, be taken as controverting here that passage in Coke, in which it is laid down, that magistrates could not convict in cases of felony before indictment. This is farther evident from the subject under discussion, which was "concerning felonies." Your lordships will admit, that, in construing an opinion, it must in fairness be considered with reference to the subject of discussion. Now what is the subject of which Chief Justice Hale is treating? It is the power of justices to commit for felonies. The title of the chapter is "Concerning felonies by the common law, relating to the bringing felons to justice, and the impediments thereof, as escape, breach of prison, and rescue; and first touching arrests." I therefore think it impossible fairly to collect from this passage the opinion which some, I understand, are disposed to infer from it. But it is farther explained by what Lord Hale says in the second volume of his work, where, (p. 108.) speaking of the power to issue warrants, and arrest persons not indicted, he observes, that there had been doubts whether that power was not contrary to *Magna Charta*. "A Justice of Peace," says Lord Hale, "hath the power to issue a warrant to apprehend a person accused of felony, though not yet indicted." He then states, (p. 109.) the doubt that had arisen on the statutes of *Magna Charta*, the 25th Edw. III. cap. 4, 28th Edw. III. cap. 3, and the 42d Edw. III. cap. 3. "The question upon these statutes," he proceeds to say, "is, what is the law of the land? It is clear, if a felony were committed or suspected, a man may be arrested by the party that know, or upon probable grounds suspects him as the felon, or by a constable upon complaint, or hue and cry. Let a man look upon all the acts of Parliament that have been down to this day, he shall find, that the power of Justices of Peace to convene and commit felons before indictment is allowed." He then cites a variety of statutes, by which it appears that justices may commit for felony, yea, or for suspicion of felony; so that the imprisonment before indictment is surely lawful, and not within the restraint of *Magna Charta*; and, if so, then surely the arrest is much more lawful."—"He may also issue a warrant on suspicion of felony, though the original suspicion be not in himself."—"A Justice of Peace may make a warrant as well in case of felony as of the peace, to bring the party before himself,"—"or before any of his Majesty's Justices of Peace,"—"or before himself and any of his Majesty's Justices of Peace." In all these passages Lord Hale expressly limits what he says of felony, or suspicion of felony, or breach of the peace. In cases of that description, his opinion, as opposed to that of Lord Coke, is clear; but where do we find the same distinct

expression of an opinion with respect to this power of arrest and commitment, before indictment found, for misdemeanours or other inferior offences, not being actual breaches of the peace? I am sure your lordships will not infer from Lord Hale the existence of such a power because he seems incidentally to assert it by a casual or parenthetical expression, delivered in treating upon another subject; but you will expect, that the opinion should be clear, distinct, and precise, as it would have been, if such had been the acknowledged and established law when Lord Hale wrote. I feel myself, therefore, warranted to contend, interpreting a particular expression (which I hold to be the more legitimate rule of construction) by referring to the subject propounded for discussion, and by comparing it with the context, that no opinion of my Lord Hale, in favour of the power now contended for, is to be inferred from the passages that I have cited; but that, on the contrary, the authority of this eminent judge, when fairly considered, is, if I were to stop here, to be taken as preponderating in favour of the opinion which I am endeavouring to maintain. But if there should still remain a doubt in the mind of any of your lordships, whether Lord Hale meant to assert, that Justices of the Peace had generally a power to commit or hold to bail for all offences within their jurisdiction at the sessions, though not actual breaches of the peace, that doubt must be completely removed by a subsequent passage in the same great author, which I am now about to cite, and to which I request your particular attention. "Whether, generally, a Justice of Peace, out of sessions, can issue a warrant to apprehend persons offending against a penal law, though within their cognizance, and to bind them over to sessions, or, in default thereof, to commit them, and this before indictment found, seems doubtful. These things seem to make against it: First, Because some acts of Parliament do particularly and expressly authorize them to it, which they would not have done if it had been otherwise lawful. Secondly, Because, in most cases of this nature, though the party were indicted, or an information preferred, yet the *captas* was not the first process, but a *venire facias* and *distringas*; and, in cases of information, no process of outlawry at all (8 Hen. VI. 9 B.) until the statute of 21 Jas. I. cap. 4. gave process of outlawry in actions popular, as in actions of trespass *vi et armis*." (P. 112.) Here, then, the very question, which we are arguing, is stated; the question as to the power of justices out of sessions, over offences cognizable before them at their sessions; and upon this, does my Lord Hale give an opinion confirmatory of the inference which is drawn from the expression, which I have cited from the passage in which he is treating of felonies and breaches of the peace? Does it not, on the contrary, prove irrefragably, that, in the passage alluded to, on which, I am told, so much stress is to be laid, he not only did not,

but could not mean to deliver any such opinion? The question is here raised, and, when raised, he states upon it not an opinion, but a doubt; and that doubt he supports by two very strong and cogent reasons, which it does not appear to me to be very easy to answer, and which he accordingly leaves unanswered. The opinion given by Chief Justice Hale, therefore, fairly considered, reduces itself to this—that, in some cases Justices of the Peace possessed the power of issuing warrants, and holding to bail before indictment; and that, in other cases, their right to exercise that authority was doubtful; but, when he comes to give any thing like a description of what offences he had in view, he appears expressly to limit the power of the Justices to cases of treason, felony, and breach of the peace. This is made completely clear by another passage, (p. 119.) the last that I shall cite from this great judge. "If a Justice of Peace have jurisdiction in the case (as he hath in all treasons, felonies, and breaches of the peace, yea though it be treason, so far forth as it is a breach of the peace) though he err in granting his warrant, it seems that the officers, who execute it, is excusable. I contend, therefore, that the authority of Lord Hale, fairly considered, weighs decisively against the opinion given by the law officers of the Crown; but, if my argument to this extent should not be admitted, it surely cannot be denied to me, that the most that can be inferred from the writings of Lord Hale with respect to this subject is, that he left the case in some degree of doubt; and, if there exists a doubt as to the law on so important a point, I am sure your lordships will not be disposed to lean to that interpretation of it, which is unfavourable to the rights of the subject. The next authority to which I have to call your lordships' attention is that of Mr. Justice Blackstone; the author, as your lordships know, of an elementary work upon the law of England; in that character entitled to the greatest praise, but not possessing the authority of those writers, who have treated more in detail, and with more accuracy, those questions of law, which come practically before the Courts. I say this by no means with a view to depreciate the merit of Mr. Justice Blackstone; that merit I shall always be one of the first to acknowledge; but to caution your lordships against giving too much weight to every particular expression, which, from the very nature of the work, it cannot be supposed that the author could have weighed with as much accuracy and caution, when he was merely giving the general principles as an introduction to a more extensive and accurate knowledge of the science of the law, as if he had been detailing precise rules, founded on precedents of acknowledged authority and decisions of the courts, for the regulations of its practice. Mr. Justice Blackstone says, (vol. iv. p. 290.) "A warrant may be granted in extraordinary cases by the Privy Council, or Secretary of State; but, ordinarily, by Justices of

Peace. This they may do in any cases where they have jurisdiction over the offence, in order to compel the person accused to appear before them; for it would be absurd to give them power to examine an offender, unless they had power to compel him to attend and submit to such examination. And this extends, undoubtedly, to all treasons, felonies, and breaches of the peace: and also to all such offences as they have power to punish by statute. Sir E. Coke indeed hath laid it down, that a Justice of the Peace cannot issue "a warrant to apprehend a felon, upon bare suspicion; no, not even till an indictment be actually found; and the contrary practice" (observe, with respect to felons) "is held by others to be grounded rather upon connivance than the express warrant of law; though now, by long custom established. A doctrine which would in most cases give a loose to felons to escape with impunity, and therefore Sir M. Hale hath combated it with invincible authority and strength of reason, maintaining, first, that a Justice of Peace hath power to issue a warrant to apprehend a person accused of felony, though not yet indicted; and, secondly, that he may also issue a warrant to apprehend a person suspected of felony, though the original suspicion be not in himself, but in the party that prays his warrant; because he is a competent judge of the probability offered to him of such suspicion." It is observable, my lords, that the only clear and distinct opinion delivered by Mr. Justice Blackstone in this passage (the whole of which I have cited, that I may not be accused of keeping back any thing that is unfavourable to me) is, that this power of arrest and commitment, before indictment found, is vested in justices of the peace, with respect to "all treasons, felonies, and breaches of the peace, and also all such offences as they have power to punish by statute." This is what I had always understood to be the law upon this subject. Beyond the limits thus defined by Mr. Justice Blackstone I had never conceived the power of the Magistrates out of sessions to extend; and I never was more surprised than when I read, what appeared to me to be the novel doctrines, doctrines which I am convinced upon examination are equally novel and untenable, conveyed in the shape of an instruction to the magistrates, in the Circular of the Secretary of State. Every person of eminence in the profession of the law, with whom I conversed on the subject, expressed equal surprise. I remembered too the discussions, which took place in this House on the letter of the Secretary in Ireland, the proclamation, and the proceedings upon the Convention Act, in 1812. On that occasion, this very question was debated. I myself then maintained as law, what I still believe to be law, that the power of justices of the peace, out of sessions, or even of the judges of the Court of King's Bench, to commit or hold to bail, did not, unless given by special statute, extend beyond treason, felony, and breach of the peace.

I called upon the noble and learned lord on the woolsack to contradict me, if what I said was incorrect. He remained silent. It is not fit that I should refer to any thing that passed in private communications, which the urbanity of the noble lord permits even to his political opponents; but the impression left upon my mind by the result of that discussion was, that the law, as I then stated it, and as I now contend it to be, as it had not been, so it could not be disputed. A noble friend (Lord Holland) near me entered upon that occasion a protest, stating distinctly the same principle of law. A protest undoubtedly cannot be cited as expressing more than the opinions of the individuals who signed it. But it was the subject of some conversation and discussion amongst persons, who took different sides on the question to which it referred, and by none of them, though the correctness of its application might be denied, did I ever hear the soundness of its law disputed. I say, then, that the only opinion clearly announced in the passage, which I have quoted from Mr. Justice Blackstone, is, that justices of the peace may issue their warrants to apprehend, or to commit in default of bail, for treason, felony, breach of the peace, and such other offences as have been made specially liable to the exercise of such a power by statute. To this extent, says Mr. Justice Blackstone, their power undoubtedly goes: implying, thereby, that, in the words which preceded, he did not mean positively to affirm the existence of such a power beyond those limits. It is observable, too, that he interprets the passage of Lord Hale, to which I have already adverted, as applicable only to the opinion of my Lord Coke respecting felony. He does not extend it to misdemeanour, as he would unquestionably have done had he understood my Lord Hale as meaning to give to the opinion, which he asserted in opposition to Lord Coke, such an extension. And it is farther to be remarked, that the marginal note shews, that the introductory words to the more distinct opinion, which I have stated, are intended as a citation from Mr. Serjeant Hawkins. Now this is clearly a misapplication, or rather an undue extension of the authority of Hawkins on this point, which relates solely to the power of one justice, where a jurisdiction is given him by a particular statute. It affords, therefore, no foundation for the larger statement, which appears to have been somewhat incautiously made by Mr. Justice Blackstone, as to all offences coming within the jurisdiction of the Justices at their sessions; and he himself seems to have so little intended to convey a conclusive or decided opinion on this point, that he immediately adds, in speaking of this very power, that it extends undoubtedly to all treasons, felonies, and breaches of the peace, and other offences over which a jurisdiction is given by a particular statute; thereby, as I have already stated, clearly implying, that, beyond this extent, such a power could not be asserted un-

doubtedly to exist. Taking, therefore, into view the opinions of Hawkins, Chief Justice Hale, and Blackstone, and recollecting what had passed in that debate, it surely is not without reason, that I have been led to conclude, that Magistrates could not hold to bail in any case, less than an actual breach of the peace, in which the power was not given them by statute. In support of the conclusion, which I have thus drawn from the writings of these great authorities of the law, I would next call the attention of your Lordships to a case tried before Lord Chief Justice Holt,—the case of *Roe, Kendal, and others* (7th Wm. III. Modern Reports, vol. v. p. 80.) They had been committed by the Secretary of State, for assisting Sir E. Montgomery, who was in custody for treason, to escape. Their offence, therefore, by the law of England, was treason; yet it was objected, that, even in that case, the Secretary of State had no power to commit. Holt, C. J. “Why should not a Secretary of State have power by law to make commitments? Pray what authority has a Justice of Peace to commit in cases of high treason? It is not given him by any statute; and truly I cannot tell from whence he derives such an authority, unless it be by virtue of the old common law, which doth authorize conservators of the peace to commit in such cases. My Lord Coke doth seem to intimate, that a man could not be committed till he was indicted; but certainly that is a mistake, for the constant practice is otherwise.” Lord Holt then, my lords, appears in this case to have considered the power of a Justice of the peace to commit even for treason to be derived from the old common law, which gave it to conservators of the peace. It gave it to them as conservators of the peace, in cases of actual breach of the peace; and it is accordingly upon that principle, and under that construction of their commission, that the power of committing for treason is said to belong to them, by the writers on this subject. It is because the offence is against the peace, says Hawkins, upon the authority of Dalton and Lord Hale, that Justices have power to commit in cases of treason, as well as in *premunire* and misprision of treason. And “this opinion,” he adds, “seems to be agreeable to constant practice, especially since the statutes of the 1st and 2d Philip and Mary, cap. 13. and the 2d and 3d Philip and Mary, cap. 10.; which, directing Justices of Peace to proceed in this manner against persons brought before them for felony, seem to give them a discretionary power of proceeding against persons accused of the above-mentioned offences.” Here, then, we see, that this power of the Justices, recognized by the statutes of Philip and Mary as to felony, and as to felony only, is, in the opinion of the greatest writers on the law, extended by constant practice, to other crimes, which are considered as offences against the peace. It is upon this principle, that the power of commitment for treason was exercised at the

common law by the conservators of the peace. It is upon this principle, that my Lord Holt says it must be considered as vested also in the Secretary of State. Taking, therefore, the authority of the conservators of the peace, confirmed, as Lord Holt says, by constant practice; to be the foundation of this power, we have to inquire, where the instance is to be found of the exercise of such a power by these ancient Magistrates in cases of trespass or misdemeanour, not being actual breaches of the peace? Or what proof there is of that constant practice, which, according to Lord Holt, proves Lord Coke's opinion, respecting the power of a Justice of Peace to commit for felony, before indictment found, to be a mistake? There is another case, in which the same excellent Judge delivered an opinion materially bearing upon this important question, to which I also beg to call your lordships' attention. It is the case of the Queen against Tracey (3d of Queen Anne. Modern Reports, vol. vi. p. 179.) Holt, C. J. “If one be taken by a process from sessions to the Sheriff, he must give bail bond, according to the statute of Henry VI.; and wherever one may be taken up by warrant of one Justice any one Justice may bail; formerly, indeed, none could be taken up for a misdemeanour until indictment found; but now the practice over all England is otherwise. And per Hale: ‘that practice is become a law, and Justices of Peace, *eo ipso*, may bind to the peace, and over to sessions, for every breach of peace, before indictment found.’” Here, then, we have the opinion of Lord Chief Justice Holt, expressed in a manner which can admit of no doubt: the misdemeanours, for which a Justice of the Peace may commit, are such offences as, according to the practice then established over all England, were subject to that power. With respect to what offences did that practice prevail? I answer, with respect to treason, felony, and breaches of the peace, and no other, except where the power was given by a special statute. The misdemeanours, then, here alluded to, were breaches of the peace; and to shew that this, and this only could be the meaning of Lord Holt, he proceeds to cite the authority of Hale in support of his opinion, and states, from that great authority, that “the practice,” which he states to be universal, “is become law, and Justices of Peace, *eo ipso*, may bind to the peace, and over to sessions, for every breach of peace, before indictment found.” Is it in the power of words to express any thing more clearly? and is it not thus demonstrated, first, that Lord Chief Justice Holt expressly confines the opinion here delivered to actual breaches of the peace; and, secondly, that, in citing Lord Hale, he understood the authority of that great Lawyer and Judge to confine the power of the Magistrates, with respect to offences for which they might commit before indictment found, expressly within the same limit. In another case, which came before the Court of King's Bench in the time of Chief Justice Parker, afterwards Lord

Macclesfield (10th Anne. Fortescue's Reports, p. 140. the Queen against Derby), I find, in the judgment delivered by that eminent person, a farther confirmation of the opinion, which I have been endeavouring to maintain. This, your lordships will recollect, is one of the cases referred to by the Law officers of the Crown as establishing the power of arrest and commitment for libel by the Secretary of State. In that view I do not mean to contest the inference that is drawn from it, though I shall have to contend, that it affords no precedent for the power now claimed for Justices of the Peace; but I cite it now to shew, with respect to this latter point, that the opinion of my Lord Macclesfield coincided with that of the other great authorities, which I have already examined. The defendant in this case had been committed for a libel by the Secretary of State. His counsel, in arguing the legality of the commitment, admitted the power of a Secretary of State to commit for treason and felony, that point having been decided in the case of Roe and Kendal, but they denied it as to libel; because this was no offence on which commitment might by law be till indictment or presentment. This argument of the counsel, my lords, seems at least to prove, that there could at that time have been no such acknowledged practice as is now insisted upon; and this seems farther confirmed by the answer of the counsel for the prosecution, who do not contend, generally, for the power of committing in cases of libel, but state, in reply to the objection, that a warrant was not a commitment, but only what was necessary to the examination of the person accused; and that he could not now take exception to the commitment, because he had entered into recognizance to appear. C. J. Parker. "The defendant cannot be discharged; the warrant is good and legal. Suppose there be an information to a Justice of Peace that one is a felon; may he not send a warrant to have him come before him? To have him examined is for the benefit of an innocent man," &c. The terms, my lords, in which this judgment is delivered, are remarkable: Lord Chief Justice Parker, asserting the legality of the warrant, says, may not a Justice of Peace send out his warrant—for what? for libel? No, but for felony. For offences of that description Lord Chief Justice Parker seems to have considered the power of a Justice of Peace as clear and indisputable; and attributes to the Secretary of State a similar power in cases of libel. But the inference would have been stronger, and there can be no doubt that he would so have applied it, if he had supposed that, by law, Justices of the Peace could issue their warrants for similar offences. There arises, therefore, in my mind, the strongest presumption, that Lord Chief Justice Parker, in asking whether Justices of Peace had not this power in cases of felony, could not have supposed them to possess it in cases of libel. I come now, my lords, to the celebrated case of Mr. Wilkes: a case heard

and decided by one of the greatest Judges that ever sat upon the bench—a Judge eminent for learning, eminent for ability, eminent for the most unsullied integrity, but eminent, above all, for an affectionate and enlightened attachment to the constitution and liberties of his country, and his zealous and independent support of them at the bar, on the seat of judgment, and in the senate. Your lordships will at once point what I am now saying to the great and venerable name of Lord Camden. The case of Mr. Wilkes arose, as your lordships know, upon his commitment for a libel, by the Secretary of State. The general power of the Secretary of State to commit for libel was not questioned; it was at that time considered as established by the decisions of the Court in the cases of Derby and Earbury. But three objections were taken to the warrant. First, that evidence upon oath had not been taken. Secondly, that it was too general. Thirdly, that it was against the privilege of Parliament. The two first objections were over-ruled; but, upon the third, the discharge of Mr. Wilkes was ordered; and Lord Camden concludes his judgment with these remarkable words, which I have taken from Mr. Serjeant Wilson's report of that case. (Howell's State Trials, vol. xix. p. 990.) "We are all of opinion, that a libel is not a breach of the peace. It tends to the breach of the peace, and that is the utmost. 1 Lev. 139. But that which only tends to the breach of the peace cannot be a breach of it. Suppose a libel to be a breach of the peace, yet I think it cannot exclude privilege; because I cannot find that a libeller is bound to find surety of the peace, in any book whatever, nor ever was, in any case, except one, viz. the case of the seven bishops, where three judges said, that surety of the peace was required in the case of a libel. Judge Powell, the only honest man of the four judges, dissented; and I am bold to be of his opinion, and to say, that case is not law. But it shews the miserable condition of the State at that time. Upon the whole it is absurd to require surety of the peace or bail in the case of a libeller, and therefore Mr. Wilkes must be discharged from his imprisonment." The case of commitment by a justice for libel was not, as I have already stated, before the Court; but here, in delivering judgment, a principle is laid down by Lord Camden directly applicable to that case: and I ask of your lordships, whether it does not authorize me to add that venerable name to those of the greatest authorities of the law, whose opinions I have before cited, and to conclude, that, whether taken separately or collectively, they constitute as strong a body of authority as can be expected to be found in support of the position, which I now lay down as established by the examination, with which I fear I have tired your lordships' patience, that for misdemeanours, not being actual breaches of the peace, and for libel, as coming within that description of misde-

meanour, justices of the peace, before indictment found, have no power to issue their warrant, to apprehend, or to commit. No distinct authority in favour of such a power is to be found in any of the text writers on the law: on the contrary, I contend, the result of what they have written on this subject, fairly considered, is directly against it. But if there were no such inference to be drawn, if the case rested merely on their silence respecting this point, I should argue, that this alone ought to induce your lordships to pause, at least, before you will recognize the existence of such a power. For surely, my lords, on a point so important to the freedom of the press, so intimately connected with the security and liberty of the people of this country, where the power contended for is necessarily so extensive in its operation, and so dangerous, as I shall shew hereafter, in its exercise, it is not to be supposed, that these great and learned persons, whether examining the principles of the law and of the Constitution, and applying them to practice by writings carefully meditated in their closets, or delivering their opinions upon them in the solemn execution of their judicial duties; it cannot, I say, be supposed, that if this power had been so clear as some contend, that they would not have noticed it, in distinct and unequivocal terms, and strictly defined its origin and its limits. I conclude, therefore, this part of my argument, in the words of Lord Camden, in his immortal judgment in the case of *Entick against Carrington*, "If it is law it will be found in our books; if it is not to be found there, it is not law." I have already stated generally, that if it be true that justices may grant their warrants in any cases where they have jurisdiction at the sessions, they may do it in all such cases; not only for libels of all descriptions, whether dangerous to the safety of the State, or merely injurious to the private reputation of individuals; but for every species of offence, which either comes within the letter, or, by allowed construction, within the equity of their commission; for forestallings, regratings, engrossings, and extortions, which are distinctly expressed, as well as for conspiracies, and other similar offences, which, under the received interpretation of the word trespass, are now admitted to be cognizable at the sessions. My lords, I ask, where the exercise of so extensive and, as I shall presently shew, so dangerous a power is to be found? Of the affirmative what proof have we? I have looked in vain for it. If it had been recognised in practice, surely some directions for its exercise would have been delivered to us. In *Burn* we have the manner in which the information shall be taken, and the warrant made out, for felony, under the Game Laws, and I believe in almost all the cases in which the ordinary exercise of that power has been established by law, or recognized in practice. In conspiracy and libel we have no such forms or directions given us; a strong pre-

sumption, at least, that, with respect to these and similar offences, there has been hitherto no such established practice, as must be proved, to give to the partial dicta of Lord Hale, and Hawkins, and Blackstone, if they are still to be maintained, the effect, which is contended for. But, my lords, if we have no proof of the affirmative of a proposition, which would give to the justices of peace so tremendous a power, have we none of the negative? To this I beg your lordships' particular attention; and, if I can shew that, with respect to any one of the offences, which are brought within the jurisdiction of the justices at their sessions, under the general word trespass, as tending to a breach of the peace, and which have been stated by the highest authorities in the law to stand precisely on the same footing, in this respect, with libels. If, I say, I can shew, with respect to any such offence, that the law denies this power to a justice of the peace out of sessions, before indictment found, then I contend the negative of the proposition, which I am combating, is clearly established. In the case of the *King against Rispal*, (2d Geo. III. Blackstone's Reports, p. 368), an indictment had been found, at the sessions, against the defendant and two others for a conspiracy. It was removed by *certiorari* to the Court of King's Bench. The indictment was objected to on two grounds. First, That the justices at their sessions have no jurisdiction over conspiracies, any more than over perjury, usury, and forgery; it being not specified in their commission, nor given them by any special statute. Secondly, That the indictment did not charge them to have conspired to fix any crime on the defendant. Lord Mansfield.—"The case lies in a narrow compass. The first question is, whether the justices in sessions have a jurisdiction over conspiracies. No authority has been cited to shew that they have, or that they have not. It must therefore be determined on general principles. The cases of perjury, usury, and forgery, stand on their own special grounds; and it has been determined, that the justices have no jurisdiction there. This offence of a conspiracy is a trespass, and trespasses are indictable at the sessions, though not committed with force and arms. They tend to the breach of the peace as much as cheats or libels, which are established to be within the jurisdiction of the session. As, therefore, there is no authority to the contrary, I think the justices had a jurisdiction here." Your lordships will observe, that the question here is as to the validity of an indictment at the session for conspiracy, over which it is contended, that the justices have no jurisdiction, as it is not specified in their commission, nor given them by any special statute. This objection Lord Mansfield overrules, because, as tending to a breach of the peace, it comes under the word trespass in the commission, and stands precisely on the same footing as libels and cheats. Now, my lords,

it is first to be remarked, that, in this judgment of Lord Mansfield, nothing more is affirmed, than that offences of this description are cognizable at the sessions: they are stated by him to come within the same general principle. As to conspiracies, as the power even of trying them at the sessions was, at that time, contested, and Lord Mansfield states, that no authority, with respect to the jurisdiction of the justices over that offence, had been cited either one way or the other, it is clear that no practice could exist. In cases of libel, though the jurisdiction at the sessions was then considered as established, I think I have already shewn, that no uniform and constant practice can be proved. But, in cheats, a case, according to Lord Mansfield, precisely similar to that of libel, there is the clearest evidence, that this pretended power of a justice of the peace, out of sessions, has no foundation either in law or in fact. I need not tell your lordships that cheats are offences at the common law. They are also made punishable by an express statute, the 33d Hen. VIII. cap. 1. either at the assizes or sessions, by imprisonment, pillory, or other corporal punishment, except death. And "two justices of the peace may call and convent, by process or otherwise, to the assizes or sessions, any person suspected, or commit or bail him to the next assizes or sessions." Here, then, is the most complete proof, that for the offence of cheats, an offence cognizable at sessions—cognizable as a trespass because tending to a breach of the peace—cognizable as coming within the same general principle as libel—the justices, previous to the 33d Hen. VIII. had no power to commit or hold to bail before indictment; nay, that even now a single justice has not that power, the statute requiring the concurrence of two. Here, then, is an end of the supposed principle, that this power is necessarily to be inferred, where there is a jurisdiction at the sessions, in order to compel an attendance there, because the statute of the 33d Hen. VIII. in the words of Lord Hale, would not have been required, particularly and expressly, to authorize its exercise, and define its limits, if it had been otherwise lawful. Thus, I trust, your lordships will be of opinion, that a complete answer has been given, first to the general reasoning by which this authority is supported, and, secondly, to its extension to the particular case of libel, because in this case no such power has been given by statute, as in the case of cheats: and may I not conclude, taking the whole of this together, that the authority of Lord Mansfield is to be added to the other great authorities, in support of the conclusion, to which I again come, that, for offences less than a breach of the peace, unless given by a special statute, justices have not, before indictment found, any authority to commit or hold to bail? But, my lords, if any thing were wanted to add to the weight of this collective authority, it would be to be found in the extravagant and dangerous consequences to

which the opinion of the law officers of the Crown must necessarily lead. Only consider, I beseech you, the enormous extent and dangerous tendency of such a power, if it should really exist. There is hardly a case of daily occurrence, and of the most doubtful construction, in which the interests, the prejudices, the fears, or the passions of the magistrates might be involved, to which it might not be applied. In what I am going to say, I beg I may not be understood as intending to throw the slightest reflection on that highly respectable body of country gentlemen, who act in the commission of the peace. On the contrary, nobody can feel more sensibly than I do all their merits, or acknowledge more willingly the immense obligation the public is under to them for discharging, as most of them do, with great intelligence, industry, and integrity, at the expense of their personal ease and convenience, duties, now become as difficult and laborious as they are important. But justices are men—as men liable to all the infirmities of our imperfect nature; and, from their rank and situation in life, exposed to all the temptations of interest, to all the influence of prejudice, to the bias of personal connection, to the instigations of inconsiderate zeal, to the excitements of passion, and to the love of power. It is upon these grounds, and to avoid exposing them to a dangerous conflict between feelings, originating from any of these causes, and their duties, that I have frequently heard in this and the other House of Parliament, objections urged against the extension of the summary jurisdiction and power of magistrates. This principle of salutary caution, not offensive to the honour of any class or description of persons, but necessary for the protection and safety of all classes and descriptions, has usually had its just weight with the Legislature, in passing laws relating to subjects of this nature. It is in this sense, and in this sense only, that I wish what I am now saying to be applied; and, to pass over all the other numerous offences, which the establishment of this new practice would subject to the power of justices of the peace, I beg your lordships to consider the danger of its exercise, particularly with respect to libel. In all the varieties of writings which may constitute that offence, what is more difficult to be decided than the question of their guilt or innocence? What more exposed to the influence of undue motives in its decision? It has been formerly stated by some of the most eminent persons in the profession of the law, nay, by almost all of them, to be so nice and difficult a question, that it could not be safely left even to a special jury: that they were only to find the fact of publication, and that the criminality of the writing, as a question of law, was exclusively for the decision of the Court. This, my lords, was long contended for, and long acted upon as law; till, happily for the freedom of the press, and for the liberty of the country, of which the

press is the great palladium, by the perseverance of my noble and learned friend (Lord Erskine) near me, and by the exertions of the man, whom, in public life, I most loved and admired, (Mr. Fox), whom I had nearly called one of the greatest lawyers, but who certainly was one of the greatest men this country ever produced; that principle was at length exploded, and, by the Libel Bill, it was at last established, that, in prosecutions for libel, both the law and the fact were within the province of the jury, and to be decided by them. But, my lords, what avails this just and beneficent statute, what security is there either for the freedom of the press or the liberty of the subject, if, whilst you have imposed this salutary restraint upon the judges, in trials for libel, you give to them, and to justices of the peace, before trial, a right to decide that difficult question, and to commit to prison (in many instances perhaps to inflict a severer punishment than the Court upon conviction would adjudge) upon a charge, which, after all, may turn out to have had no foundation, but in the false interpretation of words perfectly innocent, by the justice before whom the charge was brought? I cannot, my lords, I will not believe, that you can sanction the exercise of such a power. That it is not law, I think I have already shewn; but if it is law, your duty calls upon you to lose no time in altering it. With respect to offences over which this authority is acknowledged, it is ordinarily a simple and intelligible fact, of which the magistrate has to judge; whether a felony has been committed; whether a person accused has been guilty of an assault; whether the peace has actually been broken; whether the provisions of a particular statute have been violated: these are facts depending upon evidence, of which it is easy to judge, and upon which the interests or feelings of the magistrate are seldom likely to interfere with an impartial discharge of his duty. But upon libel, where the whole guilt or innocence of the offence must depend upon the intention, and must be inferred from the construction and the innuendos; often difficult for the most impartial and unbiassed person to decide; where the prejudices, interests, or passions of the justice before whom the charge is brought, are so likely to influence his interpretation of the words; where, in political or religious libels more especially, his particular opinions and attachments must unavoidably have so great a sway; in cases of this sort, to place, upon the charge of any common informer, the personal liberty of every writer and publisher on politics, religion, or law, or any other public question, the unfettered discussion of which is of the very essence and principle of a free government, at the discretion of magistrates mixing in all the contests of the time, and partaking, on one side or the other, in all the heats and prejudices, which personal or party interests engender;—if such be the power of the magistrates, and if this be the law, where, I ask, are

all the boasted securities of our independence and freedom? Look, I once more implore you, at the enormous extent and dangerous tendency of the power now contended for; and with this comment upon all that I have argued from the reports of the decisions of our courts, and the books of our ablest writers, I say once more such is not, such cannot be the state of the law in this country, hitherto famed for the sure protection which every individual enjoys, against the insidious attempts of private malice, or the open attacks of power. What then remains, my lords? The practice and the precedents, on which (for they have cited no statute, no principle of the common law, no decision of any court, no dictum of any judge, no authority of any text writer) the law officers of the Crown appear to rely. Before I proceed, however, to consider the sort of practice of which your lordships would require evidence to substantiate a point of this nature, or the precedents, which have been referred to in support of it, I must shortly notice what is said of the silence of the Court, in the case of Mr. Wilkes. There is no decision or opinion of the Court, it is said, that in a case of libel, a justice of the peace might not apprehend a person who could not claim the privilege of Parliament, and demand bail to be given to answer the charge. This silence of the Court might have perhaps been taken as a sort of negative support of the opinion, which I am canvassing, had the commitment of Mr. Wilkes been by a justice of the peace; though this I think would have been much too weak a foundation for the assumption of so arbitrary and dangerous a power. But in the case of Mr. Wilkes no question arose as to the warrant of a justice of the peace. Mr. Wilkes had been committed by the Secretary of State. This point therefore was not before the Court; and its having passed unnoticed, both by the defendant's counsel and by the Court, affords no inference to warrant the conclusion of the law officers of the Crown: unless it can be shewn, as I shall prove it cannot, that the authority of a justice of the peace and of the Secretary of State stands upon precisely the same principle. In the interpretation of a general act, my lords, where a particular is put for an example, the rule I believe is, that there must be a perfect resemblance between the things expressed and those implied, as that administrators are the same as executors, and so forth: and in like manner, to argue from the power of the Secretary of State in favour of that of the justice of peace, I contend, we must be satisfied that there is the same perfect resemblance of character. But can it be necessary for me to insist, before your lordships, that, instead of this perfect resemblance, there is the most obvious and striking dissimilarity in their character, their functions, and their authority? The Secretary of State is a great executive Minister of the Crown, responsible for the advice he gives his Sovereign, and for his conduct in the performance of the high duties of his

office; possessing no judicial authority whatever: but intrusted with certain powers for the security of the Government, with the care of which he is specially charged. Considering the character of his office, therefore, there may be many reasons for entrusting the power of committing or holding to bail for libels of a treasonable, or seditious, or blasphemous character to the Secretary of State (though I am far from thinking the exercise of such a power, even by him, either safe or necessary), which would not apply to a justice of the peace. Though strongly interested to support the power of the Government, he is less exposed to the influence of those motives to which justice of the peace, from mixing in all the common concerns of life, may be liable; or, if exposed to them, he acts under the immediate control of Parliament, where any error, or abuse in the exercise of his authority, can seldom escape being severely questioned. To the discretion of this minister, acting by the advice of the law officers of the Crown, and with so high a responsibility, such a power, it might therefore be contended, might be safely and usefully committed, though it would be extremely dangerous to extend it indiscriminately to all justices of the peace. But, my lords, to shew how little analogy there is between offices so widely dissimilar, I must trouble your lordships with again reading, from the judgment in the case of Entick against Carrington, the opinion of Lord Camden, as to the nature and origin of this extraordinary and anomalous power of the Secretary of State to commit or hold to bail for libel; which he admits to have been established by practice, and by the decisions of the Courts; though he plainly intimates, that he conceived those decisions to have been erroneous. "The power (Howell's State Trials, vol. xix. p. 1045. *et seq.*) of this minister (the Secretary of State) is pretty singular. If he is considered in the light of a Privy Counsellor, he is the only one of that body who exerts it. His power is so extensive in place, that it spreads throughout the whole realm; yet, in the object, it is so confined, that, except in libels and some few state crimes, as they are called, the Secretary of State does not pretend to the authority of a constable. To consider him as a Conservator—he never binds to the peace or good behaviour, which seems to have been the principal duty of a Conservator; at least he never does it in those cases, where the law requires those sureties. But he commits in certain other cases, where it is very doubtful whether the Conservator had any jurisdiction whatever. His warrants are chiefly granted against libellers, whom he binds in the first instance to their good behaviour, which no other Conservator ever attempted, from the best intelligence that we can learn from our books. And though he doth all these things, yet it seems agreed, that he hath no power whatever to administer an oath or take bail. This jurisdiction, as extraordinary as I

have described it, is so dark and obscure in its origin, that the counsel have not been able to form any certain opinion from whence it sprung. Sometimes they annex it to the office of Secretary of State, sometimes to the quality of Privy Counsellor, and in the last argument it has been derived from the King's royal prerogative to commit by his own personal command. Whatever may have been the true source of this authority, it must be admitted, that he is, at this day, in the full legal exercise of it; because there has been not only a clear practice of it, at least since the Revolution, confirmed by a variety of precedents; but the authority has been recognised and confirmed by two cases in the very point, since that period; and, therefore, we have not a power to unsettle or contradict it now, even though we are persuaded that the commencement of it was erroneous." Lord Camden then enters into a very learned investigation of the origin and foundation of this power, and he concludes this part of his judgment as follows:—"I am persuaded that the Secretary of State hath assumed this power, as a transfer, I know not how, of the royal authority to himself; and that the common law of England knows no such magistrate. At the same time I declare, wherein my brothers do all agree with me, that we are bound to adhere to the determination of the Court in the cases of the Queen against Derby, and the King against Earbury; and I have no right to overturn those decisions, even though it should be admitted, that the practice, which has subsisted since the Revolution, had been erroneous in its commencement." Here, then, my lords, in this solemn judgment, given after long and diligent consideration and inquiry, we find my Lord Camden stating, almost in the words of Lord Holt, that he is puzzled to account for the origin of this power in the Secretary of State; that it is unknown to the common law; and that it had been assumed as a transfer of the royal authority to commit *per mandatum regis*: thus putting it on a ground, which is clearly inapplicable to the office of a Justice of the Peace. Having, then, my lords, as it appears to me, proved undeniably, that the admitted and established practice of the Secretary of State has nothing to do with the question, as it relates to these other magistrates, we come at last to consider separately, with respect to them, what practice can be set up for the exercise of this power. The learned persons, who have given the opinion on your table, refer, in support of it, to two cases of recent date, in 1801 and 1802, in which two persons, of the names of Spence and Hogg, were held to bail, the one for a seditious, he other for an indecent libel. In the first of these cases it appears, that, in 1801, a person of the name of Arthur Seattle laid an information on oath before Mr. Ford, Justice of Peace for Middlesex, of his having printed a pamphlet, entitled, "The Restorer of Society to its Natural State," for Thomas Spence. That Spence was

held to bail for his personal appearance in the King's Bench to answer the charge. That the Attorney-General (Law) filed an information against him. That he was called upon his recognizance to appear, and appearing, was charged with the information, pleaded not guilty, and was afterwards tried, convicted, and sentenced. The recognizance was filed in the King's Bench, and there are recorded the rule of court stating his appearance and plea, and the entry roll in the King's Bench containing the information, plea, trial, and sentence. The other case, of Hogg, in 1802, is of a similar description. Information upon oath was laid by the direction of the same Attorney-General (Law), before the Lord Mayor, against the defendant, for selling a work called "Trials for Adultery." The Lord Mayor issued his warrant for Hogg's apprehension: he was apprehended, and held to bail for his appearance in the King's Bench. Mr. Perceval, having succeeded as Attorney-General, filed his information: Hogg appeared in Court, and suffered judgment to go by default. Having made affidavit that he had stopped the sale of the books, he was not called up for judgment. There is, on record, the recognizance, the affidavit, and the entry roll in the Court of King's Bench. These cases, which have been communicated to me by the courtesy of the noble and learned lord on the woolsack, I have stated at length; and I ask, what inference is to be drawn from them? Are two solitary cases, neither of them contested, and in one of which judgment was suffered to go by default, to be pleaded as proofs of such an exercise of the power of apprehending and holding to bail for libel as will establish its practice? My lords, for such a purpose, proofs of a very different practice will be required. Not of a practice depending on two modern instances, but derived from a high antiquity, and sanctioned by the decisions of the Courts: a practice, as it is described by Lord Mansfield and other legal authorities, *communiter usitata et approbata*. It is singular, my lords, that even in modern times, and especially at the beginning of the French Revolution, when the press teemed with publications, which were represented as being of the most dangerous tendency; when prosecutions were numerous, and the conviction and punishment of the offenders considered of the greatest importance; it is singular, I say, that at that time this practice does not appear to have been discovered. I never heard that Paine, for the Age of Reason, or any other of the persons accused of issuing libels threatening the very foundations of civil society, and attacking the principles of all morality, law, government, and religion, were, before indictment found or information filed, taken up, or held to bail, or committed. But if such a practice could have been proved, if it could have been traced backwards to the time of the Revolution; if it could have been shewn, that the most illustrious characters in the law, in con-

ducting state prosecutions, as Attornies-General, had successively acted upon it; still I should contend, that the mere acts of the law officers of the Crown (which will always be regarded with a wholesome jealousy by a Constitutional Parliament) if they had not been objected to, and brought under the view of the Judges of the land, by a solemn appeal to their decision, would not constitute such a practice as would justify your lordships in recognizing the legal existence of the power, which is now claimed for the justices of the peace. And here I would remind your lordships of the case of general warrants. What could be more established in practice than these warrants? They had been issued for above a century, without dispute or contest: persons apprehended under them had been held to bail for their appearance before the Courts: they had been called, and appeared before the Courts upon the recognizances thus taken: all the most eminent characters in the law, the same whose authority may now perhaps be pleaded for a no less dangerous practice, had acted as Attornies-General during these proceedings: yet, my lords, notwithstanding this long course of undisputed and continued practice, when the legality of these warrants came at last to be questioned before the Court of King's Bench, all the Judges concurred in declaring them to be illegal; and they were afterwards condemned by a resolution of the House of Commons, whereby the people of this country have been protected against the farther exercise of so dangerous a power. I beg your lordships to attend to the words in which the opinions of the Court, upon the subject of general warrants, are given; (Howell's State Trials, vol. xix. p. 1027.) and you will then see the degree of value that is to be attached to a practice of this description.—Lord Mansfield. "It is said, that the usage has been so; and that many such warrants have issued, since the Revolution down to this time. But a usage, to grow into a law, ought to be a general usage, *communiter usitata et approbata*, and which, after a long continuance, it would be mischievous to overturn."—Mr. Justice Wilmot. "Had no doubt nor ever had upon these warrants: he thought them illegal and void."—Mr. Justice Yates and Mr. Justice Aston. "Had no doubt of their illegality: for no degree of antiquity can give sanction to a usage bad in itself." Thus, my lords, you see that a much longer practice, in the case of general warrants, did not induce the Court to support their legality. In addition to this authority of the Court of King's Bench, I have also again to quote to you, upon this point, the judgment of Lord Camden, (Howell's State Trials, vol. xix. p. 1067. *et seq.*) in the case of Entick against Carrington, not only to shew the opinion of that great Judge also as to the sort of usage which would be required to establish a practice of this nature, but to rebut the inference, which may perhaps be drawn from the acquiescence of the

Court in the cases of Spence and Hogg.—Lord Camden. “I come now to the practice since the Revolution, which has been strongly urged with the emphatical addition, that an usage, tolerated from the æra of liberty, and continued downwards to this time, through the best ages of the Constitution, must necessarily have a legal commencement. Now that pretence can have no place in the question made by this plea, because no such practice is there alleged; yet I will permit the defendant, for the present, to borrow a fact from the special verdict, for the sake of giving it an answer. If the practice began then, it began much too late to be law now. If it was more ancient, the Revolution is not to answer for it; and I could have wished that, upon this occasion, the Revolution had not been considered as the only basis of our liberty. The Revolution restored this Constitution to its first principles: it did no more. It did not enlarge the liberty of the subject; but gave it a better security. It neither widened nor contracted the foundation; but repaired, and perhaps added a buttress or two to the fabric: and if any Ministers of State have since deviated from the principles at that time recognised, all that I can say is, that, so far from being sanctioned, they are condemned by the Revolution. With respect to the practice itself, if it goes no higher, every lawyer will tell you, it is much too modern to be evidence of the common law; and if it should be added, that these warrants ought to acquire some strength by the silence of the Courts, which have heard them read so often upon returns, without censure or animadversion, I am able to borrow my answer from the Court of King’s Bench, which lately declared, with great unanimity, in the case of general warrants, that as no objection was taken to them upon the returns, and the matter passed *sub silentio*, the precedent was of no weight. I most heartily concur in that opinion; and the reason is more pertinent here, because the Court had no authority in the present case to determine against the seizure of papers, which was not before them; whereas in the other they might, if they had thought fit, have declared the warrant void, and discharged the prisoner, *ex officio*. But still it is insisted, that there has been a general submission, and no action brought to try the right. I answer, there has been a submission of guilt and poverty to power and the terror of punishment. But it would be strange doctrine to assert, that all the people of this land are bound to acknowledge that to be universal law, which a few criminal booksellers have been afraid to dispute.” Apply the passage, my lords, which I have here cited from this admirable judgment, and which I have had a pleasure in reading at length, on account of the sound and constitutional doctrines which it contains, apply it, I say, to the case before us, and to the plea which is set up of practice, and of the acquiescence of the Court. With respect to the first, standing upon this judgment, as upon a rock, I

again assert, that if, not the cases of Spence and Hogg, cases only of fourteen or fifteen years’ standing, but a continued string of uncontested cases from the Revolution downwards could have been produced, they would not have amounted to evidence of a legal practice; the more especially, as during the whole period, from the Revolution to the year 1763, when the warrant against Mr. Wilkes was set aside on the ground of parliamentary privilege, there might be prevailing a general, though certainly an incorrect notion, that libel was to be considered as an actual breach of the peace; the last decision of a Court of Law, in the case of the Seven Bishops, having so ruled it. With respect to the second ground, the silence of the Court, I answer, with the united authority of the Courts of King’s Bench and Common Pleas, when two of the greatest judges this country ever produced presided over them, that, “as no objection was taken to them, and the matter passed *sub silentio*, the precedents are of no weight;” and, that “the submission of guilt and poverty to power and the terror of punishment,” as in the cases of Spence and Hogg, in the latter more particularly (who was seeking to avert the penalties to which he was exposed, and succeeded in doing so by stopping the circulation of the libel), is not to be taken for the establishment of a power, unknown to the statute or to the common law, and most dangerous in its exercise to the freedom of the press, and to the liberties of the people of this country. Surely, my lords, more cannot be necessary upon this point; but, if farther argument is required, it is not wanting; and, if we are still referred to the opinion “of one of the most learned of the predecessors” of the present Attorney-General, and to the learning, ability, and integrity of that noble lord, and to the eminent advantage to the public with which he discharged the duties of the high judicial situation, which he now holds, no man is more ready to bear testimony than I am; to that opinion, and to the acquiescence and silence of the Court, I must oppose the opinion of another living authority, equally able and learned, who formerly held the same office; and the concurrence of the whole Legislature, evidenced, not by a silent acquiescence, but by the positive enactment of a new law. I allude, my lords, to the act of the 48th of the King, cap. 58., in which the law officers refer as putting the power of the judges, to commit or hold to bail for libel, out of all doubt, and which was proposed to Parliament by Sir Vicary Gibbs, then Attorney-General, and now Chief Justice of the Common Pleas. Whether the true construction of this act be, as some have supposed, to give the power of commitment, and holding to bail, to the Judges of the King’s Bench, before indictment found or information filed, in consequence of evidence upon oath of the commission of an offence liable to be so proceeded against; or whether, as I contend, it only gives that power, after an information has been actually filed; in either case, it could not

have been required, had this power been at that time considered to be so established by practice, as to have acquired the force of law. It is clear then, that, in 1808, neither the Attorney-General, who brought in the bill, nor the two Houses, who passed it, could have contemplated the existence of such a power; for, if it had been possessed by the Justices of Peace, it is unnecessary for me to contend, that it must also have been vested in the Court of King's Bench. Yet this law was much debated in its progress. The learned lords, now present, supported its expediency; and I will not pay them so bad a compliment as to suppose, that an act, which they defended with so much zeal, could be altogether superfluous and unnecessary. We have, then, my lords, I contend, a degree of cumulative proof, such as is perhaps to be found in no other instance, against the practice which may be alleged as the foundation of the power, to commit, or hold to bail, for libel, by Justices of the Peace: and if I have proved, that neither the statute law, nor the common law, nor any practice, supported upon a solemn hearing by the decisions of the Courts, sanction the exercise of this authority; that no authority of any text writer, fairly considered, no dictum of any judge, can be produced in support of it; I feel some confidence in urging your lordships to the conclusion, to which I have now brought my argument on this part of the question, that the opinion of the law officers of the Crown is not warranted by the law of the land. It remains for me to consider the conduct of the Secretary of State, in issuing the Circular Letter of the 27th of March to the Lords Lieutenants of counties, for the direction of the magistrates in the administration of the law. This appears to me, my lords, a matter involving considerations of the first constitutional importance. I have before stated, that I believe such a proceeding to be without a precedent. I at least have not been able to learn, that any measure of a similar character was ever before hazarded by any Minister of the Crown. For, my lords, you will observe, that this is not an instruction to the magistrates as to any of their ministerial duties, or the measures necessary to the support of an active and vigilant police, with respect to which, the Secretary of State might be supposed to be charged with a peculiar responsibility, in a season of great public distress and uneasiness. It is not even prudently confined to a general exhortation to them to exert the powers entrusted to them by the law for the speedy suppression and punishment of such offences as might be dangerous to the public security. For an order from the Secretary of State to the Chancellor, to give general directions to the Judges, and through them to the Justices of the Peace, with respect to such matters as seemed to require attention, I understand examples in former times may be produced. But surely, my lords, such examples cannot be argued as affording any precedent for a proceeding like the present. To say no-

thing of the striking difference of such a recommendation through the Chancellor, the first officer of the law, and the judges of the land, to be delivered solemnly in the face of the public at the assizes; the strong and marked distinction is, that these recommendations, as I understand them, were *general*. But here, my lords, we have a specific instruction, as to the interpretation of the law on a particular subject; and a direction, as to the manner in which the discretionary power, supposed to be vested in the magistrates under that interpretation of the law, should be exercised: and this, too, on a doubtful point. That he thought it a doubtful point, must be admitted by the Secretary of State, or else why did he require the opinion of the law officers of the Crown upon it? That it was considered, even by these learned persons themselves, as not free from doubt, appears from the terms in which their opinion is given. They cite precedents, and state that they agree with the opinion of the Attorney-General, by whose advice those precedents were established; but they do not venture to say, that the proposition to which they subscribe has been generally received as acknowledged law, or established by a clear and undisputed practice. And, my lords, if this was a point involved in doubt, by what authority did the noble Secretary take upon himself to decide it? Who gave him the right to determine? Who applied to him to do so? And where, I again ask, did he find any precedent for such a proceeding in the execution of his official duties? It is, my lords, amongst the first principles of a free government, that there should be an insurmountable line of separation between the executive and the judicial authorities. That the latter should be kept independent of the former; and hitherto any interference of a Minister of the Crown with the administration of justice has been considered as a political offence of so dangerous a tendency to the liberty and security of the subject, that, in other times, it would have called down the indignation of Parliament on the head of the offender. I say, my lords, this has been such an interference—a direct interference, not with the ministerial but the judicial duties of the magistrates, by instructing them in what manner they are to administer the law with respect to a particular class of offences; the consequence of which is, to subject to the power of arrest and of imprisonment, if bail cannot be obtained, every author, printer, and publisher, nay perhaps every possessor of any writing, which in their judgment they may deem a libel. Suppose, my lords, such an instruction had been addressed, not to Justices of the Peace, but to the Judges of the land. Is such a supposition impossible? The opinion states the powers of the Judges as well as the Justices, and might be intended perhaps to teach *them* also their duties. But such a supposition is not to be treated seriously. Such an interference with the Judges, on the part of a Minister of the Crown, would not have been tolerated. The nation would

have been in a flame. All the power and indignation of Parliament would have been roused. The Judge, to whom so insulting a mandate should have been addressed, would himself have vindicated his authority; and the messenger, who had ventured to become the bearer of it, would have been committed to prison. I verily believe, my lords, that all this would have happened. Yet, where is the difference in principle? I maintain, that there is none. Let the case be stated. The instruction to the magistrates is, to act upon the opinion given by the law officers of the Crown, in favour of their authority, to commit, or hold to bail, for libel. This, I suppose, will be justified upon the necessity of the case, in order to correct an evil, which is dangerous to the public security. But this exercise of authority, on the part of the magistrates, can be of no avail, unless its legality is supported by the Courts of Law. A person committed for libel may sue out his Habeas Corpus, and appeal to the decision of a Court of Law upon the validity of the warrant under which he is imprisoned. The Court, if it should be of opinion, that the warrant was not lawful, would order his discharge: and thus all the provident care of the Secretary of State, to secure the Government against the attacks of a licentious press, would be defeated. Suppose, then, that to obviate so great a misfortune, he had addressed a similar instruction to the Judges, stating the direction that had been sent to the inferior magistrates, and calling upon them to give it efficacy, by acting upon the opinion of the law officers of the Crown, in any case of this sort, that might be brought before them. The supposition is extravagant, absurd, impossible: be it so. But I say it is precisely the same in principle: and I defy any man to shew me a jot of distinction between the two cases; or, that such an interference with the Judges, which all who hear me will reprobate, is either more improper or more unconstitutional than that which has actually taken place. I contend, therefore, that such a direction to the magistrates, not being a general exhortation to vigilance and care, but a specific instruction as to the way in which they are to construe the law, and to exercise a discretionary power, would have been, even if the law had been clear and undisputed, a high offence against the Constitution. That this has been done in a case, in which, to say the least of it, the law is doubtful, is a great aggravation of the offence. For the noble Secretary of State has taken upon himself not only to direct the magistrates in the administration of the law, but to enact, or at least to declare the law, which they are called upon to administer; thus *encroaching* more than royal authority, and usurping the powers of the Legislature in addition to those of the Executive Government. The character of this proceeding, therefore, I hold to be most unconstitutional: on its dangerous tendency, and the effects it is likely to produce, already exemplified in two striking instances, I must also

trouble your lordships with some observations; though much, of what would apply to this view of the question, has been anticipated in the earlier part of my speech. I have stated to your lordships, in shewing the extreme consequences to which the establishment of the authority of Justices of the Peace to commit, or hold to bail, for all offences cognizable at their sessions, must necessarily lead, the danger of such an extension of their power: how much it would be exposed to temptations to abuse: how liable to be perverted by the inducements of interest, the intemperance of zeal, the errors of prejudice, the excitements of political hostility, and the instigations of private enmity and resentment. These dangers, my lords, would accrue, even if the magistrates were left to the uninfluenced exercise of such a power. But when they are called upon specially to exert it, in a time of political heat and violence, by a Minister of the Crown; when this call is addressed to persons, who are engaged in all the disputes and contest to which the different parties in the State give occasion; when the subject, on which they are to decide, is one which they will necessarily view through the medium of their different opinions and attachments; thus encouraged, exhorted, and instigated to act, under the influence of motives so powerful, in questions so much exposed to error, even when most dispassionately considered, what security, I ask, can there be for any man, who engages in the discussion of public affairs, against the persecutions of power, or the vexations of private malice? To suppose that, in such a state of things, the freedom of the press can long continue, seems to me to be cherishing a hope much more sanguine than can be justified by any knowledge we have obtained, either from the history of other governments, or from our experience in human affairs. But, my lords, it is not only this enormous power of the magistrates that is thus let loose against the freedom of the press, and the security of the subject, but that most pestilent curse by which society can be afflicted, the whole tribe of common informers, are also called into action. To these a new encouragement and invitation is held out; any thing they may choose to call a libel may henceforth be made the subject of a prosecution, and thus become, in the hands of the worst men, acting from the worst motives, an instrument of pecuniary extortion, or any other base purpose they may have to serve. On the danger arising from hence to individuals, it is not necessary for me to say more; but let me intreat your lordships to consider the possible, if not the too probable injury to the interests of the State itself; if, indeed, the interests of the State can, on any sound principle, be considered separately from the general security of those who are entitled to its protection. Hitherto, my lords, prosecutions for libels, on the Government or religion, have only been directed by the Attorney-General and the responsible officers of the Crown. In some cases the Legislature itself has acted upon this

principle, more especially in the Stamp Duties; with respect to which, as your lordships know, the right of instituting prosecutions for penalties has, by the 44th of the King, been expressly limited to the Attorney-General, the Lord Advocate of Scotland, or the Solicitor, or some other officer of the Stamps. In this there has been evinced, in my opinion, a wise and wholesome caution, to guard, not only individuals, but the State itself against the effects of vexatious and ill-advised prosecutions. For I would ask the noble and learned lord on the woolsack, whether, in the discharge of his duty as Attorney-General, when he filled that office, he has not often found the expediency of instituting a prosecution for libel, a question of exceedingly nice discretion? It is not only the political malignity and dangerous character of a libel, but the circumstances of its circulation, and the probability of suppressing it by a conviction, that must also be taken into consideration. Hitherto, therefore, this discretion has been confined to the responsible advisers and officers of the Crown, which might otherwise be lightly compromised, and perhaps materially injured. But now all this salutary restraint and caution is at an end. Every thing that malice may represent as a libel, or indiscretion deem so, is to be forced into notice by any common informer. Upon an information so laid, every person, who has been engaged in writing, printing, or in *any way* publishing a paper of this description, may be dragged before a magistrate as a public criminal, and exposed, in the first instance, to all the horrors of a prison, and the State itself to all the inconveniences (and in many cases they may be of no light consequence) of an ill-advised, and, ultimately perhaps, an unsuccessful prosecution. This consideration, therefore, as it affects the interests of the Government itself, is of too much importance to be overlooked, though undoubtedly of very inferior moment to the danger to which every individual is exposed, who may venture to publish, on religion or politics, opinions differing from the prevailing tenets either of the Church or State. I have said, my lords, that this danger has already been exemplified in two striking instances. I allude to the case which occurred at Liverpool, of an information against a Mr. Wright, for preaching a blasphemous sermon; and to a case reported by the newspapers, from which my information is derived, to have been brought a few days ago before the Court of King's Bench. In the first, an information was laid against a Mr. Wright for denying the divinity of Jesus Christ; a doctrine, which, however erroneous it may be deemed by us, who are members of the church of England, is maintained by many persons, who believe, as firmly as we do, in the Christian dispensation; by the whole class of Unitarian Christians, amongst whom are to be found many persons, of as exemplary life and morals, and of as strict an adherence to religious duties, as in any other persuasion whatever; a doctrine

however, which, whether true or false, has lately by an act of Parliament, dictated by the soundest wisdom and justice, been exempted from the penalties to which it was formerly exposed by law. This therefore, was no crime; and it was found necessary, to give effect to the information, by some more serious charge; and it was asserted, that the preacher had not only impugned the Trinity, and the divinity of Christ, but that he had denied the immortality of the soul, and the belief of reward or punishment in a future state. This was stated by a reverend Prelate, the Bishop of the diocese in which this proceeding took place, to have been the charge upon which Mr. Wright had been brought before a magistrate at Liverpool, and held to bail for his appearance to answer it. (See page 724.) Now, my lords, there cannot be produced a more pregnant instance than this, to shew the danger of inviting rash, or interested, or malevolent persons, to bring forward accusations of this nature; and leaving them to be decided on, in the first instance, with the power of committing the party accused to prison, by persons so likely, from the circumstances in which they are placed, to form an erroneous judgment. I have read the sermon, my lords—Mr. Wright, I maintain, had published no blasphemy; had said nothing which by law he may not say with impunity; had not denied a future state of reward or punishment; but simply maintained, that there is no separate or intermediate state of the soul; professing as his religious belief, that the soul expires and is revived with the body, on that day of final account, when we shall all be called upon to answer for our conduct in this life. This, my lords, I say again, may be a belief in which we may not concur, but it is neither impious nor blasphemous. It was the belief of Dr. Priestley, who, whatever the errors of his political or religious opinions might be, was, I believe, a man of as exemplary worth and morals as ever lived. It is the belief, not only of many persons belonging to the sect of Unitarian Christians, but even of members of the Church of England itself, and has been, as the reverend Prelate well knows, explained and defended by a learned Bishop, (the late Rev. Dr. Law, Bishop of Carlisle,) to whom he will be the last man to deny the tribute of esteem and veneration, due to a life of distinguished piety and virtue. Here then, my lords, we have an example, directly in point, of the danger of an accusation, to describe it in the mildest terms, hastily laid, and incautiously decided upon, whereby a respectable man, for preaching a belief which he conscientiously held, and which is perfectly innocent in itself, has been dragged before the public as a criminal guilty of blasphemy; and would have been committed to prison, if he had not been in a situation of life which enabled him to procure bail. The other case, my lords, is of another description; but it exhibits, in a point of view no less striking, the evil consequences to which this proceeding

of the Secretary of State might *a priori* have been expected to give occasion. A magistrate of the name of Powell had brought before him, upon the accusation of an informer, two persons charged with vending pamphlets, and I believe some other articles, contrary to the provisions of the act respecting hawkers and pedlars : which has also been recommended to the peculiar care of the magistrates, by the noble Secretary of State. These persons in vain pleaded, that they had sold their goods on the market day, in open market ; that there was a clause of exception in the act, which enabled them to do so ; and that they were, therefore, exempted from its penalties. "No," says the magistrate, "there is, since my Lord Sidmouth's Circular, an end of that exception; such publications can no longer be sold at all without a licence;" and he accordingly convicted them, committed them to prison, and issued a warrant to levy the penalties by distress. All this, however, had been done to extort evidence, as it appears, from these men, against a third person, from whom they had received the publications, which they had offered for sale ; and having at last succeeded in this, the magistrate, again exceeding his power, discharged them from the conviction which had taken place, and proceeded, in a manner no less violent and illegal, to convict the person against whom evidence had thus been extorted, in penalties to the amount of 80*l.* for which he immediately issued his warrant of distress ; and this though it was represented to him, that the person accused had not had time given him to appear in his own defence, and that the magistrate, under the law for recovering penalties for the Stamp Duties, had no jurisdiction in the case. This, my lords, is the case, as it has appeared in the newspapers. I trust it may, upon farther hearing, be found to admit of some contradiction or explanation ; but it appeared of sufficient weight to the Court, to induce them to grant a rule to shew cause why a criminal information should not be filed ; and, if the facts stated be true, there cannot be exhibited a stronger instance of the imprudence and danger of calling into action all the intemperate zeal and violence by which magistrates may be influenced in a moment like the present. These cases, my lords, and others, to which I will not now refer more particularly, for granting licences for meetings for the discussion of various subjects, have already occurred in consequence of the Circular Letter of the Secretary of State, and are to be ascribed directly to it. How many more there may be of a similar nature I know not ; but of this we may be assured, that more instances like these will occur, if they are not checked by the reasonable interference of Parliament. Proceedings so injurious to the character of the Government, so destructive of the spirit of the Constitution, and of the free exercise of those privileges which it confers, more particularly of the freedom of the press, I will not dwell upon any longer ; but the consequences of the establishment of

such a power are so accurately described, in a Protest entered upon the Journals of this House, (Lords' Journals, *die Martis*, 29th Nov. 1763.) that I cannot help reading it, as the best summing up that I can make of the dangerous character and injurious effects of the measure, which the noble Secretary has been induced to take. "By this doctrine every man's liberty, privileged as well as unprivileged, is surrendered into the hands of a Secretary of State. He is by this means empowered, in the first instance, to pronounce the paper to be a seditious libel ; a matter of such difficulty, that some have pretended it is too high to be entrusted to a special jury of the first rank and condition. He is to understand, and decide by himself, the meaning of every innuendo. He is to determine the tendency thereof, and brand it with his own epithets. He is to adjudge the party guilty, and make him author or publisher, as he sees good. And lastly, he is to give sentence, by committing the party. All these authorities are given to one single magistrate, unassisted by counsel, evidence, or jury, in a case where the law says no action will lie against him, because he acts in the capacity of a judge." This Protest, my lords, appears, in your Journals, to have been entered upon the resolution, which, in consequence of the decision of the Court of Common Pleas in the case of Mr. Wilkes, had been voted by this and the other House of Parliament, "that Privilege of Parliament does not extend to the case of writing and publishing seditious libels," &c. It is signed by seventeen peers, at the head of which stands the name of Earl Temple. The danger attending the exercise of such a power, even by the Secretary of State, is here most eloquently and unanswerably stated ; but if it could have been foreseen, that the same power was to be given to every Justice of the Peace ; and that not to the Secretary of State alone, but to every inferior magistrate throughout the kingdom, "every man's liberty, privileged as well as unprivileged, was to be surrendered," in how much more forcible and glowing terms could have been found, would they have described such an extension of an authority, absolutely incompatible with the principles of a free constitution. I have now, my lords, brought to a conclusion this long argument upon a case, which seems to me, as much as any that have ever occurred within my memory, to call for the prompt and effectual interference of Parliament. If it should still be contended, in opposition to all that I have stated, that the protection of the State, against the machinations of sedition or treason, requires the existence of such a power ; my answer is, that, in the best periods of our history, when the practice of the Constitution was the purest ; nay in times when the State has been exposed to the greatest difficulties both from within and from without ; it has been protected against all the dangers that assailed it, by the native energies of its Government, and by the spirit and attachment

of a free people. But this authority is now acknowledged to be established in the Secretary of State; and with the tremendous power of the Attorney-General in filing *ex officio* informations, and in keeping them suspended over the heads of his victims (powers at which guilt may well tremble, and from which even innocence cannot escape without severe suffering), I ask of your lordships, whether any reasonable apprehension is to be entertained of a deficiency of means in the Government to repel the immediate dangers, which may arise from inflammatory libels, in a moment of popular uneasiness; or to defeat any more gradual and insidious attempts to corrupt the morals, or alienate the affections, of the people? Upon the whole, then, my lords, whatever view I take of this question, whether as it regards the Law, the principles of the Constitution, the character of the offence, or the security of the State, I come to the same conclusion; that it is unnecessary, that it is inexpedient, that it is dangerous in the highest degree to give, in the proceedings against libel, so extraordinary a power, hitherto unknown in practice, to be exercised indiscriminately by all Justices of the Peace throughout the kingdom. In the investigation of this subject, I can assure your lordships, that I have spared no pains, before I ventured to pronounce so strong an opinion. I have had recourse to all the best sources of information within my reach, both of dead and living authority; and after a careful and diligent inquiry, I present myself to you this night, with the strongest conviction of the soundness of the principles which I have asserted. Had I consulted my personal case, indeed, and considered only the ungrateful character of the task I have thus imposed upon myself, knowing how little my opposition to any measure of the Ministers of the Crown is likely to avail, I should have remained silent. But I could not sit still and see so dangerous a blow aimed at the freedom of the press and the principles of the Constitution, without employing such means as are in my power, however hopeless of success, to avert it. If any thing, my lords, could add to the importance of the question itself, it would be to be found in the character of the times, and in the situation of the country. We have been induced, in concurrence with the other branches of the Legislature, to suspend, with respect to political offences, the operation of a law, which forms the chief bulwark of the Constitution. We have also passed other laws, materially abridging and restraining the facility of petitioning, and the privileges of free discussion. Even those, who are the most impressed with the necessity of making these new provisions for the security of the Government, by the extension of its powers, will, I am sure, admit, that it is an evil much and deeply to be lamented. But, my lords, if new laws of this description are to be enacted—at, when enacted, they are to be construed to the utmost strictness of their letter,

and executed with the most unrelenting severity; and if, at the same time, interpretations of the old law are to be adopted, and a new practice introduced, still farther controlling popular rights and privileges, and rendering their exercise difficult and dangerous, what, I ask, is to be the end? More especially, if this spirit in our legislation is accompanied with other circumstances, operating directly and powerfully in the same direction—if a great change has taken place in our principles, in our policy, in our tastes, in our habits, and in our manners—if we are become a military and a warlike, from a maritime and pacific people—if whilst we are increasing the civil powers of the Crown by law, we are also maintaining an army disproportioned to our population, incompatible with an effective support of our naval superiority, and destructive of the character of a free Government—what, my lords, must be the inevitable tendency of such a system? Its termination cannot be doubtful: one of two things must unavoidably happen; either that this free Constitution, the glorious work of a thousand years, must, though its forms may still survive, decline, by no slow degrees, into a military despotism; or that—I will not describe the alternative; but it would be scarcely less dreadful. To avert such extremities will require the utmost care, the utmost vigilance, the utmost wisdom of Parliament. The people have borne, with a most exemplary patience, sufferings which I wish I could feel the confidence, which some express, in believing to be merely temporary. To what farther privations we may be called upon to submit I know not; but every thing I hear and see forbids me to speak of our present prospects as encouraging. With a declining revenue, we labour under the pressure of a taxation, which I hold it to be impossible to increase; but any effectual and early relief from which I fear is difficult. Our best hope of surmounting the evils which surround us must be found in the patience and fortitude of the people, supported and strengthened by a high-minded consciousness of their rights as freemen. Beware, my lords, how you weaken in them this sentiment, the true source of your security and power; how you deprive them of the confidence, so necessary to be cherished and improved, that by Parliament, whose peculiar duty it is to protect them, their interests will not be neglected. It is, my lords, by the irresistible impression of these feelings, and by a sense of duty superior to all other considerations, that I have felt myself impelled to bring this matter before you. Your acquiescence in the motion, which, I am about to propose, will pledge you to nothing beyond a farther and more mature consideration of a most important constitutional question; and, if I did not fear being taxed with presumption, I would ask whether, to this extent at least, I have not made out a case, which your lordships ought not at once to dismiss as altogether unworthy of your attention? That no

adverse feelings may influence your decision, have abstained, as much as possible, from the introduction of any topics that might excite them. It has been my endeavour to keep out of view all subjects connected with the interests and opinions of party; and if, inadvertently, any thing tending that way should have escaped me, I intreat your lordships to consider it as unsaid, and to banish it from your recollection. I have had no object, and no desire, but to pursue this question, in the sincere spirit of truth, to a just and legitimate conclusion. My wish is, that your lordships should consider it as having been brought before you in the exercise of your judicial rather than your political functions; as requiring the same dispassionate attention, the same grave deliberation and inquiry, the same disinterested and impartial decision. You are indeed sitting in judgment on the rights and liberties of your fellow subjects; and I earnestly pray, that they may sustain no farther injury from the proceeding of this night. I move, my lords, "That the case submitted to the law officers of the Crown, &c. be laid before this House."

Lord *Ellenborough* said, he had listened with the utmost attention to the very able and elaborate speech of the noble earl—a speech which evidently demonstrated that he had bestowed great pains in considering this important question in all its bearings, and certainly he had argued it in a manner that reflected the highest honour upon him. He was by no means convinced, however, from any of the authorities which the noble earl had cited, or by any of the arguments which he had grounded upon them, that the law was different from what he (Lord E.) had always considered it to be—namely, that justices of the peace can arrest and hold to bail in cases of libel. In offering his opinion to their lordships on this great legal and constitutional question, he would follow the example of the noble earl, in calling to his support some of the gravest and most venerable authorities that had ever adorned the seat of justice, or discharged the duties which every man owes to his profession, by publishing the result of his laborious researches, and most mature and unbiassed opinions. In the first place, lord Hale, in his very excellent work, entitled *Pleas of the Crown*, declares, that justices of the peace may issue warrants, within their precincts, to apprehend persons charged with offences within the cognizance of the sessions of the peace, and bind them over. Their lordships would be pleased to attend to these words—within the cognizance of the peace. The question was, then, does a libel come within the cognizance of the peace? It would be endless to enumerate all the authorities that might be cited, in order to shew the extensive jurisdiction that is given to magistrates, as conservators of the peace; but several of those authorities specifically mentioned a libel as within their cognizance. The doctrine, therefore, of lord Hale attached upon it, as

coming within those cases in which they have power to commit. Mr. Serjeant Hawkins said, that justices of the peace may commit for misdemeanours, though in another place (as the noble earl had observed) he stated, that they could not be too tender in cases of libel; which words, however, expressly shewed, that they could hold to bail for a libel, as a high misdemeanour, whatever tenderness the learned writer recommended them to adopt in such cases. The fact really was, and so it had been uniformly considered, that libel was an indictable offence at the quarter sessions, and magistrates had always exercised the practice of commitment in such cases. The noble earl had relied on a great authority, and great it undoubtedly was, though he (Lord E.) was by no means prepared to defer to all the opinions of that very distinguished character, the late Lord Camden. But what had that eminent lawyer said with respect to libels? In the 11th vol. of *Hargrave's State Trials*, Lord Camden is made to declare, that as to the offence of a libel, it is a high misdemeanour: and if so, should not the party be bound over to answer for it? What could be more just, or necessary? "My lords, (said the noble and learned lord) suppose for a moment, that you should stand upon so miserable and decrepid a state, that publications of a most inflammatory nature are scattered over every part of the country, and you have no power to call the mischievous authors to immediate account: suppose that, in this season of imminent danger to the morals and loyalty of the people, it happens to be the long vacation, and that no proceedings can be had in the Court of King's Bench, or at the Quarter-sessions of the peace,—would not this be a perfect suspension of all energetic faculties on the part of the State? If this were, indeed, the law and practice of the country, your lordships would not be justified in adjourning, even for a day, without passing some act on this subject to protect both the Government and the people against the dangerous and wicked attacks of seditious libellers. Nothing, however, is more common; and I need only appeal to those who know any thing of the practice of the Court of King's Bench, whether, on the last day of term, motions are not constantly made that persons may be continued on their recognizances, many of which are given for libels." The noble earl seemed to think that recognizances never attracted the attention of the Court; but this was not correct. In the case of *Hogg*, the defendant was personally to appear in the Court of King's Bench on a certain day, then and there to answer to all such matters and things as should be brought against him, and so on from day to day; so that he was from day to day considered in attendance on the Court. At the period of the revolution, when, no doubt, the noble earl and all their lordships would admit, that liberty was established in this country on a more sure and solid foundation than had been known for centuries before; at

that auspicious moment, when so many errors and illegal practices were corrected, sureties for the peace were given in cases of libel. He held then in his hand a list of a series of recognizances that had been entered into during the office of every Attorney-General, from the reign of William and Mary to the present time. (Here Lord Grey asked across the table, "Before indictment found or information filed?" Yes (said Lord E.), before indictment found or information filed. He would mention the names of some of the most eminent persons who had filled the office of Attorney-General during that period. They were Northey, Lechmere, Raymond, Sir Dudley Ryder; but, in fact, the practice was followed in the time of every Attorney-General down to the present year. Could any body say, then, that this practice was not founded on law? Would any body state, that it had been only introduced in very recent times by Attorney-Generals, who were hostile to the liberties of the people? Lord Camden had said in his speeches, two or three times, that a libel was a high offence; and he had never said that it was not such an offence as a party should be held to answer. For his own part, he had not the smallest doubt, nor had he ever heard any thing suggested by any person of the least authority, during the whole course of his practice at the bar, or since he had had the honour of a seat on the bench, that the authority of a magistrate to hold to bail did not extend to cases of libel. If the authority of Hale, of Hawkins, of Camden, and of Coke were to be relied on, they all spoke expressly and explicitly on the subject; and if the practice from the Revolution down to the present day were not sufficient to establish this point, there could be no safe guide for any man in the exercise of his judicial or legal duties. He wished no person to be screened from delinquency, neither did he desire (God forbid!) that any one should be improperly harassed or teased; but, upon the fullest consideration of the subject—and he begged to assure their lordships that he had paid the utmost attention to it—he was decidedly of opinion, that justices of the peace have power to hold to bail in cases of libel.

Lord Erskine said, no man could be more friendly disposed than himself towards the noble and learned lord who had just sat down; nor could any one entertain a greater respect for the two gentlemen who had given the opinion which formed the subject of this discussion. He trusted also, that he was not behind the noble Secretary of State, in wishing to repress and punish those blasphemous and seditious libels which it was the object of that opinion to meet. He could by no means agree, however, either in the opinion of his noble friend, or of the two learned gentlemen on this subject. His noble and learned friend on the woolsack would remember, that, on the breaking out of the French Revolution, this country was inundated with seditious libels. The whole evidence on the trials at the Old Bailey was made up of

libels published in all parts of the country; but he would ask their lordships, and particularly the noble and learned lord on the woolsack, that if the law was then so clear that justices of the peace could hold to bail for libels, why did it happen that in no one instance such practice had been adopted? Whatever evils might attend the libels that were now diffused, nothing could be more dangerous than to strike at the authors without some warrant of the common law, or some statutory declaration on the subject. Lord Chief Justice Hale, in the passage referred to, was treating of felonies; and there he says, that justices of the peace may apprehend for a felony; but he afterwards narrows that proposition thus:—A justice of the peace may make a warrant in felony as well as in a case of the peace: (Now this, said Lord E., is not of the peace, as was held in Mr. Wilkes's case): but whether a justice of the peace can do so in some particular cases is doubtful. The noble and learned lord opposite (Lord Ellenborough) had said, that their lordships were there on the plainest case in the world—in a case of common law, which was known to every lawyer at the bar, and acted upon by every justice of the peace. If so, why did the noble Secretary of State think it necessary to take the opinion of the law officers of the Crown? Why did he not write his letter of instructions to the magistrates at once? If the law was so clear, and had been so uniformly acted upon, why did he take that opinion? Did the Attorney and Solicitor-General venture to say that this was such a general practice as his noble and learned friend had stated? No; they only said, that the contrary opinion had not been established. Let their lordships consider what evils might result from investing the ordinary magistrates with this discretionary power. Was there ever an instance within this country, for centuries past, of a magistrate going into a bookseller's shop to look for libels, and then, on his own authority, holding the party to bail? Yet this might be done; if the present opinion was law. Could any thing be more dangerous to the security of the subject? The judges had no authority without the Legislature to say what is a libel; but it was now to be left to magistrates, frequently without learning, sometimes without education, to decide at their own will and pleasure. (*Hear, hear.*) He thought, that what his noble friend behind him (Earl Grey) had stated to be the law was the law; and he denied that the magistrates had power to commit in such cases. If the magistrates had it, why did it not extend to the judges themselves? He would only say this—that when he was counsel, and during all the time he practised at the bar, he never had the smallest idea that a justice of the peace could hold to bail for a libel. (*Hear, hear.*)

The Lord Chancellor said, that after having heard the very able speech of the noble earl (Grey), he had no difficulty in acknowledging

that the case had been argued with such ability as held him in some degree of check, while, at the same time, he declared, that he could not agree with him. In delivering his own opinion on this great question, he desired to enter his most solemn protest against being bound to adhere to it, beyond that night. His reason for saying this was, that many of his Majesty's subjects had been held to bail for libels; and if they had been unjustly arrested, they might bring their actions against the individuals who had so held them to bail; and, therefore, he could not think it would be fit for any noble lord in that House to suppose, that any opinion which he (Lord Eldon) might give that night should conclude him, if he heard any parties argue at that bar, on a writ of error, that the proceeding was illegal. (*Hear.*) He had been upwards of forty years in the profession, and it was his duty to give his opinion; but if it was an erroneous opinion, he was bound to retract it. The motion went to the production of the case, on which he should say only a very few words, not out of disrespect to the noble earl, but because it would not be necessary, in his view of the subject, to detain their lordships long on that head. Nothing would have induced him to give his consent to the production of the opinion of the law officers of the Crown, knowing the mischief that frequently attended the production of such documents, if the noble Secretary of State had not made that opinion part of his letter. The opinion stated three propositions:—that the Secretary of State may commit, that a justice of the peace may commit, and that a judge may commit; by which (said his lordship) must be understood the judges who are mentioned in the 48th Geo. III. This opinion was of itself of great importance; and were he to panegyrise the present Attorney-General, he was persuaded that he could not say half enough of him, for an abler man did not exist. His objection, however, to produce the case was this: that it was hardly possible on any such occasion that some particulars should not be stated by the Ministers of the Crown which it would be highly improper and inconvenient to disclose. It had been said, that the letter of the noble Secretary was wholly without a precedent; but this was not correct. In the year 1794 a proclamation was issued, requiring the magistrates to take notice of the great number of libellous publications which were industriously circulated at that period, and to do their duty. For his part, he had no hesitation in stating the principles upon which his conduct as Attorney-General had been founded. It never had been his disposition to regard the case of an ordinary libel on the Government of the country with any peculiar jealousy or vigilance: but when he saw that a system existed, the object of which was, by means of these libellous publications, to overthrow the Government, he was satisfied that it was an evil which required to be suppressed with a strong hand. This was the state of things

in the years 1793 and 1794. A design was pursued of subverting all the constituted authorities and establishments, civil and ecclesiastical, and of destroying those morals without which there could be neither social happiness nor political security. It had been decided again and again, that a blasphemous publication was a libel; and, with respect to the uniform opinions of the law officers of the Crown on this subject, to which the noble and learned Chief Justice had referred, he would ask with the utmost amity and good humour, whether his noble and learned friend opposite (Lord Erskine) would not feel his own opinion confirmed on any question by the concurrence of such eminent lawyers as Sir S. Romilly and Sir Arthur Piggot? He must however again declare, that he would not be concluded by the legal doctrine which he maintained that night, if any subject of his Majesty should think proper to discuss the point at the bar of that House in a writ of error. He only stated the present impressions of his mind on this subject; he had spent the greater portion of his life in a Court of equity, and was therefore but partially conversant with criminal matters. When he found, however, that Mr. Northey, Lord Hardwicke, Mr. Justice Willes, Sir Dudley Ryder, and Lord Mansfield, had all, in the office of Attorney-General, proceeded upon these warrants, and had sanctioned similar proceedings afterwards in their judicial characters, the presumption, at least, must be that such a practice was perfectly legal, unless the authority of those great men was to be set aside by that of persons of the present day, of some ten or fifteen years' standing. The power was vested, not to be exercised for the oppression, but for the protection of society. The authority of Hale and Hawkins was, he contended, in favour of the existence of the power, although some passages might be cited from which it might be possible to draw a contrary inference. The authority of Mr. Justice Blackstone was appealed to, but it was not on all questions of legal difficulty that the noble lords were content to abide by the doctrines maintained by that writer. He must confess, that the "Commentaries on the Law of England" was a work which reflected infinite credit on its author, but it was estimable as an exhibition of diligence rather than as a great law authority. With respect to the practice that had been adopted in these cases, he found, that in Trinity Term, in the third year of George the First, the recognizance of Thomas Kinnersley, who was held to bail by a magistrate on a charge of libel, had been returned into the Court of King's Bench, and a criminal information was filed against him. In the next year a similar proceeding took place against a person named Vaughan, who was prosecuted for a blasphemous publication. In the 7th and 9th of George I., and in the 7th of George II., the like cases occurred. Under every Attorney-General who had held the office, persons had been arrested for this offence, not upon war-

rants to seize their papers, or to enter into recognizances for their good behaviour, but to give bail for answering the charge. When he heard the opinion of Lord Camden cited, respectable as it was, he could not allow it to outweigh that of all the other judges. He denied that there was any principle in the judgment in Wilkes's case, which contradicted the legality of the power now under consideration. They were not now discussing what the law ought to be, but what it actually was; and if it was thought advisable to alter it, it would be better to bring forward a regular motion to that effect, than to attempt to do so by a side wind. He had taken a considerable share in certain transactions connected with these subjects; he was now in the decline of life, and he declared that he should feel deep regret in his retirement, if he could think that the measures which he had deemed it his duty to advise or support had trenchanted upon the just liberties of the country: but, on the contrary, he believed sincerely that they had been essential to the preservation of a Constitution, under which more practical liberty and happiness were enjoyed by the subject than in any other country under the canopy of heaven. (*Hear, hear.*)

Lord Holland said, he was desirous of stating at once the spirit and view which influenced him in supporting the motion of his noble friend. His immediate object was to obtain farther information on the subject. He could not be supposed to possess sufficient knowledge to engage in a legal argument with the noble and learned lords; but he did not deem it necessary to go very far into that question, after the uncontradicted and unanswered reasoning of his noble friend. He believed that an abler legal argument never had been delivered either at the bar or from the bench. It had never been asserted, that the single authority of Lord Camden was to overbalance the unanimous opinions of other judges and law-officers, although it would undoubtedly bear a comparison with that of any other name, however distinguished; and his opinion given judicially from the bench, was (he conceived) of greater weight than the practice of all the Attorney-Generals that ever lived. The principles of ship-money and general warrants had been maintained by Attorney-Generals, and it would be difficult to discover one practice, however pernicious in itself, or inconsistent with the liberties of the country, that had not been defended to the last by the law-officers of the Crown. It was not enough, therefore, on a disputed question of law, to adduce the opinions of the present Attorney and Solicitor-General, nor to cite the distinguished names of persons who had formerly held those offices. Doubts of this nature could not be properly decided, except by a reference to the great text writers, or by distinct proof of long and established usage. He knew there was a disposition, both in and out of the House, to regard Lord Camden as standing apart from all other judges; and to

think, that as his noble descendant had, with singular disinterestedness, surrendered what had been bestowed on that great lawyer as the reward of his public services, we might also safely surrender the principles and opinions which he had so ably and honourably maintained. In that elaborate judgment which he had pronounced after a solemn hearing in the well-known case which had been alluded to, it was distinctly laid down, that the power of a Secretary of State and of a justice of the peace to hold to bail were not convertible terms. There had not been one decision in favour of the power at the common law, for conservators of the peace to commit on a charge of libel. If, then, a magistrate had such an authority at the present day, from whom did he derive it? Justices of the peace must be regarded as creatures of the statute law, and where was the statute which invested them with any power of this description? He might be told that this argument would prove too much, for that their power to commit on charges of felony, or breach of the peace, depended altogether upon usage; but it was too much to say, that the offence of libel could be included under those general denominations; nor were the same reasons applicable to the practice. In the former case it was uniform, constant, and uncontrolled. To the ten or twelve cases cited by the noble and learned lord, as decisive of the legal question, he would oppose the circular letter itself of the noble viscount, as ample proof of the uncertainty of the law; because, otherwise, such a letter would have been unnecessary. When the proclamation was issued in the year 1793, why had not this point been clearly explained? The mode, however, then adopted, of calling the attention of magistrates to the subject was much less objectionable in a constitutional view. He held the issuing of that letter to be itself a misdemeanor, for which, if it were not for his privilege, the noble viscount himself might have been held to bail. The principle of the law was not that a single justice should exercise the same jurisdiction in all cases as the justices assembled in sessions. In none of the cases alluded to had the legal point been contended; and with respect to the argument of danger to the country from the non-existence of such an authority, did not the old constitutional proceeding by indictment furnish any security against the commission of offences? The practice of committing at all previous to indictment was not of great antiquity; and though they had been told that they should be in a miserable state, if magistrates could not hold to bail immediately, he did not conceive that any mischief would happen, except that a libeller might possibly remain at large for two or three months before his trial. But let the House look at the consequences the other way, and reflect how long an innocent man might be detained in prison. In the north of England this might be for a period of ten months. The noble viscount had introduced French

law into the country; he had taken away the discretion of the magistrate; and whilst Mr. Sergeant Hawkins treated this power as one that ought to be tenderly used, the noble viscount was for extending its application to all cases in every part of the country. This was a subject which demanded investigation; it was not only an unconstitutional proceeding in its remote tendencies, but was immediately calculated to disturb the harmony and endanger the security of the country. He had heard that one magistrate had already declared, that in case of his exceeding his authority, Government would certainly indemnify him. All this imposed a grievous responsibility on the noble viscount, which he hoped he would one day feel. Should the noble and learned lord (Ellenborough), when acting on his oath as a judge, correct the opinion which he had that day expressed, and Government should be placed in the cruel dilemma of seeing magistrates, for having acted in obedience to their injunctions, incurring heavy penalties, and applying to them for indemnity, he could not imagine, if the noble viscount had the feelings of a man, a more painful and distressing situation, unless he should be disposed to go one step farther, and trample on all law and justice. He had occasionally approved of the noble viscount's measures when at the head of affairs in this country, although he thought his administration generally founded on a principle of intolerance. He had felt gratitude to him for the peace he had negotiated, and for the good humour with which he had let down the harsh and domineering character assumed by the preceding Government. The affairs of Europe were now, indeed, greatly changed: but he trusted the noble viscount would not relinquish his other title to the esteem of the country and to the approbation of posterity. He believed that a distrust and jealousy of the people was not natural to his temper, but he had of late assumed an attitude of menace, and done more to curtail the liberties of the country in the last three months, than he had done all his life before to defend them. Nothing could be more short-lived than a system of propagating false alarms, in order to undermine the securities of freedom. He thought the letter in question a strong evidence, and a serious part of that system; and must therefore, on these grounds, give his vote in support of the motion of his noble friend.

Lord Sidmouth, considering that the main object of the debate had been already obtained by the legal opinions which had been elicited, should think himself inexcusable if he attempted to strengthen the arguments already adduced, by any observations of his own. When he had the satisfaction of hearing it proclaimed in that House, that the measure which he had thought it his duty to adopt, was conformable to the opinion of the highest legal authority in the country (the Lord Chancellor), and of the Lord Chief Justice of the kingdom—when he found that it was conformable to the opinions of the

greatest text-writers on the law, and also to the recorded practice of all the most eminent law servants of the Crown, both before and after they had attained the highest judicial situations—he felt it would be presumptuous in him to attempt to add any weight to this mass of dead and living authorities: but there was another point on which he should think it a matter of great self-reproach, if he could not vindicate himself to their lordships. It seemed that he stood before them charged with having used his best endeavours to stop the progress of blasphemy and sedition. To that charge he pleaded guilty; and while he lived he should be proud to have such a charge brought against him. In the Report which was laid before the House at the beginning of the session—a Report which had been attacked, but not shaken—mention was made of the unremitting activity which had been employed throughout the kingdom in circulating, to an unprecedented extent, at the lowest prices, or gratuitously, publications of the most seditious and inflammatory nature, marked with a peculiar character of irreligion and blasphemy; and tending not only to overturn the existing form of Government and order of society, but to root out those principles upon which alone any Government or any society can be supported. When he (Lord Sidmouth) concurred in that statement, he knew it to be true; but what he then knew, he had since seen confirmed with much greater force. He knew that unparalleled efforts had been made to carry into every village and cottage in the manufacturing districts, the poison of these seditious and blasphemous doctrines. He had himself seen the effects of this system on some of the misguided men; and had heard them freely confess, that it was the influence of this poison which had taken them away from their regular duties: that up to the time of their being assailed with those publications, they had been industrious and well-affected members of society; but that themselves and hundreds of their unfortunate neighbours, had been corrupted by the insidious principles disseminated by itinerant hawkers of blasphemy and sedition. A greater number of people could read now, than at any former period; they were better informed, and, he was sorry to say, the ale-houses were much more frequented, and greater bodies of men brought together. Such being the case, the magistrates became alarmed, and applied to him for instructions. In consequence, he asked the opinion of the law-officers of the Crown as to the best method of checking the progress of this dreadful evil. Perhaps the noble earl would say that he ought not to have taken any such opinion; but the House would, he trusted, think differently. The noble earl would say, that the proceeding should have been by indictment; but let the House, before it sanctioned such a proposition, consider what the state of the country really was. What had been the answer of some of those itinerant vendors of poison, when they were told that their

traffic was illegal?—they said, “We know that we are acting illegally, but you cannot touch us till the quarter-sessions.” In the mean time they could go on in their shameful trade, adding offence to offence, and with an increased momentum propagate their mischiefs up to the very moment of trial; and then, perhaps, abscond into another quarter. All this, however, he was aware, could not make that law which was not law before; but at the same time it shewed the necessity of exercising extraordinary attention to the most vigorous measures for protecting the public peace and safety. He was ready to avow all that he had done, and would readily take upon himself all responsibility for his acts, be the consequences what they might. He felt conscious that he had endeavoured to serve his country, and he was happy to know that his efforts had not been unsuccessful. As to the particular point before the House, he had thought it proper to produce the opinion of the law officers, because he was apprehensive that if that opinion were withheld, it might operate injuriously to the real understanding of the subject. But if the opinion were examined, it would be seen that there was no reference to any particular case: and, indeed, if there were any case, the production of it would add no new light to the question then before them.

The *Bishop of Chester* rose to offer some explanation respecting Mr. Wright of Liverpool. He had never given any opinion as to the propriety or impropriety of the conduct of the magistrates towards that gentleman, but had merely related what he had heard—that he had unpugned a fundamental doctrine of Christianity.

Earl Grey begged leave to detain the House with a few observations in reply. First, as to what had fallen from the reverend prelate, he had merely drawn an argument from the case of Mr. Wright, as to the difficulty which must occur in deciding what is and what is not libel; and had inferred, from the representation made by the reverend prelate, that prejudice, passion, habit, interest, might occasionally influence the decision of the magistrates, when it appeared that a man had been held to bail for opinions not only common to Unitarian Christians, but even to distinguished prelates, as the reverend prelate well knew, (meaning Dr. Law, the bishop’s father.) This was the way in which he had stated the case, and, therefore, he trusted that he should be acquitted of any even unintentional misrepresentation. He now resumed the main subject of discussion. If he felt a strong opinion on bringing forward his motion—if, after a long investigation, he had arrived at a conviction of the correctness of his views, that opinion and that conviction had been in no degree shaken by what he had heard that night. When he came down to the House, he felt of course considerable distrust as to the certainty of his opinions, knowing that he was to be opposed by the highest legal

authorities; but having listened to the noble and learned lords with the utmost attention, and with a sincere desire of conviction, he must say that all their arguments rather strengthened than weakened his own opinions; for he had never in his life heard any thing more jejune and unsatisfactory than the reasoning of those learned lords. He called for law, and they gave him authority; he called for deliberative discussion, and they had given him bare assertions. They had served him as Falstaff was served, who asked for six yards of satin, and was called upon for security.—Here the noble earl restated the principal grounds of his legal argument, and insisted that the authorities of Hale, Holt, and Hawkins, had not been in the slightest degree shaken by the noble and learned lords. The opinion of Lord Holt, indeed, one of the most important, had been passed totally unnoticed by those on the other side. It was curious that all these authorities, which made for his argument, had been assumed by the noble and learned lords as making for them; and one of them even asked, with a sort of sneer, whether the opinions of such grave and venerable men were to be set aside by modern lawyers of 10 or 15 years’ standing? The persons whom he (*Lord Grey*) had consulted were not tyros in their profession, but men of long established and tried reputation: nor could he understand the sarcasm of the noble and learned lord, unless it had a covert allusion to the new Solicitor-General, who had been promoted to his office after a shorter experience in his profession than any man before him. The noble and learned lord had quoted a great many cases of persons held to bail, and had asked, with an air of triumph, were not these precedents of the legality of such proceedings? The learned lord’s cases went for nothing. Were his cases of recognizance sanctioned by the practice of Attorney-Generals? So were general warrants. Were they defended in Parliament? So were general warrants. Was it not known that Secretaries of State and Attorney-Generals had declared general warrants to be legal? And yet, when they came before a court of law, they were by the judges unanimously declared to be illegal. So in this case he would say, they ought not to abide by the opinions of the legal servants of the Crown, but they ought to look to the solemn decisions of judges delivered in Court after deliberate discussion. Such decisions he had produced in favour of his argument, while nothing but vague assertion had been produced on the other side. And here he must protest against quoting, as decisive authority, the opinions of the paid officers of the Crown. He meant no disrespect in using that term: he used it merely to describe that situation which should make their opinions be regarded with a constitutional suspicion.—He now came to the speech of the noble Secretary, who, with a tone of great self-satisfaction, had taken to himself the credit of stopping the progress of blasphemy and sedition. He supposed that the

noble lords on his (Lord Grey's) side of the House were as little friendly to blasphemy and sedition as the noble viscount; but the question was, whether the noble viscount had not over-stepped the bounds of law, and endangered the Constitution which he talked of saving. With respect to the report on which he grounded his measure, and which he pretended had been unshaken, it was well known that that report had been impeached in some of its most material facts, which had been contradicted by the petitions of highly respectable persons. As to the fallibility of the evidence on which the noble viscount had too much trusted, he (Lord G.) would refer to the proceeding at the Norwich sessions, where Mr. Steward Alderstone having, in consequence of Lord Sidmouth's circular, desired the grand jury to pay particular attention to houses used for the purposes of seditious meetings, the grand jury had unanimously reported, that, to the best of their knowledge, there were no such houses within their precincts.—The noble earl then, in reference to an observation of the Lord Chancellor, remarked, that the alarm and danger in 1794 were certainly greater than now; for then the doctrines of the Age of Reason were in full vogue, were supported by persons of some eminence, and were countenanced by the progress of the French revolution. The noble viscount, indeed, had given a strange reason for his belief of the increase of danger:—he said, that the danger was greater, because more people read and were better informed than formerly. What! did he mean to say that the Christian religion stands on such infirm ground, that an increase of danger was to be apprehended from an increase of knowledge? He was astonished to hear such a doctrine; nor was the opinion of the learned lord (Eldon) more correct when he compared those general directions given on occasions of emergency to magistrates with the official interference of the noble viscount who undertook to explain particular points of law. To what would this doctrine lead? Would the noble doctor (*a general smile*), now that he had taken a new diploma in law, proceed from instructing the magistrates to instruct the judges of the land? The noble lord looked alarmed at such a supposition, and yet he (Lord Grey) maintained, that the one course was equally justifiable with the other. There was not a jot of difference in principle, though there probably would be in the result; for he could easily conceive the indignation with which the Lord Chief Justice of the King's Bench would receive such a letter of directions from the noble viscount, notwithstanding his present argument in favour of its legality. The slow process of the law, as it had been termed, had not on former occasions been found injurious to the State. There was a sufficient power at present to check dangerous libels effectually by the Attorney-General's *ex-officio* informations, which had been used severely enough, and which he could keep suspended over the heads of persons, without

bringing them fairly to trial, and in many cases not acted upon; besides other powers, which, taken altogether, were quite sufficient for the purposes of deterring or punishing. But in the present matter, where had slept the vigilance of the Attorney-General all the time of the danger? The noble lord had spoken of some man apprehended, who ascribed all his errors to the publications complained of; but he (Lord Grey) looked at this description of evidence with the same suspicion. It was the declaration of a man placed at the mercy of the Government, and who might hope to gain favour by making it. But the noble lord seemed to think that the evil originated in November. If these great evils commenced then, why was so much time lost by the Attorney-General, or those who directed him, in the official informations, or other proceedings? How happened it that the circulation of the mischief was so long permitted? This appeared to be an extraordinary omission. With respect to blasphemous parodies, he thought, in common with others, that such productions should be restrained; but by the ordinary course of justice. But this disposition to profane parodies had been used for certain purposes on former occasions; and improper and profane as they were, they were pretended by some to be made in support of religion. He would recommend the noble lord, and the friends who surrounded him, to consider well the case of sending persons before a magistrate on charges of this nature. He held then in his hand a publication called the Anti-Jacobin, which contained a parody of this description, and which he would take the opportunity of reading to their lordships:—

Couriers and Stars, sedition's ev'ning host,
Thou *Morning Chronicle* and *Morning Post*,
Whether ye make the rights of man your theme,
Your country libel, and your God blaspheme,
Or dirt on private worth and virtue throw,
Still blasphemous or blackguard, praise Lepaux!

And ye five other wandering bards that move
In sweet accord of harmony and love,
Coleridge, and *Southey*, *Lloyd*, and *Lamb*, and *Co.*
Tune all your mystic harps to praise Lepaux!

"*Prestley* and *Wakefield*, humble, holy, men,
Give praises to his name with tongue and pen!
Thelwall, and ye that lecture as ye go,
And, for your pains, get pelted, praise Lepaux!
Praise him, each jacobin, or fool, or knave,
And your cropped heads in sign of worship wave!
All creeping creatures, venomous and low,
"*Paine*, *Williams*, *Godwin*, *Holcroft*, praise Lepaux!"

— and — with — join'd,
And every other beast after his kind.

"And thou, *Leviathan*! on ocean's brim
Hugest of living things, that sleep and swim;
Thou, in whose nose, by *Burke's* gigantic hand,
The hook was fix'd to drag thee to the land,
With —, —, and —, in thy train,
And — wallowing in the yeasty main,
Still as ye snort, and puff, and spout, and blow,
In puffing and in spouting, praise Lepaux!"

Now it appeared that a Mr. Hone had been proceeded against for publishing some blasphemous parody; but he had just read one of the same nature, written, printed, and published, some years ago by other people, without any notice having been officially taken of it. He wished to learn what the distinction was that the Government and the Attorney-General were to make respecting such productions. If a publisher was now to be proceeded against for such writings, as insulting religion and undermining the safety of the State, he apprehended that the authors of the Anti-Jacobin, whether they were in the Cabinet or in any other place, should also be found out, and visited with the penalties of the law. (*Hear.*) The construction of libels must, in a very great degree, depend on the particular ideas and views of an individual. It was extremely difficult, generally, to decide on the true character of what constituted a libel, and the measures now adopted were particularly dangerous. On the whole of the subject, he was satisfied with the views he had given of it; and he should certainly take the sense of their lordships on the question.

The House then divided.

Not Content	75
Content	19
Majority against the motion . .	—56

The following is a copy of the Circular Letter from the Secretary for the Home Department to the Lords Lieutenants of counties:—

Whitehall, March 27, 1817.

My Lord—As it is of the greatest importance to prevent, as far as possible, the circulation of blasphemous and seditious pamphlets and writings, of which, for a considerable time past, great numbers have been sold and distributed throughout the country, I have thought it my duty to consult the law-officers of the Crown, whether an individual found selling, or any way publishing, such pamphlets or writings, might be brought immediately before a justice of the peace, under a warrant issued for the purpose, to answer for his conduct. The law-officers having accordingly taken this matter into their consideration, have notified to me their opinion, that a justice of the peace may issue a warrant to apprehend a person charged before him, upon oath, with the publication of libels of the nature in question, and compel him to give bail to answer the charge. Under these circumstances, I beg leave to call your lordship's attention very particularly to this subject; and I have to request, that if your lordship should not propose to attend in person at the next General Quarter Sessions of the Peace, to be holden in and for the county under your lordship's charge, you would make known to the Chairman of such Sessions the substance of this communication, in order that he may recommend to the several magistrates, to act thereupon, in all cases where any person should be found offending against the law

in the manner abovementioned. I beg leave to add, that persons vending pamphlets or other publications in the manner alluded to, should be considered as coming under the Hawker's and Pedlar's Act, and dealt with accordingly, unless they shew that they are furnished with a licence, as required by the said act.

I am, &c.

SIDMOUTH.

To his Majesty's Lieutenant of the County of Chester.

OPINION of the LAW OFFICERS of the CROWN, referred to in the above LETTER.

We are of opinion that a warrant may be issued to apprehend a party charged on oath for publishing a libel, either by the Secretary of State, a Judge, or a Justice of the Peace.

With respect to the Secretary of State in the case of *Entick v. Carrington*, as reported by Mr. Hargrave, though the Court were of opinion the warrants which were then the subject of discussion were illegal, yet Lord Camden declared, and in which he stated the other judges agreed with him, that they were bound to adhere to the determination of the Queen *v.* Derby and the King *v.* Earbury, in both of which cases it had been holden, that it was competent to the Secretary of State to issue a warrant for the apprehension of a person charged with a scandalous and seditious libel; and that they, the Judges, had no right to overturn those decisions.

With respect to the power of a Judge to issue such warrant, it appears to us that at all events, under the statute of the 48 Geo. III. ch. 58. a Judge has such power, upon an affidavit being made in pursuance of that Act; a Judge would probably expect that it should appear to be the intention of the Attorney-General to file an information against the person charged.

With respect to a Justice of the Peace the decision of the Court of Common Pleas in the case of *Mr. Wilkes's libels* only amounts to this—that libel is not such an *actual* breach of the peace as to deprive a Member of Parliament of his privilege of Parliament, or to warrant the demanding sureties of the peace from the defendant; but there is no decision or opinion that a Justice of the Peace might not apprehend any person not so privileged, and demand bail to be given to answer the charge. It has certainly been the opinion of one of our most learned predecessors that such warrants may be issued and acted upon by Justices of the Peace, as appears by the cases of *Thomas Spence* and *Alexander Hogg* in the year 1801. We agree in that opinion, and therefore think that a Justice of the Peace may issue a warrant to apprehend a person charged by information on oath with the publication of a scandalous and seditious libel, and to compel him to give bail to answer such charge.

Lincoln's Inn,
24th Feb. 1817.

W. GARNOW.
S. SHEPHERD.

HOUSE OF COMMONS.

Monday, May 12.

MANUFACTURE OF FLAX.] Mr. Curwen presented a petition from Samuel Hill and William Bundy, of Camden-town, in the county of Middlesex, joint proprietors of certain machines for preparing flax and hemp in the dry state from the stem, without undergoing the usual long process of dew rotting or water steeping, for which the said parties had obtained his Majesty's letters patent. It set forth, "that the petitioners, after great expense and much labour, had discovered a process, by rendering certain machinery subservient to manual labour, of breaking and preparing flax and hemp in a dry state from the stems of the said plants, superseding the necessity of dew rotting or water steeping, and that by these means nearly three times more of the fibrous parts, uninjured by fermentation and decay, are obtained from the same produce per acre, at half the expense, and in a less number of hours than has hitherto required weeks by the old method; that, to effect this purpose, the stems of flax and hemp, when dry from the field or stack, are passed through two machines, the first called a breaker, the second a rubber, after which it is completed for spinning by a third, which performs the operation of heckling, all which being of a portable construction, the largest requiring the space of three feet by four only, are well calculated for giving employment to cottagers and the lower orders of the people at their own homes, as also to the labour of paupers in workhouses, and convicts in prisons and penitentiaries and houses of correction; that by the petitioners' improved process much time and expense are saved, while the deteriorating effects of bleaching are obviated, as flax, hemp, and tow, thus prepared, are rendered equally white and fit for use by washing in soap and water only; that, from the petitioners' improved mode of preparation, the additional quantity of flax, hemp, and tow, which would be procured from the 120,000 acres supposed to be employed in the cultivation of these crops in Ireland, Scotland, and England, would afford an increase of employment in the several operations of preparing, spinning, weaving, and washing, to upwards of 700,000 persons, and an additional annual return of 25,000,000*l.* when manufactured into linen; that besides these advantages derivable by the farmer and the manufacturer, the general prejudice entertained by the landholders against the growth of these crops would be removed, as the chaff produced in the operations of breaking and rubbing is found to be excellent food for cattle, and would consequently, like that of other crops, make a due return to the soil in the shape of manure; that the petitioners humbly presumed to be of opinion, that a general adoption of their process would greatly increase the produce of the crops of flax and hemp, and

consequently the value of the land in Great Britain, and particularly in Ireland, and in the course of a few years render the country wholly independent of foreign states for these naval supplies; and the petitioners humbly conceived that their invention might be of great national importance in the cultivation of waste lands by the plough or the spade, and of great domestic relief in affording constant employment to many thousands of the labouring classes at that season of the year when out-door work is difficult to be procured; and they humbly requested that the House would be pleased to afford them an opportunity of proving these their allegations before a Select Committee of the House appointed for that purpose, in order that the attention of the nation might be called to an object of such internal political consequence."—The petition was referred to a Select Committee, composed of Mr. Curwen, Lord Castlereagh, the Chancellor of the Exchequer, Mr. Rose, Lord Lascelles, Mr. D. Gilbert, Mr. Brougham, and several others.

ROCK SALT.] Mr. Rose brought up the Report of the Committee on Rock Salt, which was ordered to lie on the table, and to be printed.

RYAN'S CASE.] Mr. H. Addington presented the dates of the report of the Recorder of London, the warrant for execution, &c. in the case of Patrick Ryan, pursuant to order of the House, which was ordered to be printed.

GAME LAWS.] Mr. H. Addington brought up returns of persons confined under the Game Laws. The Game Preservation Bill was then read a third time and passed, with the addition of a clause to authorize the seizure of persons going at night with engines or instruments for the destruction of game.

CLERGY REGULATION BILL.] This bill was read a second time, and ordered to be committed on Friday next.

POOR EMPLOYMENT BILL.] This bill was read a second time, and committed for Wednesday next.

ARMY ESTIMATES.] The House resolved itself into a Committee of Supply, when the Army Estimates, and the second Report of the Committee of Finance were taken into consideration.

Lord Palmerston said, that in rising to propose the estimates for the present year, his labour was much diminished, in consequence of the Report then on the table, the details of which would enable gentlemen to understand the subject much more accurately than they could from any explanation of his. He wished particularly to call their attention to the general comparison, made in the 26th and 27th pages of that Report, between the sums voted for Army Services in the years 1815 and 1816, and the sums estimated for the year 1817. The total amount of diminution which had been gradually effected up to the present period, was 1,800,000*l.* The number of men to be kept up would be less than last year by 55,343, including officers, and also the force intended for service in India and France. If the comparison were made upon

the numbers actually chargeable to the United Kingdom, it would stand thus:—In 1816, the total numbers were 133,505; in 1817 they would be 92,606, making a diminution of 40,899. Whether those reductions would be entirely satisfactory or not, he could not presume to determine; he was sure, however, that they would be so to the House generally; and they afforded an incontestible proof that Ministers, since the last estimates were voted, had not been insensible to the sufferings of the people. With regard to reductions, generally speaking, they could not be effected by a mere stroke of the pen. When they came to operate upon establishments which were various in their transactions, complicated in their details, and scattered in position, nothing but the greatest labour, perseverance, and zeal, could be productive of any ultimate advantage. It was to that labour, that zeal, and that perseverance, he was now indebted for the power he possessed of stating such large reductions. The total amount of military force which had been disbanded since the latter end of the year 1814 (the earliest moment at which it was possible to commence the work of retrenchment), was 221,794, which included 86,794 militia. In the cavalry each troop had been reduced from 75 to 55 men, and to 35 horses. In the Foot Guards considerable reductions had also been made. In the miscellaneous charges there was a reduction of 337,000*l.* In the recruiting establishments eight depots were reduced, and six districts, four in this country and two in Ireland. Five Detachment Paymasters were also reduced. By these and some minor reductions, a saving in the Recruiting Service alone had been effected to the amount of 131,000*l.* In the Staff, at home and abroad, there was a diminution of 90,426*l.* as compared with the votes of last year. Two hundred and fifty-seven staff officers had been reduced. In the public departments, various sums had been saved; but he wished the House to observe, that the decrease of expense in the office of the Commander-in-Chief did not amount to more than 20,000*l.* The reason was, that a new source of business had originated from the very reductions that had taken place. The number of officers who were reduced upon half-pay, but who still hoped to return to active service, caused an infinite variety of applications to be made to the Commander-in-Chief, stating past services, and founding thereon their claims to future employment. He was sure the House would sympathize with what he might call the distresses of many of those deserving individuals, and would not wish to deprive the Commander-in-Chief of the means of at least answering their applications, by which they would be satisfied, that though their solicitations could not be immediately granted, they were not wholly overlooked. In the Pay-office also, the business had necessarily increased.—The noble lord next went into a statement of the labours of his own office, and observed, that they had

been materially augmented, partly from the diffusion of education, for he received each week from 900 to 1000 letters, from persons of the lowest rank in life, containing inquiries after private soldiers, whether alive or dead, if dead, what effects they died possessed of, and other matters. He knew it was difficult, by any specific proof, to shew the exact amount of duty which any particular office demanded; but when he mentioned that during the year ending the 31st of March, upwards of 100,000 letters had been sent from his office, he apprehended the House would not consider that the labour was trifling. He had, however, effected some reductions, rather in anticipation of less business than in consequence of its actual diminution. They were so made as to render the amount considerable, without extending to many persons. In the higher situations of about 800*l.* a year, the clerks were reduced from six to four; two others of from 600*l.* to 400*l.* were also reduced; and likewise the master examiner of army accounts, a situation of 1,200*l.*; and another examiner, appointed in 1797, with a salary of 1,095*l.* In the Adjutant-General's Office there was a saving of 3,197*l.* and in the Commissary-General's of 1,714*l.* In Medicines and Hospital Expenses there was a diminution of 33,000*l.* In the Volunteer Establishments there was a saving of 3,447*l.* as compared with the votes of last year. With respect to the troops in France, the House were aware, that the vote for that service was taken merely *pro forma*; no part of the charge would actually fall upon the public. In the expenses incurred for the maintenance of the Military College, a diminution to the amount of 5,661*l.* had been made. The gallant general at the head of that establishment, was the first to set an example of reduction. When the list of salaries, &c. was submitted to him for his opinion, as to the utmost practicable retrenchment, he immediately drew his pen through the 500*l.* per annum allowed him for table money. Such an act of disinterestedness was highly honourable to that gallant officer, but could surprise no one acquainted with his character. (*Hear, hear.*) He accompanied it, however, with the remark, that though his private means enabled him to make the sacrifice, it would be unjust to expect the same from any successor not possessing those means; as it would be impossible for a person filling that high station, to maintain it with due dignity and effect, without such an allowance for his table expenses. With respect to the army pay and attached allowances of general officers, an arrangement had been concluded upon those heads, pursuant to the recommendation of the Finance Committee. The estimate of this year, for Foreign Corps, was less than the votes of last year by 237,000*l.* In Widows' Pensions there had been, from obvious causes, an increase of 5,085*l.* In the Royal Military Asylum there was a diminution this year of 6,951*l.* In the Compassionate List, Allowances of his Majesty's Bounty, and Pensions to Offi-

cers for Wounds, there was an apparent increase of 99,000*l.*; but in reality, the increase did not amount to more than 9000*l.* He would take that opportunity of stating what it was the intention of Government to adopt with regard to pensions granted to wounded or disabled officers, in consequence of the recommendation of the Committee. According to the present arrangement, the pension increased in proportion as the rank of the officer increased, in cases where it was granted for severe wounds, the loss of a limb, &c. Where the wounds were not so severe, the rate of pension remained fixed according to the original rank. In future, however, all pensions so bestowed, would continue according to the rank in which the wound was received. In the Local Militia there was a diminution of expense amounting to 70,500*l.* but in the Superannuation Allowances there had been an increase of 7,602*l.* In the Exchequer Fees there was a diminution of 92,663*l.* the necessary consequence of the general reduction which had taken place in the aggregate amount of the votes proposed. The whole amount for the service of the present year was 6,682,318*l.* 9*s.* 7*d.* but of that 2,888,000*l.* had arisen from services wholly unconnected with the actual charges for the effective military force. They belonged to past services, so that the real charge for the army proposed to be maintained was scarcely more than 3,794,000*l.* Now, when they considered what had been the charge for our military establishments in former periods, the extensive range of our colonial possessions, and that the pay of the soldiers had been more than doubled, such a sum could not be fairly regarded as excessive. In 1798, the army estimates were 3,920,000*l.*; or, if it should be objected that the war was then begun, in 1791, they were 3,098,000*l.* He would not detain the House any longer, but merely move the first resolution, "That a number of land forces not exceeding 121,035 men, (including the forces stationed in France,) and also 15,585 men proposed to be disbanded, and 1,863 men proposed to be transferred to the Indian establishment in the year 1817; but exclusive of the men belonging to the regiments now employed in the territorial possessions of the East India Company, or ordered from thence to Great Britain, commissioned and non-commissioned officers included, be maintained for the service of the United Kingdom and Ireland, from the 25th day of June 1817, to the 24th day of December following.

Mr. Calcraft thought the force still kept up much too large. The noble lord should have told the House, why he did not conform to the example of 1792, which was referred to last year. He would not say that the number should be exactly as it was at that period, but he was bound to say that the great additional force now demanded, was unnecessary. It was incumbent upon the noble lord to explain the necessity for such an increase. He (Mr. C.) had last year objected to the numbers proposed to be stationed

in different places, and he was told that the numbers recommended by him were perfectly inadequate; yet he now found them in 5 or 6 cases reduced to that very number. The Ministers generally acted upon suggestions of hon. gentlemen on his side of the House, though at first they might affect to reject them. The noble lord had done so in the present instance, though he was a full year in arrears in doing it. (*A laugh.*) The deductions that had taken place were owing to the restraints imposed by that House in withholding the income-tax and the malt-tax, those sources of immense revenue; and to the discussion that had taken place on the army estimates. The impression made throughout the country by those means, had produced great benefit. He was aware that discontent and disturbances had existed, but they arose from the great burden of taxation. Would internal tranquillity, then, be promoted by the expense of this great army which an impoverished people were required to maintain? Was military force better than a quiet and prosperous country? He did not think so. He did not mean to go into details, but he would ask with what decency officers in foreign corps could hold half-pay from this country, while they had full pay elsewhere? This was contrary to the principle of all regulations on that subject. He had received a letter, representing, that while the officers in our army who were discharged after the 24th of June, 1814, enjoyed the new rate of half-pay, those discharged before that period were restricted to the old. This appeared to be arbitrary and unfair, more especially when the partiality to foreign officers was considered. He suggested the necessity of reducing some of the departments, particularly the office of Commander-in-Chief. If he had had any hopes of support, he would have moved for a reduction of the number of troops, as he thought them too great a force for this country in a time of peace.

Mr. Lyttelton wished to urge a consideration of one thing to which he had formerly adverted. Officers on half-pay in the army and navy were obliged, before they received their pay, to swear that they did not enjoy the emoluments of any other office under the Crown. This regulation might, for anything he knew, have had some reason in its support at the time it was made, but it was quite unreasonable to continue it. He allowed, that reduction of establishments, instead of radically relieving distress, was sometimes only the means of transferring it from one class to another; but an adherence to the rule he had mentioned could have no plausible argument to justify it, considering that the officers enjoyed their half-pay as a remuneration for services performed; and that they should be allowed to exert themselves to improve their condition in any other manner they chose. We had paid as much as we could; we had granted them all the remuneration which their services could receive from us; and if we could do no more for them from the public purse, we should not at least restrain them from

performing those duties, and reaping those advantages, which they could perform and enjoy as well as others. Their income sometimes was barely enough for subsistence, while the addition of one hundred, or fifty pounds a year, would give them comforts. He hoped Government would pay attention to this circumstance, and alter the regulation on which he had animadverted.

General *Walpole* thought the establishment for the colonies too high, particularly when he compared the number of troops maintained in Jamaica and the other West India Islands, in 1792, and at the present period. In 1792, the force in Jamaica, was only 1200 men.

Mr. *Warre* likewise objected to the estimates, on the ground of extravagance. He particularly animadverted on the unnecessary increase of the life-guards and blues, troops employed only for splendour and parade. The staff of the colonies was likewise too expensive. In 1792 the charges for the staff in Jamaica were only 864*l.*; in the present estimates they amounted to 4,682*l.* The total charge for the staff appointments of the colonies in 1792 was only 17,000*l.*, now it was 74,000*l.* He allowed that we had made great additions to our colonies, but our establishments were disproportioned to the augmentation of our empire. The staff for the Leeward Islands alone exceeded this year that of the whole of our colonial possessions in 1792. The increase of this head of service was as remarkable in Great Britain as abroad. In 1792, its expense was only 16,600*l.*; in the present year it amounted to 39,000*l.*—The hon. gentleman expressed his satisfaction at the last article in the estimates, the compassionate list; and would even support a small increase in that charge, if it should be considered necessary.

Lord *Palmerston* was surprised that the hon. gentleman who spoke first, (Mr. Calcraft) did not give Ministers some credit for reducing the establishments to their present scale, especially as he seemed to think that they had proceeded on his recommendation. The hon. gentleman had objected to the half-pay given to foreign corps, which might still be employed in another service on full pay; but foreign troops employed in our pay, when disbanded, could not be called back like our own half-pay officers. They enjoyed their half-pay rather as a reward for past services, than as a retaining fee for future employment. With regard to the observation of an hon. gentleman (Mr. Lyttelton) about the prohibiting of half-pay officers from enjoying other places of emolument, he would say nothing at present, but that the Government would take the subject into consideration. In the mean time he did not think the regulation so groundless as had been stated. The establishment of the life-guards and blues was complained of as being too high; if they were to be kept up at all, they must be kept in a state of efficiency. Instances had occurred since the

meeting of Parliament, in which they had been extremely useful. With regard to the increase of the colonial staff, it might be explained from the change of system that of late had taken place, rather than from any extravagance on the part of Government: and as long as the present military organization continued, we could not recur to the scale of the staff in 1792. The addition to the charge for the compassionate list, would be sufficient, though he allowed, with the hon. gentleman (Mr. Warre), the full merits of this head of expense.

General *Ferguson* did not mean to deliver an opinion on the extent of the establishments.—He merely rose to call the attention of Government to the subject of the relief of troops in the West Indies. He allowed that much good had resulted, and would result, from the system already acted upon, of relieving whole regiments or companies at once, and not detaching them, as formerly, in one place, filling up their casualties by draughting from other regiments.—The contrary custom had for a long time prevailed. He knew of four companies of the artillery corps who had remained in Jamaica, the first 27 years, another 21, and another 15 years. Those unhappy men despaired of ever seeing their homes again: they viewed themselves as destined victims of destruction; and the consequence was, they surrendered themselves to every kind of irregularity and debauchery: their crimes increased with their miseries, and their punishments with their crimes. Their punishments were greater than those of any other troops. Thank God, the discipline of our army had improved, and the necessity of punishment diminished of late; but there could be no discipline, and punishment would fail of producing any effect, where the situation of the persons was hopeless, and where reformation or good conduct could be of no avail. At Fort Charles, in Jamaica, surrounded on three sides by the sea, and on one side by a marsh, the garrison was in such a state of insubordination and want of discipline, that 300 men received 54,000 lashes in the course of two years! The necessity for this arose from despair. Relieve the troops at regular and stated intervals, let them enjoy the certainty that they will not be required to spend all their lives in an unhealthy and unfavourable climate, and discipline will produce the same effects there as at home. Instead of this, the men were driven to desperation by seeing their friends fall around them. Out of 85 rank and file, with numbers perpetually renewed, 200 had died in the course of 15 years, and two companies in the same period had lost 700 men. It was no economy thus to leave men to die. He was sure that the Commander-in-Chief, had this service been under him, would have taken steps to remedy such dreadful evils. The terror of being sent to the West Indies was sometimes, he heard, hung over refractory and unmanageable individuals. (*Hear, hear.*)

General *Phipps* thought, that the gallant General should have given some notice of this attack on his noble relation, (Lord Mulgrave) the Master-General of the Ordnance. He could state, however, that officers were not threatened with being sent to the West Indies; and that arrangements had been made for preventing, in future, a long stay of any particular companies or regiments, in those islands.

General *Fergusson* denied that any attack was either made or intended on Lord Mulgrave.—Some of the facts he had mentioned, occurred 27 years ago,—long before the noble lord was at the head of the ordnance department.

Mr. *Ponsonby* said, the House were much obliged to the hon. and gallant General, who intended no attack, for the observations he had made, and for the explanation which he had drawn forth, that the system was changed.

Lord *Nugent*, not being able to discover any difference whatsoever in the principle of the estimates now proposed, and very little indeed in the amount of them, from those of last year, against which he cordially and strenuously voted, could not but give his firm and decided negative to the propositions of to-night. The noble lord (Palmerston) had told them, that he had reduced these establishments to their lowest possible scale, consistent with the public safety. "Sir," (said Lord *Nugent*), "I hope that noble lord will not suppose that I mean any thing personally offensive or disrespectful to him, if I say that I cannot trust that assurance. I cannot trust that assurance, because it is precisely the same as was given us last year, under the same circumstances, from the same quarter—an assurance, which, not a fortnight afterwards, was abandoned and disproved by the very persons who had given it. The estimates, which were last year recommended to us, as being reduced to the lowest scale, consistent with public safety, were withdrawn to be further reduced, were brought forward again in their reduced shape to the Committee, and, in that reduced shape, received the very same support, and were still considered as of the precise amount which should answer every object of public safety. This, Sir, is the reason why I profess myself unable to trust the assurance of the noble lord. The expense of the proposed establishment, on which so much has been said, (important, certainly, as that consideration must be, in the present exhausted state of national resource,) is now, I think, the lowest and weakest ground on which the opposition to these estimates can be placed. Indeed, Sir, I am far from thinking, that even the patronage and influence, which this disproportionate peace army perpetuates in the hands of Government, form by any means the head and front of the objection one naturally feels to such a proposition. For my own part, I freely own that I fear, first and mainly, the actual armed force of 130,000 soldiers in time of peace, in the pay of the King, and at the disposal of an Administration, whose

motives I suspect, and to whose political principles I cannot subscribe. This, Mr. Chairman, is my fear, very much increased, certainly, by the reflection, that, by dint of twenty-five years of war, the existence of a large army is not only rendered familiar to our habits, but is, as it were, identified with the interests and domestic views of a great majority of the families of England—I mean by the number of commissions borne in that army. I know, that to such a point has public opinion on this subject arrived, that those old-fashioned alarms and jealousies, which our forefathers in the best times entertained of a standing army, are now considered as little more than as subjects of common-place declamation. Sir, I am heartily sorry that it is so. I wish to God it were otherwise! But, inasmuch as it is so, in so much do I think it is the duty, the bounden duty, of every man who feels rightly and jealously for the free constitution of his country, to remind his fellow-subjects, that at least such a spirit once was felt in England, that such doctrines once were held sacred—doctrines to which we owe that Constitution and that freedom, and, without which, they would be soon left naked and defenceless before their enemies. Sir, I look to the history of the world, and I find no instance, in any times, or in any country, in which a free constitution has ever long survived a disproportionately large military establishment in time of peace. Nay, I go farther, and I say, that I find no instance in which a free constitution has been ever finally overthrown, or public liberty permanently subdued, through any other agency than that of a standing army. These are my opinions—these are my sentiments—opinions and sentiments which, whatever pain (from reasons quite immaterial to the House) they may have cost me in the utterance, I can never either abjure or disguise."

Mr. *Curwen* thought, that before a vote was taken for such a force, the state of our finances should be ascertained and disclosed. Ministers had defended the estimates on the plea of necessity; but the danger arising from our financial difficulties, might be sufficient to outweigh the necessity.

Sir *W. Burroughs* objected to the enormity of the estimates as compared with those of 1792. We were now in a state of profound peace, and on good terms with all the world. The noble lord had answered every question but the only one of any importance,—What reason there was for the difference between the present year and 1792?

Mr. *Goulburn* deemed it unfortunate for the hon. baronet, that he had not been present on former occasions; had he heard the arguments adduced by that side of the House, (a laugh,) he would have known the reasons for the difference.

It had been admitted, even by hon. gentlemen on the other side, that the circumstances of the times justified a large establishment in England. (Hear, hear.) And as for the colonies, he contended that, from their great in-

crease, an additional force was necessary. The state of the country in 1792, was so dissimilar to what it is at present, that no comparison could be fairly drawn between them.

Sir *W. Burroughs* observed, that if 20,000 men could maintain the peace of India, whose population was 60 millions, it shewed that the moderation of the Government, and consequent affection of the people, was a much greater safeguard than military force; but was this the case here? Did George the Third reign enthroned in the hearts of his subjects? If he did, where was the necessity for such a force in England and in Ireland? As to the alleged unfairness of the comparison of 1792, he had found that, even in 1793, there were but 15,000 troops for Great Britain and Guernsey. It was true, there was also a militia force; but he was convinced, that groundless apprehensions had led Ministers to the present enormous establishment; and he hoped they would endeavour to rule the people rather by their affections than by the sword.

Lord *Castlereagh* said, as to the order that prevailed in India, and the facility of governing that province with a small army, it was because French revolutionary principles had never been heard of there; that was the reason why India was less disorganized than Britain, unfortunately with all her loyalty. He appealed to the proprietors in Jamaica, whether the estimate was too high for that island? and to the proprietors of the Leeward Islands, whether they thought it too high? The only points that demanded explanation were England and Ireland. Of the number for England, 3,000 were destined for reliefs; and then, out of 23,000, more than 16 or 17,000 effective troops could not be calculated on at all times. The country certainly must, in a great degree, rely on the yeomanry for safety, but they could not be called out without inconvenience, nor could they be expected to serve in docks and other places, where regular troops were constantly necessary. It was an operose thing to call them together from 20 or 30 miles round; and no one could say, that in the present temper of the country, the laws could be maintained with a smaller force than had been proposed.

Mr. *Calcraft* observed, that the noble lord had not given the shadow of an answer to the question, why the establishment, which in 1792 was 41,000 men, should in 1817, a period of profound peace, be 85,000.

Lord *Castlereagh* expected, that the hon. gent. having differed from the sentiments of the House last year and this, would have made some proposal of his own.

Mr. *Calcraft* thought the sense of a part of the House altered, and that more would this year deem a standing army unconstitutional than had done so last year.

Mr. *Brougham* still required proof, why such an establishment as that at present proposed was necessary. The whole of the noble lord's argument rested upon the alleged necessity of a

large military force to do the police duty of the country; what, then, could be more in point than the existence of 35,000 yeomanry, not one of whom was known in 1792? But then it was not easy to collect them on a sudden! Were there not constables? Were there not magistrates? Was there not a *posse comitatus*? Was everything to be performed by the military? all government to be carried by force, and none but soldiers trusted? (*hear, hear.*) We had power quite sufficient to keep the peace till the yeomanry assembled; and yet the noble lord had taunted honourable members for calling this a period of profound peace. So that, after all the great big boasts of diplomacy, after all the feats performed by the noble lord (for there were not wanting those who would contend that he, and not the Duke of Wellington, had gained the battle of Waterloo,) we were to be disappointed in finding that this was not a period of profound peace. But how did the noble lord get rid of the question, which went to the difference between the establishments of two years of profound peace? The hon. member for Rochester (expecting that Ministers would come down upon him with their colonies, "Don't take away Malta, don't endanger the West Indies, don't lose the Isle of France,") had deducted from his calculation the amount of force allowed for the new colonies, and there then remained 85,000 men for the old settlements, which in 1792 had been guarded by 44,000. No attempt had been made to budge from this statement. As to the negligence of the system in 1792, he was willing to admit it: but why, therefore, double the number of men? If the discipline of the troops was so much improved—if the merits of the Commander in Chief were so effective, (and no man was more ready to admit this than himself,) why, when the discipline was doubly better, was the number of troops increased in the same degree? This was so inconsequent, such a *non sequitur* in reasoning, that he left it to the noble lord, and the other logicians on the Treasury-bench, to solve the problem. It had been alleged, as the cause of tranquillity and easy government in India, that French revolutionary language had never been heard of there. The very reverse was the case, and revolutionary doctrines and language were never more ripe in that quarter, than when its affairs prospered so much under the administration of the Marquis Wellesley. But what had that to do here; and what is the real state of this country? In 1792 the French revolutionary principle was not blown upon, disgraced by cruelties and excesses, and affected as at present; it was in a state of youth and vigour, in a state comparatively innocent, and wearing a face of general philanthropy. Even they who lived in those times, and warned us against the danger of this principle, if we had now the benefit of their counsels, would be the first to acknowledge that this was not the time to act from a blind or pretended terror of danger that no longer exists, but the time for recurring

to true English principles, to those principles under which the power and liberty of England had risen to their present eminence. He would call on any one gentleman, the most alarmed of the whole, (for instance, the Under Secretary of State for the home department) in the plenitude of his alarm (*a laugh*), with all the acumen which he possessed (*a laugh*), sharpened by that alarm, to state what ground there was for fear. He perhaps would refer to files of letters he had received, but he (Mr. B.) would call on him to look to the result of the different quarter sessions. Though there had never been such a multitude of offences (more especially in the districts that had been denounced), there never had been so few political delinquencies. In the West Riding of Yorkshire, at the Pomfret sessions, holden for the whole Riding, the Chairman had expressed his satisfaction to the grand jury, that there were no political offences, and that he did not think it fitting to read to them a certain circular sent by a certain nobleman to instruct magistrates in the law and their duty; and he was the less willing to read it to them, as he had received a hint to do so. (*Hear, hear.*) At Preston there were 200, at Liverpool 400 criminals at one quarter sessions, but among them all one only was indicted for libel, and one for seditious words, uttered four months before, in a state of such brutal intoxication that he was suffered to go free on his recognizance. At Norwich an inquiry had been made by the grand steward, and the result was an unanimous verdict, that no trace of seditious meetings could be found in that city, followed by a congratulation from that distinguished magistrate, on the triumph of loyalty over the *ex parte* statement laid before the committee. (*Hear, hear.*) Such was the state of the country, and there was no man who could state disturbances more recent than the tumult of Spa-fields, or at Manchester. It had been urged that even *he* had acknowledged the necessity for a strong force in Ireland: he would not draw back from that admission, but he could not help reminding the House under what circumstances Ireland stood. Had we done any thing to conciliate Ireland? and had we any means to conciliate her? The argument that we had not, might do very well from the Chancellor of the Exchequer, or from the Secretary for Irish affairs; but there were one or two on the other side who were stopped from using this argument. The noble lord (Castlereagh) was stopped: his colleague (Mr. Canning) was stopped: for if their zeal was sincere (and in a Parliamentary view he could not dispute their sincerity—as an individual he wished he could not) they could not say that there were no measures by which Ireland could be conciliated. If they were sincere, it was strange (to those who were unversed in the mazes of political intrigue) that a part of his Majesty's Ministers, holding that Ireland could be tranquillized by any concessions, and willing to make those concessions, should hold fellowship with those who thwarted them, who

would not allow the adoption of their measures for the public safety, who rode and lorded it on the Catholic question, but who would not be suffered to remain twenty-four hours in office, if they ventured to oppose the amount of the army estimates. (*Loud and repeated cheers.*) These things were inexplicable to those who were not versed in political intrigue and Cabinet arrangements. However, he sincerely agreed with his noble friend (Lord Nugent) on the policy and justice of ruling in the hearts of the people rather than of domineering over them by military force; and he congratulated him on sentiments as much above all despotic views and illiberal prejudices, as a truly noble mind was above those who looked only to shuffling and sneaking after place. (*Hear, hear.*)

The resolution was then read again and agreed to, after which the following resolutions were successively put and carried.—“That a sum of 1,237,371*l.* 5*s.* 6*d.* be granted to complete the sum required for defraying the charge of his Majesty's land forces for service in Great Britain; and on stations abroad (excepting the corps stationed in France, and the regiments employed in the territorial possessions of the East India Company),” from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 438,405*l.* 15*s.* 2*d.* net, “to complete the sum required for defraying the charge of his Majesty's land forces for service in Ireland,” from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 111,548*l.* 12*s.* 1*d.* “for defraying the charge of general and staff officers and officers of the Hospitals serving with his Majesty's forces in Great Britain and on foreign stations (excepting France and India),” from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 35,266*l.* 19*s.* 11*d.* net, “for defraying the charge of general and staff officers, and officers of the Hospitals, serving with his Majesty's forces in Ireland,” from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 153,775*l.* 6*s.* 7*d.* “for defraying the charge of the allowances to the principal officers of certain public departments in Great Britain, their deputies, clerks, and contingent expenses,” from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 8,828*l.* 7*s.* 3*d.* net, “for defraying the charge of the allowances to the principal officers of certain public departments in Ireland, their deputies, clerks, and contingent expenses,” from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 15,000*l.* “for defraying the charge of medicines and surgical materials for his Majesty's land forces on the establishment of Great Britain, and of certain Hospital contingencies,” for 1817.—A sum of 11,446*l.* 9*s.* 1*d.* net, “for defraying the charge of medicines and surgical materials for his Majesty's land forces for service in Ireland, and of certain Hospital contingencies,” for 1817.—A sum of 37,500*l.* “to complete the sum required for defraying the charge of volunteer corps in Great Britain,” from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 15,865*l.* 9*s.* 7*d.* net, “to complete the sum required for defraying

the charge of volunteer corps in Ireland," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 1,030,603*l.* 1*s.* "for defraying the charge of his Majesty's land forces for service in France," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 17,824*l.* 1*s.* 5*d.* "for defraying the charge of four troops of dragoons, and twelve companies of foot, stationed in Great Britain for the purpose of recruiting the corps employed in the territorial possessions of the East India Company," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 28,155*l.* 4*s.* 9*d.* "for defraying the charge of the royal military college," for 1817.—A sum of 177,360*l.* 6*s.* "for defraying the charge of the pay of general officers in his Majesty's land forces, not being colonels of regiments, upon the establishment of Great Britain," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 1,684*l.* 12*s.* 4*d.* net, "for defraying the charge of the pay of general officers in his Majesty's land forces, not being colonels of regiments, upon the establishment in Ireland," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 27,045*l.* 3*s.* 4*d.* "for defraying the charge of his Majesty's garrisons at home and abroad, on the establishment of Great Britain," for 1817.—A sum of 7,038*l.* 6*s.* 1*d.* net, "for defraying the charge of his Majesty's garrisons in Ireland," for 1817.—A sum of 127,311*l.* 13*s.* 4*d.* "for defraying the charge of full pay for retired officers and unattached officers of his Majesty's forces upon the establishment of Great Britain," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 5,224*l.* 7*s.* 10*d.* net, "for defraying the charge of full pay for retired officers of his Majesty's forces upon the establishment of Ireland," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 597,430*l.* "for defraying the charge of half pay to reduced officers of his Majesty's land forces upon the establishment of Great Britain," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 30,492*l.* 7*s.* 6*d.* net, "for defraying the charge of half pay to reduced officers of his Majesty's land forces upon the establishment of Ireland," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 29,106*l.* 17*s.* 6*d.* "for defraying the charge of military allowances to reduced officers of his Majesty's land forces upon the establishment of Great Britain," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 2,520*l.* 19*s.* 11*d.* net, "for defraying the charge of military allowances to reduced officers of his Majesty's land forces upon the establishment of Ireland," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 133,462*l.* "for defraying the charge of half pay and reduced allowances to the officers of disbanded foreign corps; of pensions to wounded foreign officers; and of the allowances to the widows and children of deceased foreign officers;" from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 20,519*l.* 0*s.* 4*d.* "to complete the sum required for defraying the charge of the in-pensioners of Chelsea Hospital," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 8,341*l.* 13*s.* 11*d.* net, "to complete the sum required for defraying the charge of the in-pen-

sioners of the Royal Hospital near Kilmainham," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 393,260*l.* 2*s.* 11*d.* "to complete the sum required for defraying the charge of the out-pensioners of Chelsea Hospital," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 82,708*l.* 15*s.* 4*d.* net, "to complete the sum required for defraying the charge of the out-pensioners of the royal Hospital near Kilmainham," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 34,415*l.* 8*s.* 5*d.* for defraying the charge of the royal military Asylum at Chelsea," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 80,770*l.* for defraying the charge of pensions to be paid to widows of officers of the land forces and marines, upon the establishment of Great Britain," from 25 Dec. 1816 to 24 Dec. 1817.—A sum of 18,214*l.* 9*s.* net "for defraying the charge of pensions to be paid to widows of officers of the land forces and marines, upon the establishment of Ireland," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 163,509*l.* 3*s.* 7*d.* "for defraying the charge of allowances on the compassionate list, of allowances as of his Majesty's royal bounty, and of pensions to officers for wounds," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 19,500*l.* "for defraying the charge of allowances to the reduced adjutants of the Local Militia in Great Britain," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 19,672*l.* 6*s.* 1*d.* "for defraying the charge of allowances, compensations, and emoluments, in the nature of superannuation or retired allowances, to persons belonging to several public departments in Great Britain, in respect of their having held public offices, or employments of a civil nature," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 5,894*l.* 13*s.* 10*d.* net, "for defraying the charge of allowances, compensations, and emoluments, in the nature of superannuation or retired allowances to persons belonging to several public departments in Ireland, in respect of their having held public offices or employments of a civil nature," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 35,000*l.* "for defraying the charge of fees expected to be paid at the Exchequer on issues for army services for the British Establishment," from 25 Dec. 1816, to 24 Dec. 1817.—A sum of 131,714*l.* "to complete the sum required for defraying the charge of corps, &c. existing on the British establishment on 25 Dec. 1816, but now disbanded, or proposed to be wholly or partially reduced in the year 1817; and also the charge of two regiments, proposed to be transferred to the Indian establishment in the course of the said year."—A sum of 16,747*l.* net, "to complete the sum required for defraying the charge of corps, &c. in Ireland, proposed to be reduced in the course of the year 1817."

HOUSE OF LORDS.

Tuesday, May 13.

[LIBEL LAW.] Lord Erskine, *adverting* to the late discussion on the powers of justices of peace to commit for libel, observed, that it was

impossible a question of such magnitude and importance, should have been fully considered and discussed in the course of one night. A great deal more must be done in order to understand what the law really was on this subject, and it was on that account he thought proper now to mention, that it was his intention to move for the recognizances returned to the King's-Bench and Quarter Sessions in cases of blasphemous and seditious libels, and of all the indictments tried at the sessions in such cases. He could hardly believe it to be law, that a justice of peace should have the power of doing that in cases of blasphemous and seditious libels, which, as had generally been conceived, could not be done till the case had been submitted to two juries, and by them found against the libeller; but if it should turn out that such was the law, then he would never rest till it should be altered. He had, when a young man, stated to Lord Mansfield, that he expected to live to see the law of libel altered, and he had lived to see his opinion as to the necessity or expediency of an alteration sanctioned by the Legislature. No one could be a greater enemy to blasphemy and sedition than he was—no one less disposed to throw improper or unnecessary obstacles in the way of the ordinary administration of the Government; but though he was an enemy to blasphemy and sedition, he was no friend to the attempt to suppress them in any other mode than by the application of the old and ordinary law of the land. He was not much inclined to prophesy confidently as to the future; but if it really was law that a justice of peace might commit to prison a person charged on oath with the publication of a libel, that justice being the judge whether the publication was or was not a libel, he would venture to say, that the pressure of public opinion must be so strong against such a law, that the Legislature would find it necessary to alter it. Neither judge nor justice of peace ought to take upon themselves to determine what was or was not a libel, without the verdict of a jury: and if it was the law that a justice of peace might commit to prison in the manner now contended for, then the late libel-law might be thrown into the fire.

HOUSE OF COMMONS.

Tuesday, May 13.

PARLIAMENTARY REFORM.] Sir N. Colthurst presented a Petition from the city and county of Cork, in favour of Parliamentary Reform. He was sorry to dissent from the opinions of any of his constituents, but he was persuaded that this petition did not contain the sentiments of the great body of them. He differed from the assertion of the petition as to the necessity of Reform—he did not think that the present distress arose from the want of Reform, or that the late war had been carried on against the wishes of the people. He was persuaded on the contrary, that the votes of the House on

that subject always went hand in hand with the wishes of their constituents.—The Petition was read, and ordered to lie on the table.

UNDUE REMISSION OF PUNISHMENT.] Mr. Bennet begged to call the attention of the House to a subject that affected the administration of criminal law in this country. He held in his hand a petition of Thomas Griffiths, a Stationer and Paper-Hanger, living at No. 290 in Oxford-Street, setting forth, that in March 1816, Robert Hoy, Esq. (who commonly called himself Captain Hay) a man of fortune, hired lodgings in the house of the petitioner, where he, together with his wife and children, took up their residence for a short period—that the petitioner was married to a young and very pleasing woman (by whom he had three children,) whose conduct and character were irreproachable, and who had ever been remarkable for her strict attention to all the duties incident to her station in life—that in consequence of the said Robert Hoy's having so become acquainted with the petitioner's family, he affected to take a great interest in their welfare, and after he had left the petitioner's lodgings was in the habit of calling, under pretext of making small purchases in the shop—that on the 24th of December last, about twelve o'clock at noon, the said Robert Hoy called at the petitioner's house, (the petitioner being then from home,) and most brutally and indecently assaulted his wife, and made an attempt on her person—that the said Robert Hoy was tried for this offence at the Sessions House, Clerkenwell, on the 18th of February, and to the surprise of every one set up an *alibi*—that the statement of Mrs. Griffiths, who, of course, was the principal witness, was confirmed by the neighbours, and the witnesses whom Hoy adduced to prove the *alibi* were completely disbelieved by the Jury, as was proved by their verdict—that the Chairman in summing up stated, that he never recollected a case in which more barefaced and impudent perjury had been resorted to in defence of a prisoner, and recommended the petitioner to prosecute the principal witness, (John Lane, a Coachmaker, of Edward-Street, Cavendish-Square) who was now suffering punishment for his crime—that the Jury without hesitation found Hoy guilty, and the Chairman in passing sentence on him remarked, that the magnitude of his crime was increased by the defence set up, and that it was necessary to make an example of him—that he was then sentenced to be imprisoned twelve months in the House of Correction, and to pay a fine of 20*l.*;—but the petitioner had discovered, that after an imprisonment in the Governor's house of only a few days, Hoy was privately discharged by an order from the magistrates (by means which the petitioner prayed might be inquired into) on paying the fine of 20*l.* without any communication having been made to the petitioner, and upon some *ex-parte* statement made by the defendant, and the petitioner had in vain attempted to discover the names of the justices who gave the

defendant his discharge. The petitioner therefore complained, that he had sought for justice in vain against a rich man; that this guilty person, who had committed such an atrocious outrage on a married woman, and had attempted to set up a defence supported by the most malignant perjury, still more injurious to her reputation, had been merely imprisoned a few days in comfortable apartments, and paid a fine of 20*l.* while the petitioner, the injured party, had suffered great anxiety, and been put to great expense for medical attendance on his wife; had to pay the costs of two expensive prosecutions, one instituted at the express desire of the Court, and the individual at whose hands he had received such aggravated injuries and insults was now walking abroad, and had been seen parading triumphantly before the petitioner's door, exulting in the pride of his oppression, and the glory of his wrong.—The hon. member said he should, after the petition had been laid on the table, move for copies of the indictment, and the order for the discharge of Hoy; and if the case turned out as had been represented to him, he should submit a motion to the House on the subject.—The petition was ordered to lie on the table.

ARMY ESTIMATES.] The Report of the Committee of Supply was brought up, and the first Resolution, for the number of Land Forces, having been read a second time,

Mr. *J. P. Grant*, in order to give time to inquire into the means of the country before the Estimates of the Army were finally fixed, proposed an Amendment, to limit the duration of the present Estimates, by leaving out "December," and inserting "September" instead thereof.

Mr. *Banks* objected to the motion. He was inclined to agree to the Estimates for the present year, not pledging himself as to the future. Ministers, he observed, did not present the Estimates as a system of permanent establishment. They had done more this year than he could have expected. Great savings had been made in the public departments, particularly in the charge for extra labour and allowances to the clerks.

Mr. *Calcraft* was much inclined to doubt whether it could be the member for Corfe Castle whom he had just heard speak. Last year the hon. gentleman appeared to have taken an enlarged view of the state of the country, the relations of Europe, the necessities of the colonies, and the condition of Ireland, and he then proposed a reduction of 35,000 men; but now, *he* who valued consistency more than any other man, *he*, who professed the most unwearied zeal for economy, expressed his surprise at the exertions of his Majesty's Ministers. Why did not the hon. gentleman shew the necessity for this great establishment? He (Mr. C.) was decidedly of opinion, that 10,000 men, rank and file, might be spared. A greater reduction, he believed, might be effected: but this pro-

position was most moderate, and still allowed 30,000 more than the peace establishment of 1792. The hon. gentleman who had reasoned so sensibly last year upon a peace establishment, and the financial resources of the country, could not withhold his support from this reduction. The noble lord (Palmerston) had stated the actual expense of the army for this year at 3,794,000*l.*; it was, in fact, 6,682,000*l.* As to the mode of accounting for the difference, what had that to do with those who have to pay the whole of that money? (*Hear.*) In 1792, the whole expenditure was 6,200,000*l.*, so that the Army Estimates alone of the present year exceed by 400,000*l.* the whole expenses of the State twenty-five years ago. Yet the other demands now were much greater and more urgent. We had an immense national debt to provide for; we had navy estimates, though these had been lately considered as a matter of minor importance. It did not become us, however, either to neglect our navy, or to forget our insular situation. (*Hear, hear.*) The noble lord (Castlereagh) had said, that the Yeomanry could not be regularly called upon for daily duty; but it could not be denied, that, in many cases where military duty might be suddenly required, they were the most ready of any force. The reductions that had already taken place would have great effect in that House, and he doubted not, out of the House; but he contended, that the force was still infinitely too large. Never was the country in a state of greater security. He would leave it to those better acquainted with Cabinets to declare their designs; but never was the peace of Europe placed on a firmer foundation. We had an army in France, together with the forces of our Allies. We held the peace of that country in our hands. The natural consequences should be, a reduction of our military establishments, an economical attention to our resources, and a steady application of relief to every difficulty and distress in the country; so as to establish our prosperity in peace, or to be prepared for unavoidable war. Economy in peace was the best preparation for war. The internal difficulties of the country had a great effect on the minds of many. He did not yield to this so much as some of his friends, yet he admitted there was a spirit abroad that required attention; but military force, although grounds of alarm did exist, (or rather *had* existed, for they were now removed,) was surely not the best security. The conduct of the people of this country in difficulty, privation, and distress, was unexampled for patience and submission. It was a pity, therefore, even on this account, if there were no other consideration, that their burdens should not be reduced. It was admitted by all, by every man out of doors, and even by the gentlemen opposite, that taxation had a considerable share in producing the present distress. Could it be otherwise? We could neither eat, drink, walk, move, live, nor *die* (*Hear, hear.*) without being loaded with taxes.

When he had the honour of proposing the repeal of a small tax (on salt), the grievous pressure of taxation was admitted, for never did the Chancellor of the Exchequer appear so gruelled as on that occasion. Yet those great, those expensive estimates, were now supported by the hon. gentleman (Mr. Bankes) in the face of the spirit of his former proposal. He should merely repeat, that such conduct surprised him more than he could express; but as he was determined to do his duty to the country, he should move, when his learned friend's amendment was disposed of, to reduce 10,000 men of the proposed force.

Mr. Bankes explained, that he had not expressed himself astonished at the reductions actually made, but that they were greater than he had expected. Last year he had proposed a reduction of from 20 to 25,000 men, and the hon. gentleman magnified the number.

Mr. Calcraft said, he had proposed 23,000, and the hon. gentleman 35,000. He, anxious as he had been for retrenchment, had thought that too great a reduction.

Mr. Robinson said, that the hon. gentleman (Mr. Calcraft) should have pointed out where the forces were too numerous, and how he would have the reduced forces distributed. He had stated, that in 1792, there were only 44,000 men, while there were now 85,000. The comparison was not just, for in the 85,000 was included our force in India, which was not paid by Government. It would be proper, therefore, to take out of view the Indian army, about 8000 men. In Ireland, there were 25,000 instead of 15,000. Now, it had been used as an argument on the Catholic question, that to concede the claims of the Catholics would save 10,000 men. He did not know whether concession would have that effect; but the argument implied an admission that 22,000 were necessary in the present state of that country. He was for conceding the claims of the Catholics, but he did not expect any miracle from concession, and believed the number of men in Ireland quite necessary. Here then were 18,000, of the difference between 44 and 85,000 accounted for. The army for Great Britain was 26,000 men, and the hon. gentleman would allow that an increased force at home was now necessary. Three thousand were required for our relations with India; so that there were but 23,000 in all for our home security. If any gentleman considered the situation of England at this moment, he could not say that this was too large. The hon. baronet opposite had admitted it. (*Cries of no, no, from Sir J. Newport.*) What then would he call a sufficient force? This statement, he thought, went to account for the difference. He did not think it necessary to inquire minutely into the colonies; but if he were to enter into that subject, he could give an intelligible reason for the increase. In Gibraltar, troops were required according to the extent of the works, the number of men on

duty, the number of sentinels, &c. Now, as the works were greater than in 1792, a few hundred more men were thus accounted for. A small addition to the number of men in New South Wales could likewise be accounted for from the increased number of inhabitants, whose habits of life did not render them readily subject to control. The number was 890 men, and the wonder was, that so small a force was sufficient. In the Leeward Islands, too, a change of circumstances required an increase of troops. Of the abolition of the slave trade, for which he had given his first vote in that House, and to extend which his zeal, if not his activity, was equal to that of any man, he would never speak unfavourably; but yet it did render a greater number of troops in those islands necessary. No gentleman could regard with indifference the black population of the West Indies. Of Nova Scotia it might be sufficient to say, that our relations with the United States required an increase of force there. But it was, in truth, not an *old* province. In 1792 we had not a single company there; it was in that year that it was divided into legislatures; formerly it had only been lakes and forests and wilds. These arguments, fortunately for him, were not new; they were used last year, and judged satisfactory; why, therefore, should they not be satisfactory now? The reductions, as fairly admitted by the hon. gentleman (Mr. Bankes) exceeded expectation.

Sir W. Burroughs still contended, that a comparison with the establishment of 1792 was proper, and that it would shew the extravagance of the present estimates. At that time we had to form our preparations for meeting a powerful foreign enemy, and opposing the diffusion of French principles: but even in that year, the force voted was very small when compared with these estimates. The whole force then for Great Britain, and her foreign possessions, was only 42,215 men; whereas the present vote was required for 92,600 men, exclusive of the troops for France and India. Could it be proved that Ireland now required thrice the amount of force to aid her police that she did in a period of internal discontent and external alarm? He would concur in the motion of the hon. gentleman for a reduction of 10,000 men, which, according to the *data* on which the estimates were formed, would effect a saving of 400,000*l.*, a sum by no means to be disregarded in the present state of our finances and national difficulties. It had been asked in what part the reduction of force was recommended to be effected. To this he would answer, that it ought to be distributed over the whole of our army, wherever stationed, in proportion as the public services would allow a reduction.

Mr. G. Grant dissented from the opinion of his noble friend who had proposed the resolutions, (the Secretary at War,) on other grounds than those stated by the hon. gent. opposite, who had spoken on this subject. He believed

that the force proposed in the estimates was rather too small than too great. When he delivered this opinion, he should be understood as alluding particularly to the numerical amount proposed for our colonial establishments. An hon. and gallant general (Walpole) had last night stated, that, in 1792, Jamaica was protected with a force only of 1,200 men, which was found sufficient for the security of that valuable colony. The hon. gentleman might have remembered that, when he himself was there in 1795, there was a force of 5,000 in that colony, and that an army of this amount was unable, for some time, to make any impression on the insurgents, whose rebellion then endangered the island. As great a force was now necessary as at any former period, if not greater. The black population of these colonies was now in a different state than formerly. A force of 3,200 men was now inadequate for Jamaica, even although the negroes were disposed to obedience, and manifested no symptoms of discontent. To keep a body of men such as them in due subordination, and to give security to the planters, their masters, an imposing military attitude was more than ever necessary. (*Hear.*) Were other gentlemen in the House who were better acquainted with the resources of our West India colonies, he would have left it to them to shew their importance, and to enforce the justice of granting them adequate military protection. He would not enter into details, (though with regard to Jamaica he was enabled to do so;) but he thought he should lay sufficient grounds for a considerable force, when he stated, that the British capital in Jamaica, which required protection, amounted to 60 millions sterling. The quantity of sugar exported in 1816, amounted to 98,000 hogsheads; and paid a duty of 2,000,000*l.*, employing 21,000 tons of shipping, and 5,000 seamen. The manufactures exported to the West Indies in the same period, amounted in value to 2,000,000*l.* The distressed manufacturers of this country, therefore, were relieved to that amount by the consumption of the articles of their manufacture; and though they felt the pressure of taxes to maintain our establishments, if they knew their real interests, they would be the last to propose such a reduction of force as would endanger so large a market for the produce of their labour. He could not help remarking, that the people of this country were not sufficiently aware of the advantages they derived from their foreign possessions; and that colonial subjects, when they were incidentally mentioned, made too slight an impression on either side of the House. The more their value was considered, the more important it would appear. Great Britain had increased in prosperity, and had attained her envied political pre-eminence by the trade and resources of her colonies; and so necessary were they to maintain her in her present elevation, that, he would venture to say, her power and glory would not long survive their loss. (*Hear, hear.*)

From an account which had been laid on the table a few days ago, it appeared that the duties on sugar and rum alone amounted to within half a million of the ordinary charge of the whole army, which, excluding the half-pay and allowances, &c. amounted to 3,794,000*l.* Colonies that contributed so much to the wealth and resources of the mother country deserved from her the most ample protection. (*Hear, hear.*)

Lord Milton was not surprised at the warmth of the last speaker, who came to the House with great local knowledge, and a greater bias to local interests, perhaps, than a general view of the empire would warrant, and who naturally conceived, that when measures of general good interfered with particular local arrangements, Government were negligent of their duty. He (Lord M.) looked more at general than local interests, and believed, that Government ought not to be swayed too much by the suggestions of individuals, who took only a partial view of matters. With regard to the subject before the House, he could not help remarking, that our forces were every where increased; and a strange reason was given for the increase in some of our garrisons—as in Gibraltar; where, because the works had been rendered impregnable, we had thought it necessary to multiply their defenders. He called upon Ministers to explain the necessity of this increase. To come to particulars, why was such a force to be kept up in England? Were our dangers now greater than in 1793?—if so, what had we been fighting for? We had been fighting gloriously, and as he thought wisely, but what had become of the fruits of our victories? Were our successes gained only to entail on us war establishments after they had led to peace; and not to enable us to reduce our burdens by affording us security? If the present period was fraught with more danger than 1792, and if on that ground double the force was to be maintained, he despaired of ever seeing the country enjoy a period of security, or of returning to diminished taxation and peaceful habits. An hon. gentleman on the floor (Mr. Banks), who surely now thought that we had arrived at a period of peace, and that we were not in that intermediate state so much talked of last year, appeared disposed to support establishments now which he formerly opposed. Every one was allowed to form an opinion, and he could not help expressing his on the present occasion; which was, that the hon. gentleman resisted the proposed motion for reduction because it had not originated with himself. (*Hear, hear.*) He was, perhaps, doing him injustice, when he stated this opinion, as his conduct might admit of another explanation. Naturalists had amused themselves with measuring the magnitude of objects which the optics of different animals could embrace, from observations on the size of their eyes. Some could see only a small extent around them, but within that range enjoyed a microscopic vision. The hon. gentleman seemed

to enjoy this species of vision. His microscopic economy could discover small extravagancies and point out insignificant savings with wonderful precision, but he could not see large objects, or take in great reductions. (*Hear, hear.*) If he were to measure his optics in this way, he would allow him the power of seeing comprehensively the necessity for reducing the sixth part of a clerkship (*a laugh*), though unable to discover the reason for reducing 10,000 men. In the Report of the Committee of Finance there was a complaint that the clerks received extra fees for drawing up the estimates. This charge the hon. gentleman wished to abolish; and in doing so, thought he had gone far enough, and entitled himself to support an unnecessary establishment of 10,000 soldiers. Such a reduction would do more good than the Chancellor of the Exchequer's issue of bills for the relief of the poor.—He (Lord M.) objected to the estimates from the increase which the magnitude of the force would give to the influence of the Crown. The younger branches of almost all great families would be induced to select the army as their profession, and to look on its emoluments as their provision; and the character of our country would thus be changed. He pressed on Government, therefore, to reconsider the estimates. It became the House to assist Ministers in this duty, and to support them against the influence that was exerted elsewhere. (*Hear, hear.*) He believed they would rejoice to reduce them if they could. He believed the right hon. gentleman opposite (the Chancellor of the Exchequer) would be glad to find that he would have, amidst his financial difficulties, diminished services to provide for. (*Hear.*)—Adverting to the state of Ireland, the noble lord said, that it had of late been too much the custom to draw a veil over it. This might be prudent in the Administration, as the calamities of that country had arisen from misgovernment. (*Hear, hear.*) Why was such an army to be kept up there?—because discontent and turbulence prevailed. And why did this feeling prevail?—because Government had not done its duty. Wherever dissatisfaction long existed in a country, it was to be traced to maladministration. (*Hear, hear.*) The Government had much to answer to Ireland for their conduct, if, being convinced, as some members of the Cabinet professed themselves to be, that certain measures alone could save that part of the empire, and ensure its tranquillity, they neglected to carry those measures into effect, and compromised their own conscience and the safety of their country for their own interests or places. A right hon. gentleman (Mr. Canning) had said, that whatever other measures were necessary to promote the quietness and welfare of Ireland, there was one point indispensable, and with that we ought to commence; and yet, though this was the opinion of the right hon. gentleman, and his noble friend (Lord Castlereagh), they did nothing in consequence to shew

their zeal and honest endeavours but make speeches, the value of which the House could easily appreciate. With all their professions, speeches, and votes, more had been done to shew the temper of Government, and to strengthen the cause of the opponents of Catholic emancipation, by the last appointment to the bench of bishops, (here it is presumed, the noble lord alluded to the elevation of Dr. Marsh to the Bishoprick of Landaff,) than these two members of the Cabinet had done by all their exertions. Ireland would see into their conduct, and comprehend their flimsy device, in offering themselves as her advocates. For Great Britain, he saw no reason for so large a force; the good spirit of the country was a sufficient guarantee of its tranquillity; and if any force was required, the yeomanry, proceeding from the people, and therefore not objects of distrust and jealousy like regular troops, would be found effective for all the purposes of insuring obedience to the magistrates, and affording assistance to the police. He would, therefore, vote for the amendment of his hon. friend for the reduction of 10,000 men, in preference to the motion of an hon. gentleman for postponing the estimates for three months, till the state of our finances was known. He did so because he would not allow it to be supposed that we would maintain one man more than was necessary, though we were able to do it without pressure.

Mr. Peel had stated last year that 25,000 men would be necessary for Ireland. He thought the same necessity for that force existed at present. His attention had been turned to the subject of effecting every reduction; and he could assure the House that he should find it more difficult to state why he recommended a reduction of 3,000, than why he still thought that 22,000 men should be maintained. He protested against the practice of taking the year 1792 as a criterion for establishments of every other period of peace. If he required so many troops to aid the police, or to preserve the peace of the country, it would be no answer to him that there were just so many and no more twenty-five years ago, and that they were then sufficient. The force in Ireland did not much exceed, in proportion to the force in England, its amount in 1792. After the peace of Amiens, the army in that country was 22,000 men, employed only in preserving tranquillity. For seven years after that period, including the years 1806 and 1807, and during the administration when in existence it did not amount to less than 31,000 men, exclusive of the militia. He knew that that was a time of war, but the military power was in a great degree applied to the maintenance of the public peace. In the last year but one, the entire number of troops in Ireland was 40,000; it was now proposed to keep up only 22,000, making a reduction of nearly one half in less than two years. An hon. gentleman had declared that he would not vote for one man, the necessity of whose services was

not distinctly proved; but a proof of this kind was not practicable: it was not a question of science or mathematics, nor capable of a positive demonstration. He could however afford him the advantage of the highest military authority, which was in favour of a larger force than that now proposed to be maintained. The noble lord (Milton) who had so heavily censured his Majesty's Government, on the ground of these estimates, and with an allusion to a subject into the discussion of which he would not again enter, might be assured, that at every period of the last century a considerable force had been deemed necessary in Ireland. He had traced its amount from the commencement of that period, and had found that, except during the American war, when it was reduced by the supplies to our army abroad, it had never been so low as in the year 1792. In 1715 it was 11,000 men, and remained at that number till the year 1747. In the year 1764, the Irish House of Commons voted an address, expressing their jealousy of the large reductions which had taken place; and a message was consequently brought down from Lord Townsend, which contained a promise, that the army should be maintained at the amount of 12,000 men in future, to which an addition of 3,000 men was subsequently made; and so the establishment continued till the year 1792. With respect to the argument, that if the Catholic question were carried, further reductions might be safe and practicable, he could not assent to any such opinion; but the statement of his reasons for thinking differently would evidently be to revive the agitation of that subject. It was not true that this force was required for the purpose of keeping the Catholics of Ireland in subjection. (*Hear.*) It was necessary for the protection of the Catholics themselves, for the preservation of tranquillity, for the maintenance of public justice, and the defence of the lives of many persons who had become objects of vengeance, only by appearing as witnesses against criminals. He had heard it contended, that this state of things was the consequence of ages of misgovernment; but he would ask whether any recent change of policy would have justified an immediate alteration in the proposed vote? (*hear, hear.*) It would be his duty, very soon, to submit a measure to the House, which would afford him the opportunity of stating on what grounds he was prepared to argue that it could have produced no such effect. The measure in contemplation would have reference to a transaction which lately occurred in the county of Down; and its object would be, not the daunting the people, but the security of innocent and brave men against the most flagitious combinations. Let the House imagine the case of a man, whose house had been attacked only because he appealed to the laws of his country; that he had made a gallant defence, and succeeded in repelling the aggressors. Let them suppose him to decline abandoning his re-

sidence, and having obtained arms, relying on his own courage and the assistance of a relative, in the event of a recurrence of the danger; but these precautions they would have to learn were vain; that a Roman Catholic combination, of about forty, invaded his dwelling, surrounded it with combustibles, and doomed him, his son, and six inmates, to death in the flames. This, he admitted, was the most atrocious of the crimes he had yet heard of, but it was one, the recollection of which must fill every heart with horror. (*Hear.*) Whilst he thus endeavoured to shew the necessity of a large military force, he had never meant to contend that military force alone was the proper means of governing that country. Penal laws, likewise, might check, but could not eradicate the evil. He should ever be willing to lend his aid in revising and improving the system of the administration. It must be obvious, that he could have no interest in swelling the amount of the estimates, for the civil government of Ireland had no share of the military patronage. Let the House look at the present staff, and they would find it much less than when the force was of twice the amount. In the year 1747 it consisted of two lieutenant-generals, three major-generals, and eight brigadier-generals; and in the latter period, to which he had already adverted, of three lieutenant and ten major-generals. He might be taunted with the suggestion that this had little to do with the immediate question: but it at least shewed that the imputation which had been thrown out against his Majesty's Government, of being anxious on all occasions to extend the influence of the Crown, was unjust; and he only referred to it as a strong proof that they had, on the contrary, done all in their power to reduce every part of the estimates.

Mr. Ponsonby was always disposed to attend to the observations of the right hon. gentleman; but his speech that night was one to which he could not help listening with some degree of circumspection. On questions affecting the interests of Ireland he believed him, as perhaps he deserved to be, the most influential member in that House. When the right hon. gentleman, last session, defended an establishment of 28,000 men for that country, he regretted the long and manifold misgovernment under which it had laboured, and expressed a hope, that his own administration would not be the means of aggravating its calamities. The right hon. gentleman had this night addressed his speech, he knew not to what, but certainly not to any facts or arguments stated on his side of the House; for he did not believe one hon. member had advised any immediate reduction in the Irish establishment. (*Hear.*) The hon. gentleman on the floor (Mr. Banks) had approved of the labours of the committee as far as they had gone; but why had they limited their inquiries and recommendations to the discharge of a few clerks, instead of examining staff appointments and public

departments? The country was now enjoying a profound, secure, and unsuspecting peace; and yet an establishment was proposed twice as large as that maintained in 1792, when there was no yeomanry force whatever. Why was this necessary? It could hardly be from any external danger that threatened us. Of France we had military possession; Spain was in a miserable state, governed by a miserable sovereign, incapable of a single effort, and engaged in a contest with her dependencies. The powers in the north of Europe were bound to us in the strictest alliance. We had not a single enemy, nor any reason for expecting the renewal of hostilities. He asked the House to reflect also on our naval strength and pre-eminence, as a farther security against foreign danger. It was at present equal to the combined naval power of Europe. But then he was told of the internal state of England; and that a spirit was abroad that threatened the stability of the Constitution. He disbelieved the existence of any such dangerous or turbulent spirit to the degree apprehended. Distress might have driven some, in particular districts, to fall into the desperate counsels of a few mischievous individuals; but the utmost effort of their strength had been the disturbance in Spaffield, and he could not think that a sufficient ground for doubling our peace establishment with the addition of 20,000 yeomanry. With regard to Ireland, he must again say, that he would not be responsible for advising a large reduction there at the present moment; but he believed that as long as the present system of policy was pursued, it never would be safe to lessen the establishment. If, therefore, the House were determined to maintain the system, they must have the pleasure of paying for it. The fundamental objection to these estimates was one which proceeded from a regard once generally cherished in that House—he meant a regard for the liberties of the country. It had been said, that Ireland was habituated to a military force; whenever England became so habituated, and learned to abandon her ancient maxim of cultivating her naval resources as her best defence, her public liberty would no longer be secure. Why was the military college maintained in time of peace? It cost us only 50,000*l.* but it was a pernicious institution. He would appeal to the Duke of Wellington, whether it was of use either in promoting discipline or military skill. The naval asylum had met with a different treatment; that, as belonging to a less favoured service, had been subjected to the inquiries of a committee. If the House should think proper to countenance these novel principles, the responsibility was on them; but he believed, that there were few who would not live to repent of the sanction they had given to them. He would only raise his humble voice against them, as not less pregnant with danger to the liberties than to the political security of the country. One hon. gentleman (Mr. G. Grant) had appeared to think, that some in that House cared little or nothing for

the colonies, and had told them a great deal about the value of Jamaica. It was, however, rather an odd proof of its importance to our resources, that the customs on its produce amounted to 3,000,000*l.* He was aware that, its rum and sugars were very useful commodities, but it was the consumers in the mother country, and not the people of Jamaica, who paid the duties. But it was curious to observe, that, wherever they cast their eyes, a fund of discontent was said to exist, the danger of which was represented as an incontrovertible argument for a large military establishment. In England it was a bad spirit; in Ireland it was a similar cause; and in the colonies it was the black population. He did not put faith in these representations; Ireland might certainly be in more desirable circumstances, but the colonies were secure under proper management. He should give his support to the motion of his hon. friend (Mr. Calcraft) rather than to that of the hon. and learned gentleman (Mr. J. P. Grant), because to vote the whole establishment, for however short a time, might be construed into an admission that it was necessary.

Sir F. Flood should not have thought this large establishment necessary for Ireland, had it not been for the irritating vote of Friday night. He hoped, however, that the Irish would continue to shew the same patience and peaceable demeanour with which they had hitherto borne all their privations. The House should recollect how quiet Ireland had remained, whilst mischievous demagogues were instigating the populace here to outrages and disturbances. Under these circumstances he did not think they deserved the stigma which the late vote had thrown upon them; for no country could always be well disposed, which was deprived of the benefit of the laws. What had Ireland done to deserve it? In the last year there were fifty worse crimes committed in England. The Irish had behaved well both as soldiers and mariners; and he hoped milder laws, and their own loyalty, would soon restore happiness and tranquillity to them.

Mr. Carew urged the reduction of the army in Ireland. He thought, that that country might be left to the protection of her native force.

Mr. J. P. Grant said, that if the House would permit him, he would save them the trouble of dividing, by withdrawing his motion, in order that his hon. friend near him might have an opportunity of making the motion for a reduction of the number of the forces, of which he had given notice.

Leave was given to withdraw the motion; but the *Speaker* remarked, that it was too late in the proceeding to make a direct motion for the reduction of the military force.

Mr. Calcraft said, it had escaped him that the forms of the House would not now permit him to make the motion to which his hon. friend had alluded; as that was the case, he should propose the recommitment of the report. With respect to the forces in Ireland and India, he

should not, after what he had heard, persist in demanding any reduction. Under the circumstances in which Ireland was placed, he was sorry to say that he did not consider the establishment for that country too great, and he could not recommend any diminution of the troops for India: but there still remained a force of 20,000, from which reductions might be made, and he thought it would be a wise policy to deduct 10,000 from that number. The noble Secretary had mentioned, that 3,000 men would be wanted for reliefs, but he (Mr. C.) did not think them necessary. He then moved that the resolutions be recommitted.

Lord Ebrington could not help noticing the great inconsistency between the arguments which had been used that night, and those recently advanced, respecting Ireland. It would be recollected, that when the noble Secretary of State moved the suspension of the Habeas Corpus act, he expressly excepted Ireland from its operation, on the ground, that that country was in a state of tranquillity. After that declaration, the House must have heard with great surprise, the state of Ireland assigned that night as requiring coercive measures. With regard to Great Britain, the case who had referred to the year 1792 as affording an example of the amount of military force necessary, had been answered that the state of the country was now very different. His opinion, however, was, that the difference was not in the people, but in the Ministers of the Crown, who had during the present session shewn such a disposition to curtail the constitutional rights of the subject, and to establish arbitrary measures which were totally uncalled for. (*Hear, hear.*)

Lord Castlereagh would trouble the House with only a few words, in consequence of what had fallen from the noble lord who had just sat down. What he had stated with regard to the situation of Ireland was this—that he saw no reason for applying to it the measures which were necessary in this country; but in making that statement, he had distinguished between that system of organization which unhappily prevailed here, and that derangement of the public peace in Ireland which rendered it expedient to distribute the military force over the whole country. He certainly had never thrown out any idea that a diminution of the force in Ireland was practicable. Having said this much on that point, he must now beg leave to remind the House, that though they were to proceed to decide on a motion for recommitting the resolutions, that question was brought forward for the purpose of letting in one respecting numbers. The hon. gentleman who proposed to bring forward this question, had, however, admitted that no reduction could be made in Ireland, or in India. It must fall then on the colonies of Great Britain; but the hon. gentleman had not pointed out any colonies in which he thought reductions could be made. Did he con-

ceive it possible that the whole force in Great Britain could be reduced to the extent of 10,000 men? This surely could not be suggested; and yet there was no other quarter to which his scheme of reduction could be applied; for if he could mention colonies in which reductions might be made, it was obvious that the troops could not be brought home within the time to which the resolution that had been agreed to extended. He was confident, that when the alterations were considered, which had taken place since 1792, with respect to the increase of our fortresses, the size of the metropolis, and the troops employed in the collection of the revenue, the number of men for Great Britain could not be reduced. At any rate this must be obvious to every one, that the honourable gentleman could not take 10,000 from the present establishment, and leave enough for the ordinary duties of the home service.

Mr. Denis Browne said a few words on the propriety of maintaining a sufficient force in Ireland. He thought the number proposed for that country absolutely necessary.

The House then divided on the motion for recommitting the resolutions—

Ayes 56

Noes 144

Majority against the motion —88

The remaining resolutions were read and agreed to.

LIST OF THE MINORITY.

Abercromby, Hon. J.	Lemon, Sir Wm.
Althorp, Vise.	Lloyd, J. M.
Athealey, Arthur	Lyttleton, Hon. W.
Bennet, Hon. H. G.	Milton, Vise.
Burrows, Sir W.	Newport, Sir John
Barnett, James	North, Dudley
Brougham, Henry	Nugent, Lord
Calvert, Charles	Newman, R. W.
Campbell, Gen. D.	Osborne, Lord F.
Carew, R. S.	Ossulston, Lord
Carter, John	Parnell, Sir H.
Caulfield, Hon. H.	Ponsonby, Rt. Hon. O.
Duncannon, Vise.	Plunkett, Rt. Hon. W. C.
Douglas, Hon. F. S.	Powlett, Hon. W.
Fazakerley, N.	Prittie, Hon. F. A.
Fergusson, Sir R. C.	Ramsden, J. C.
Fitzroy, Lord J.	Russell, Lord Wm.
Gordon, Robert	Russell, R. G.
Grant, J. P.	Sefton, Earl of
Griffith, Pascoe	Smith, William
Hulse, Sir W.	Spiers, Arch.
Hamilton, Lord A.	Tavistock, Marquis
Heron, Sir Robert	Tierney, Rt. Hon. Gen.
Hornby, Ed.	Walpole, Hon. Gen.
Hervoise, J. P.	Waldegrave, Hon. W.
La Touche, Robt.	Warre, J. A.
La Touche, R. jun.	Webb, E.
Lamb, Hon. W.	Wilkins, Walter

Tellers—Calcraft, John—Ebrington, Vise.

Sir J. Mackintosh paired off in favour of the motion.

LOTTERIES.] The House went into a committee on the Lottery Bill.

Mr. *Lyttelton*, after complaining that the bill had not been printed, stated his objections to the preamble, and proposed the following as an amendment—"Whereas it has been deemed expedient, to turn to account the vices of his Majesty's subjects; and whereas those vices, and especially the spirit of gambling, are generally encouraged by lotteries; and whereas it has been found convenient to replenish the public purse out of the pockets of the people, by means of lotteries, as an easy and pleasant method of raising money, be it enacted," &c.

Mr. *Brogden* informed the hon. member that the present was not the proper stage for proposing a new preamble. Mr. *Lyttelton* in consequence postponed it.

The Chairman then proceeded to read the various clauses, and Mr. *Lyttelton* suggested several verbal amendments. He afterwards proposed a clause by which the price of tickets should be definitively fixed. If these state frauds were continued, the public should at least be warned of the cheat; and if the Chancellor of the Exchequer intended to set up as the arch-gambler of the kingdom, he ought to fix his terms; such practices were directly at variance with his professions of religion and morality.

Mr. *W. Smith* doubted the possibility of settling the price of tickets definitively.

Mr. *Brougham* characterized the measure as a bill for the encouragement of crimes and immorality. He animadverted on the various disgraceful schemes that were practised, to induce the public to become purchasers of tickets. The most false, fraudulent, and seductive bills were posted in all quarters of the town, in the highways, and even under the bridges. He had himself, in passing under Westminster bridge, happened to cast up his eyes, when he saw a long bill, couched in the most alluring terms, inviting the reader to buy a share, and exhibiting the portrait of a man with a large bag, pouring out guineas. (*A laugh.*) All these frauds, and excitements to vice, were countenanced by the right hon. gentleman, (the Chancellor of the Exchequer), but they were totally inconsistent with his superior pretensions to religion and virtue. (*Hear, hear.*)

Mr. *Lyttelton* took the opportunity of stating, that a gross fraud had been practised upon the public with regard to the lottery then in process of drawing; the price of tickets in shares had been raised from 20*l.* 16*s.* to 22*l.* 6*s.* under the pretence that two-thirds of the whole had been drawn; when the fact was, that only one-twelfth part of the whole number of tickets had been drawn.

The question was put upon the amendment, and it was negatived.

Mr. *Bennet*, in consequence of the ignorance of members with regard to the contents of the bill, from its not being printed, moved that the chairman should report progress, and ask

leave to sit again, that in the mean time it might be printed.

This motion was also negatived without a division, after a short discussion.

Mr. *Lyttelton* then proposed, that no other scheme should be published, except that which is inserted in the London Gazette.

Mr. *Brougham* observed, that if the Chancellor of the Exchequer did not agree to this clause, he would make himself a party to all the cheats that are practised by lottery vendors.

The clause was negatived, when the House resumed, and the report was ordered to be received to-morrow.

EXCHEQUER COURT BILL.] Mr. *D. Gilbert* brought up a bill "to regulate certain offices in the Court of Exchequer in England," which was read a first time.

CIVIL SERVICES RECOMPENSE BILL.] Mr. *D. Gilbert* brought up a bill "to enable his Majesty to recompense the services of persons holding, or who have held, certain high and efficient civil offices," which was read a first time.

HOUSE OF LORDS.

Wednesday, May 14.

GAS-LIGHTS.] Lord *Montfort* moved the third reading of a bill for incorporating another Gas-Light Company in London.

The Earl of *Lauderdale* objected to this bill, on the same principles on which he had objected to the bill for incorporating a gas-light company last year. As an individual, he felt no great concern about the matter, but for the sake of the public, he again repeated his warning to their lordships not to listen to petitions of this description. If they did, they would have abundant applications, and would essentially injure the mercantile interests of the nation. Every writer on the subject of monopolies had considered them as highly injurious to the community. Even the East-India company, carrying on a great and distant trade, had been condemned as pernicious to the interests of this country, where there was no want of capital, and it was well known that the great number of incorporations, for the most trifling purposes, which had been established in the reign of King William, had been attended with the most prejudicial effects. He was very far from being unfriendly to the individual of this company, but his sense of public duty compelled him to make these objections.

Lord *Kenyon* said, he would not have come down to the House to support this bill, unless he had been satisfied that it was for the public advantage. In the metropolis, these things were much better conducted by a competition between incorporated companies; and, as a security to the public that the object would be accomplished, 100,000*l.* had been already subscribed.

The Earl of *Lauderdale* observed, that he had in the committee introduced that clause by

which the company was prevented from exercising any authority until 100,000*l.* should be subscribed.

The *Lord Chancellor* said, that the noble earl, by introducing that clause, had done the public considerable service. There could hardly be a greater evil than allowing such companies to begin their operations until such a sum had been subscribed as would afford some security that the object would be carried into effect; and in order to impose some check upon such applications, he would endeavour to take care that these bills should be examined at an earlier stage, and that before they passed, their policy should be sifted to the bottom.

The bill was then read a third time, and passed.—Adjourned till Friday.

HOUSE OF COMMONS.

Wednesday, May 14.

IRISH GRAND JURIES.] *Mr. Cooper* moved for "A return of the names of the treasurers and collectors of public money in the several counties, counties of cities, and counties of towns, in Ireland, who have made default in their several collections and payments, from the 1st of January 1810, to the present time; distinguishing the sums for which they severally made default, with the amount of any sums which have been recovered from such persons, or their sureties respectively, with the names of such sureties; also the amount of any bills of costs which have been presented by any Grand Jury in Ireland, from the 1st of January 1810, to the present time, either on account or otherwise, upon any legal proceedings instituted for the recovery of the sums due by such persons so in default, or their sureties."—The hon. member then stated, that he should not bring forward again, in this session, the bill for the better regulation of Grand Jury Presentments in Ireland, which he had recently withdrawn, though he still thought it necessary that some remedy should be provided against the abuses which existed in that system.

Mr. Peel said, that he had advised the hon. member to withdraw his bill, because he well knew how much the defects in the system of appointing sheriffs in Ireland required amendment, and he feared that the bill was so voluminous, that if it had been brought before a committee, and any objections had been made to it, a great deal of time must have been lost. He did not consider it advisable at present to repeal all the existing laws on the subject; but he had hoped, that the hon. member would have brought in a bill with a distinct remedy for the evil. If such a measure succeeded, it might be proper, at a future period, to consolidate the various enactments. In case the hon. member should not proceed, it had been his intention to introduce some regulations, if no one more competent should offer; but he had now the satisfaction to state, that his

hon. friend below (*Mr. V. Fitzgerald*) had prepared a bill for that purpose.

Sir N. Colthurst thought it highly expedient that some measure should be immediately adopted.

General Mathew complained of the mode of appointing sheriffs in Ireland, which he maintained was completely a job. The outgoing sheriff named three individuals, one of whom was always chosen, and who of course was attached to the same interest as the preceding sheriff.

Sir F. Flood contended, that the sheriffs were very properly appointed. The old sheriff nominated three persons to the justices, for them to chat over the appointment. The gallant general was altogether mistaken; and it was highly unjust to say that the grand jury took the most sacred oath for the purpose of a job.

Mr. Ponsonby thought it extraordinary to reject a bill before it had been examined by a committee; and though he was glad that any bill was to be introduced, he hoped his hon. friend would proceed with his measure next session. With regard to the appointment of sheriffs, though a change had been promised, he did not find that any improvement had been made, for the judges still took the names from the outgoing sheriff. He hoped that this would be altered, as the existing sheriff would always name those who were in the interest from which he had derived his own appointment.

Mr. Peel begged to explain respecting the judge he had given last year. His attention had not been called to the subject till nearly the end of the session; and immediately on his return to Ireland, he had communicated with the Chancellor on the subject. The names were still returned by the judges, and the first name was generally chosen. In answer, however, to the allegation of the gallant general, that corrupt influence was employed, he would state, that all the three persons returned for the county of Tipperary had refused to execute the office; on which occasion he (*Mr. P.*) instead of reverting to any local interest, wrote a second time to the first person on the list, stating that the Lord-Lieutenant had passed his patent, and that he must accept the office, which he did. So far from Government interfering in the appointment, the opponent of his hon. friend for the representation of the King's county had been just returned. The sheriff of Dublin had accepted the appointment from the Lord-Lieutenant, though he declared that he would not have accepted it had the recommendation come from a county member. He had already written to the Chancellor to desire that the judges should not take the nomination of the old sheriff, but make inquiries in the respective counties touching the character of individuals. It was impossible to do better than by asking the recommendation of the judges after such an inquiry.

Mr. Ponsonby admitted that the right hon.

gent. had taken the first and greatest step towards a correction of the abuse.

Mr. *M. Fitzgerald* said, much more had been done by the Irish Government on this subject in a short time than could have been expected. He thought it very proper that the bill, entirely changing the system of Grand Jury Presentments, had not been pressed through the House at that late period, as due consideration could not have been given to it. He had advised the hon. member (Mr. Cooper) to bring it forward again early in the next session, and described the arrangements which he thought necessary, with a view to provide for the due execution of the law, and to guard against any frauds or defaults on the part of county treasurers. These arrangements were—first, that security should be taken from all county treasurers to the full amount of the sums which they were to receive, and that such securities should be examined and approved by the law officers of the Crown, while the securities for barony treasurers should be examined and approved by some subordinate authority;—2dly, that no one who was to account to a Grand Jury should be allowed to act as a Grand Juror;—3dly, that a longer previous notice should be given of every presentment;—and 4thly, that an assistant judge should be appointed on each circuit, for the purpose of considering and urging all traverses, &c. with respect to presentments, and in his opinion, the accounts of expenditure upon presentments, as well as the presentments themselves, should be subject to be traversed. Such an appointment would he was aware, increase the patronage of the Crown over the Irish Bar, which was already very considerable; but it was indispensable to the due execution of the law, for the judges were at present unable to attend to this department, and as to the expense, it would not exceed 2000*l.* a year for the whole of Ireland.

Mr. *L. Foste* observed, that the provisions of the bill which had been withdrawn were exceedingly complicated, but it was necessary to devise some means for correcting the evils of the existing system. The commissioners of accounts had too much business already to take this subject properly into consideration.

Mr. *Dominick Browne* strongly recommended a general survey of the land in Ireland, with a view to the fair execution of the law with respect to presentments.

Sir *J. Newport* concurred in this recommendation, and while he highly approved of the principles of the law with respect to Grand Jury Presentments, expressed his regret to find that the law itself had been very much abused. The amount of the assessments under such Presentments was very considerable, and as they bore hard upon the occupiers of land or the peasantry, it was peculiarly necessary to provide that they should not be improperly applied.—He understood, that even within the last year, no less than three county treasurers had failed,

and their sureties were unable to supply the deficiency; this was a serious grievance, which, however, had long been suffered to prevail in Ireland. Several public accountants in that country had made default in their payments, and he feared the money would never be recovered, especially from the improvident manner in which securities had been arranged by those Crown lawyers whose duty it was to attend to such subjects. For instance, a Mr. *Lysaght*, who died some time ago in the county of Cork, possessed of a property of 20,000*l.* was a public defaulter to a large amount. He bequeathed his effects to different persons, and although his surety was a nobleman of high rank, not a shilling had been yet recovered for the public—but he could enter into several instances of a similar nature, particularly among county treasurers.

Lord *Desart* thought the hon. member (Mr. Cooper) had acted wisely in withdrawing his bill. The Grand Jury system, well administered, was highly beneficial. The money was spent among the poor, in employing them on improvements; and thus it contributed to the rapid cultivation and prosperity of the country.

Sir *J. Newport* explained. He admitted that the system, well administered, was a blessing; but with its vices, it was a curse.

Mr. *F. Fitzgerald* concurred in the general views of his hon. friend (Mr. *M. Fitzgerald*), but thought the arrangements which he had proposed required consideration. As to the appointment of an assistant judge to attend to the business of presentments, he had himself suggested the necessity of such an appointment in his evidence before the Committee on this subject three years ago. He had also proposed some other regulations, with regard to the question before the House, which he intended to submit to its consideration on Friday se'nnight, and therefore he gave notice of a motion for that day. As to the allusions of the right hon. baronet to defaulters in Ireland, he hoped they were not to be understood as any imputation on the conduct of the Irish Government. For himself, and for those with whom he had had the honour to act, he could say, that nothing practicable had been left undone with a view to collect the debts of public defaulters. He could, indeed, state, for the credit of the legal department, that some debts, which had been owing no less than 30 years, had been lately recovered. The right hon. gentleman concluded with stating, that he meant on Friday se'nnight, to move for leave to bring in two bills, the one referring to County Treasurers, the other to Presentments.

Mr. *Cooper* explained as to the withdrawing of his bill. The subject, he thought, was too extensive to be taken into consideration this session.

The motion was then agreed to *nem. con.*

POOR EMPLOYMENT BILL.] The Chancellor of the Exchequer, in moving that the House

should resolve itself into a Committee on this bill, took the opportunity of stating, that, since the last discussion upon the subject, he had been enabled to make several amendments; but it would spare the time of the House, and promote the general convenience of members, if they allowed the bill to be committed *pro formâ*, to have the blanks filled up, and, together with the amendments, to be printed. It could then be taken into consideration on a future day.

Mr. *Brougham* said, he wished to state very shortly what he considered to be the difficulties in the principle of the measure, and which he feared could not be overcome by any of its details. In the first place, he felt a very strong constitutional objection to investing certain individuals with the disposal of a sum, amounting to one million and three quarters, upon the eve of an event, which they all knew would shortly occur, namely, a dissolution of Parliament. In the next place, the offer to advance particular loans to individuals, upon such security as Government intended to require, would, he apprehended, defeat the whole measure. Not that he thought it calculated to produce those benefits which were anticipated, even if it could be brought into full operation. The evils which were now felt, arose not from the want of money, but from the want of a demand for labour. There was no deficiency of capital in the country; but there was a general stagnation of every thing that could employ capital. Besides, if there were really a deficiency of capital, he did not see how the present plan could remedy that evil. No additional capital would, in point of fact, be thrown into the money market by the issue of those Exchequer Bills. It was only an interposition of the credit of Government, to enable individuals to borrow from those who were inclined to lend upon that credit. He was quite persuaded, however, that if Government intended to exact the sort of security which it was understood they would exact, no persons would resort to them for loans. If, on the contrary, they meant to require only the common personal, or real security, which a private lender would demand, a very strong objection would be removed.

Mr. *Western* said, he was not in the House when the right hon. gentleman opened his plan; but from the fullest consideration which he had been enabled to give the subject, he could not discover any advantages likely to accrue from it. On the contrary, he saw many objections to the measure, which, he thought, would produce considerable mischief. It would place the opulent in a painful situation with respect to the poor, who would be led to suppose that relief was attainable, and was refused only because their rich neighbours would not come forward with securities. But suppose the necessary securities were given? Then the poor rates must be mortgaged, a procedure from which he anticipated the most mischievous consequences. The occupiers of land would be

charging and mortgaging property which was not their own. With respect to that part of the money which was to be applied to the promotion of public works, he thought the arguments of his hon. and learned friend unanswerable.—It was not a want of capital that they had to complain of, but a declension in our commerce, manufactures, and agriculture, which rendered that capital useless.

The *Chancellor of the Exchequer* confessed that some of the objections of the hon. and learned gentleman were not likely to be overcome by any details in the progress of the measure. As to the constitutional fears which he had expressed, he did not consider them of a very serious nature. They might certainly be removed by the House paying a proper attention to the nomination of individuals who were to have the management of the funds. With respect to the question of securities, he could state, that an alteration had been made in the bill so as to dispense with that security which was at first contemplated, under certain circumstances, and to substitute special securities of various kinds. In regard to parishes, so much would depend upon the details of the measure, when it came fully under the consideration of the House, that he wished to defer all discussion upon it at present. He would mention, however, that such checks and precautions had been introduced, as would prevent general and indiscriminate applications from parishes. It would only be in cases of great and urgent difficulty that any relief would be extended to them under the operation of the bill.

Mr. *J. P. Grant* said, that if he understood the right hon. gentleman, he had considerably narrowed the measure compared to its original intention, consequently the benefits expected from it would be encumbered in proportion. He was one of those, however, who always thought that the proposed plan was little likely to be productive of the advantages that were anticipated. The evil that was felt, originated neither in want of capital, nor in want of credit. There was capital enough in the country, and they who had sufficient credit to entitle themselves to a loan from Government, would find no difficulty, with the same credit, in going into the money market and obtaining what they wanted. In no way that he saw could the plan give any relief, except, indeed, the right hon. gentleman meant to introduce his Exchequer Bills into the currency of the country. Then some effect would be accomplished, but whether a beneficial one or not, he did not intend at that moment to argue. At the same time, he was perfectly ready to give the right hon. gentleman credit for the benevolent intentions with which he had proposed the measure.

Mr. *Rose* denied that any constitutional danger was to be apprehended. It was not likely that the Commissioners, in making advances of money, would be influenced by political motives. Money, he knew, might be easily ob-

tained upon short credit, for 2 or 3 months; but it was not to be had where its return would be delayed for three or four years. Hence the utility of his right hon. friend's plan. Much good might result from it, and he was sure it could not produce any evil.

Mr. Brougham, in explanation, disclaimed any intention of holding out that the Commissioners would be actuated by sinister motives. From what he had heard of the gentlemen who were likely to be appointed, he should expect the very reverse. But it was an awkward thing, in a constitutional point of view, that during a general election, Commissioners of the Government should be sitting with the patronage of distributing one million and three quarters of the public money.

Mr. Lockhart said, he thought the bill would totally fail as to all beneficial purposes.

Mr. Hurst spoke in favour of the measure.

The *Chancellor of the Exchequer* wished to explain a point which seemed to be misunderstood. The principle of personal security was not to be abandoned. It was only to be modified, so as to enable the Commissioners in certain cases to accept other securities.

The House then resolved itself into a Committee *pro forma*, and the *Chancellor of the Exchequer* moved his several amendments. He also read the following list of the names of gentlemen whom it was intended to appoint as Commissioners under the Act:—Lord R. Seymour, the Hon. W. Lamb, Sir T. Acland, Sir C. Edmonstone, Sir J. Shaw, Sir J. Perring, Mr. Gooch, Mr. E. J. Littleton, Mr. Luttrell, Mr. C. Grant, sen.; Mr. Curwen, Mr. Estcourt, Mr. J. Smith, Mr. Swann, Mr. Casberd, Mr. Reid (Chairman of the East India Company), Mr. B. Harrison (Deputy Governor of the South Sea Company), Mr. S. Thornton, Mr. Phelps, Mr. J. J. Angerstein, Mr. C. Baring, and Mr. Bosanquet.

The House having resumed, the Report was received, and ordered to be taken into further consideration on Wednesday next.

OFFICE ABOLITION BILL.] Mr. D. Gilbert brought in a bill "to abolish certain offices, and to regulate certain other offices in Ireland," which was read a first time.

HOUSE OF COMMONS.

Thursday, May 15.

MILITARY PUNISHMENT.] Mr. M. Sutton, seeing an hon. baronet in his place, begged to say, that he had received an official statement respecting the soldier found drowned at Carlisle. (See page 914.) The hon. baronet had stated, from the *Carlisle Journal*, "that this man having asked permission to marry, and having been refused, had absented himself without leave, and had married; that for this offence he had been sentenced to be flogged, and after having received as many lashes as he could bear, was ordered to receive the remainder on a future day;

that under the dread of this, he had terminated his existence." An official return had been made to the adjutant-general's office, and the facts were as follow:—The man, who was a soldier in the 1st Light Dragoons, had asked permission to marry, and had been refused. (The House must understand, that a refusal on the part of the officer did not prevent a soldier's marrying, or his marrying without leave constitute any military offence; but as the barracks could accommodate only a certain number of females, it was thought fit to leave a discretionary power in the officer as to what females should be admitted; so that respectable women already there might not be annoyed by the introduction of abandoned characters. In the present instance the commanding officer had refused his consent, because the man was already married. (*Hear, hear.*) However, he absented himself for a considerable time, and perhaps went to Greta-green, for he returned married. He was tried for the military offence of being absent without leave, and was sentenced to receive 200 lashes: 100 were inflicted, and the remainder were remitted on the spot. Some days afterwards the man was found drowned, and there was reason to believe that his death was occasioned by suicide. Here he should have stopped, but that he thought something was due to the character of Major M'Alister, the commanding officer. He had received a letter (which had been written voluntarily, and without any inquiry) from Sir J. Byng, who commanded in that district, stating the particulars of the case. (Here the hon. member read the letter, which coincided with the statement above given, and concluded to the following effect:) "Had there been any thing blameable in the conduct of Major M'Alister, he should have thought it his duty to institute an inquiry; but a jury had sat on the body, and were satisfied that the Major had done nothing wrong. They, indeed, considered that the motive which induced the soldier to destroy himself was despair at having rashly married a woman of abandoned character. He knew Major M'Alister to be a mild humane man, much esteemed in his regiment; and was happy in having such an officer on his station. Lord Lonsdale could testify, that this was not the first occasion on which he had proclaimed the merits of that officer."

Sir F. Burdett said, he had cast no imputation on any officer, and he did not even know the name of Major M'Alister; but he had stated the facts as an instance of the mischief of that kind of punishment. On a former occasion the House had very generally agreed, that this species of punishment was improper, and could only be justified on foreign service; but that at home and in peace, there could be no necessity for it. After all, it seemed that the man had been punished for marrying; but the commanding officer could have nothing to do with his marrying twice; and though it might be proper to in-

vest him with the power of excluding abandoned women from the barracks, yet it was an abuse of all military law to punish a man for marrying. He thought, that the fear of farther punishment was much more likely to produce an act of suicide than the repentance arising from a hasty marriage, and he had strong reason to believe that the soldier's sense of honour had rendered life intolerable, after his disgrace; he should therefore bring the subject of military flogging again before the House.

Mr. *M. Sutton* contended, that the hon. baronet had entirely mistaken him. The officer's consent had been refused merely because he could not give it; and surely a man could be subject to no imputation because he had refused his consent to an illegal act. It was hard if a man in the execution of that act committed a known military crime and was punished, that the punishment should be attributed to other grounds; and surely the official statement of the facts was entitled to more credit than the *Carlisle Journal*.

Mr. *Curwen* observed, that the hon. baronet had cast no imputation on the conduct of Major *M. Alister*.

Sir *F. Burdett* repeated, that he had not complained of the officer, but of the system of punishing the army.

Mr. *W. Smith* admitted, that the man would have been punished for a military offence, had it appeared that he had deserted; but as he had only absented himself, and his absence was styled desertion, it was fair to infer that he was punished for marrying without the consent of his officer.

Mr. *M. Sutton* replied, that the man was tried and sentenced by a brigade court-martial, which could not try deserters: he had therefore been tried and punished for absence.

SUSPENSION OF THE HABEAS CORPUS ACT.]
Mr. *Ponsonby*, after observing that the act for the suspension of the Habeas Corpus would expire in July, and that the middle of May was now at hand, a period at which, according to all experience, a number of members would retire into the country, begged to ask the noble lord opposite (Lord Castlereagh) if it was the intention of his Majesty's Ministers to apply to Parliament for a farther extension of that power of imprisonment with which they had been entrusted? He did not intend to enter into the question, as the rules of the House forbade it; but he hoped the noble lord would give him an answer one way or the other.

Lord Castlereagh replied, that after the holidays, about the first of June, a communication would be made to the House concerning the internal state of the country; after which the same proceedings would be proposed as had been adopted in the early part of the session, and it would be referred to a committee to enter into an inquiry as to the measures proper to be pursued. After the question put by the right hon. gentleman, without any wish to provoke a discussion, or to commit the House to a pre-

mature declaration of its sentiments, he felt it his duty to state, that his Majesty's Ministers, in the present situation of the country, thought themselves called on to propose to Parliament a continuance of the measure now in operation. (*Loud cries of hear, hear.*)

Mr. *Phillips* said, that as the matter was of the most serious importance, and demanded a full attendance, he should move for a call of the House.

Lord Castlereagh declared, that he was as willing to have the House called as the hon. gentleman could be.

Mr. *Brougham* asked, whether it was the noble lord's intention, after the holidays, to propose a committee, as in the early part of the session, or to proceed without a committee?

Lord Castlereagh repeated, that a communication would be made to the House, when a committee would be appointed for the purpose of making an inquiry, as at the beginning of the session; after which, his Majesty's Ministers would propose to Parliament a continuance of the measure now in force.

Mr. *Brougham*—"Am I then to understand, that a committee is to inquire, and that this is to be the result of the inquiry?" (*Hear, hear.*)

Sir *F. Burdett* remarked, that no man could doubt what would be the result of the inquiry. (*Hear, hear.*) But he should first move for a list of the persons confined under the present act, who they were, when taken, and where imprisoned.

Mr. *Brougham* hoped that some member, of more weight than himself, would give notice of a motion for an address, praying his Royal Highness the Prince Regent not to dissolve Parliament while the Habeas Corpus Act was under suspension.

Mr. *Phillips* moved, that the House should be called on the 2d of June.

Mr. *J. P. Grant*, after observing that the first w-officer of Scotland had stated that the conspiracies at Glasgow were not confined to the poorer classes of the community, said, that only one person above the rank of an operative weaver had been arrested, and he had declared, that he had had no communication whatever with political clubs; 3,000*l.* had been offered for bail, in order that he might continue his occupation; this was refused, and properly enough, as the man was charged with high treason: but he (Mr. G.) had just been informed, that the law-officers of the Crown, after having confined this man six weeks, discharged him without any farther information, and without bail: so that a respectable individual had been incarcerated six weeks without cause, discharged without inquiry, (*hear, hear.*) and left to seek redress for the loss of his trade, character, and health, in what manner he could. (*Hear, hear.*) He hoped the House would consider how the powers of the act had been applied, and what was to be expected from the law-officers of the Crown. He did not impute motives, but mentioned facts, and he trusted some explanation would be given. (*Hear, hear.*)

The House was then ordered to be called over on Monday, the 2d of June; members not attending, to be sent for in custody of the Serjeant.

IRISH FINANCES.] Sir J. Newport rose, pursuant to notice, to call the attention of the House to the financial circumstances of Ireland, and began by observing, that he should not have brought forward this subject so soon after the decision of Friday last, if it were not for the candour with which he knew they were always willing to enter into the discussion of any question connected with that part of the empire. The present condition of Ireland imperiously demanded the consideration of Parliament: for while division prevailed in that country—while one class of the inhabitants was set against the other, by the influence of laws which had a direct tendency to perpetuate dissension, instead of consolidating the people in one bond of affection and harmony, it was utterly impossible that Ireland, or any country in which such a system was suffered to exist, could be prosperous or happy. After having expended so much of its blood, and nearly exhausted its financial resources, to defend and maintain the great interests of the British empire, the claim of Ireland to just and liberal treatment must be recognised by every considerate man. As Ireland had been taxed comparatively to a much greater extent than England for several years before the termination of the war, so on the conclusion of peace she was entitled to expect from the Legislature a greater reduction of imposts than England had experienced. Yet the contrary was the measure dealt out to that ill-fated country. When he reflected on the state of Ireland in the years 1781 and 1782—when he remembered the proud elevation upon which she then stood, through the spirit of her population, excited and directed in a great measure by the extraordinary talents and exertions of his illustrious friend beside him (Mr. Grattan), when he considered that while she so nobly maintained her independence, her own volunteer force was sufficient to protect her against foreign invasion, to maintain internal tranquillity, and to enforce the execution of the laws, he could not help feeling the utmost disappointment and the most poignant regret at the situation to which she was now reduced. In 1781 and 2 the Irish people were united, but at present they were divided through a series of measures, promoted principally during the government of the present Lord Privy Seal (Westmoreland), under whose administration the demon of discord was peculiarly active and most mischievously effective. The evils indeed produced by the system of that administration were such, that no remedy appeared but in the surrender of her legislative independence. But it must not be forgotten, that the better part of the people of Ireland were not to be reconciled to that measure, until the Irish Parliament was completely sunk and degraded by its own conduct—until it had not only forfeited the confidence, but excited the

aversion, if not the contempt, of the whole Irish nation. The degradation of that Parliament had, in fact, facilitated the accomplishment of the Union, seconded, no doubt, by certain pledges; or if the noble lord (Castlereagh) did not like that word, by the encouragement of certain hopes and expectations, not one of which had yet been realised. (*Hear, hear.*) The right hon. baronet then entered into a statement of the finances of Ireland, which appears in the subjoined resolutions, and animadverted upon the great falling off in the revenue and resources which each resolution manifests. He acquitted the right hon. gentleman (Mr. V. Fitzgerald) of any blame in the calculations upon which he had been induced to impose certain taxes that were no doubt productive for two or three years, but which afterwards declined in consequence of the increased pauperism of the country. Those taxes in fact, had fallen off, because they were levied upon the principal rather than upon the interest of the capital of the country; and therefore their present result was a harvest of discontent, without any harvest of revenue, for although they had been doubled, the actual produce of the revenue had diminished one half. The increase of poor rates in this country was in a great measure owing to the distress of Ireland, for the English manufacturers were thus deprived of one of their best markets; and this he demonstrated by reference to the reduced demand in Ireland of late years, for eleven of the most essential articles of British produce and manufacture. The notices which had been given, with respect to the closing of windows and chimnies in Ireland, he thought a conclusive proof of the pauperism of that country, for it was obvious, that while people could afford it, they would never deny themselves the advantage of light and heat. (*Hear, hear.*) The tax of 7*l.* *per annum* upon jaunting cars, he pronounced to be not only iniquitous, but also inconsiderate; for the Protestant farmer was thus too often disqualified from taking his family to church, and the church was generally so distant in country places, that without such an accommodation he could not go to it at all, especially in rainy weather. Hence the members of the Established Church were frequently induced by their piety and poverty to visit dissenting meetings. Adverting to the situation of the resident gentry of Ireland, the right hon. baronet dwelt upon their reduced circumstances through the pressure of taxation, arguing, that such reduction of their rank and of that respectability which would have a salutary influence among the people, must serve very materially to aggravate the popular discontents, and to promote a disregard of the connection with England. The House might be assured, that if the present system were continued, those Irish gentry who could afford to live in this country or elsewhere, would absent themselves from Ireland, and hence Parliament must come to this at last, either to impose a tax upon them, or to expose Ireland to the desertion of that

order of her people, whose residence was most material for the preservation of peace, for the enforcement of law, and for the prevention of disorganization and disorder. For, it could not be doubted, that those gentry would abandon her, who, to use the language of an eloquent statesman now no more, (Mr. Windham), were essential to preserve the beautiful gradation of society, and, by an interchange of kindness, to maintain the connection between the cottage and the throne. If, indeed, this important question were not duly considered, there was but too much reason to apprehend that the affection of the Irish people would be totally lost, and the union of Ireland with this country most materially endangered, if not ultimately dissolved. In pressing the justice and the necessity of some reduction of the taxes of Ireland, in proportion to that which had taken place in this country, he could anticipate what was likely to be urged on the other side. It would probably be said, that as England had adopted the debt of Ireland, the latter was not justified in complaining, but rather ought to be thankful. To this, however, he would say—"You have taken our debt upon yourselves because you have beggared us by excessive taxation, and you are not warranted in continuing that taxation, because such continuance must not only augment our debt, but disqualify us for every useful exertion." (*Hear, hear.*) The consequences, indeed, of this system must be misery and discontent in Ireland, without any advantage or profit in revenue. He appealed, then, to the consideration of the House, whether it would be politic to superadd such a prolific source of dissatisfaction, as inordinate taxation must always create, to the chagrin which the great body of the Irish people now felt from the refusal of that right which they were encouraged to expect, not only from the promises made at the Union, but also from the principles of eternal justice, as had been so unanswerably proved by his right hon. friend (Mr. Giattan), whose authority and talents must always be recognised, even by those who declined to adopt his policy. (*Hear, hear.*) The right hon. baronet concluded with proposing the following resolutions:—

1. "That the gross revenue levied in Ireland during ten years preceding the Union, amounted to 21,614,000*l.*, averaging annually 2,161,000*l.*; in ten years immediately subsequent to the Union, to 45,579,000*l.*, averaging annually 4,557,000*l.*; and in six years ending Jan. 1817, to 38,497,000*l.*, averaging 6,416,000*l.* annually."—"That the annual average of revenue paid into the Exchequer of Ireland from taxes, during six years ending January 1801, was 1,650,000*l.*, and in six years ending January 1817, was 4,570,000*l.*"—"That taxes have been imposed on Ireland since the year 1808, of which the estimated produce was 3,500,000*l.* annual; and that the actual produce of net revenue in the year 1816, exceeds that of

the year 1808, in the sum of 10,000*l.* only."—"That the produce of taxes paid into the Exchequer in 1815, was 5,750,000*l.*, and in 1816, 4,540,000*l.*, being a diminution in the latter year of 1,210,000*l.*"—"That the number of barrels of malt which paid duty, amounted in 1814 to 800,000*l.*: in 1815 to 670,000*l.*; and in 1816 to 480,000*l.*"—"That three years' average of wine imported ending January 1806, was 6700 tons, and of three years to 1817, was 2680 tons; and that the produce of duty was in 1803, 390,000*l.*, and in 1816, but 191,000*l.*; and that the rate of duty was more than doubled in the interval."—"That the duties on tea produced in 1815, 576,000*l.*, and in 1816 but 443,000*l.*"—"That the duty on home-made spirits produced in 1815, 1,420,000*l.*, and in 1816, 1,123,000*l.*; and on foreign spirits in 1815, 54,000*l.*, and in 1816, 21,000*l.*"—"That notices were served on the collectors for the year 1816 and 1817, of closing up 42,000 windows, and above 10,000 fire-places, and of a diminution in similar proportion of carriages, horses, and servants, liable to duty."—"That the official value of eleven principal articles of British manufacture imported into Ireland, was in 1813, 3,420,000*l.*; in 1814, 2,490,000*l.*; in 1815, 1,600,000*l.*; and in 1816, 1,100,000*l.*:—of which the woollens had diminished from 2,000,000*l.* to 600,000*l.*:—the leather from 200,000*l.* to 49,000*l.*:—the wrought iron and hardware from 340,000*l.* to 170,000*l.*:—and the cottons (including cotton yarn and twist), from 320,000*l.* to 130,000*l.*"—"That the select Committee appointed in 1815, to examine into and report on the public income and expenditure of Ireland, have stated to the House, That for several years Ireland has advanced in permanent taxation more rapidly than Great Britain itself, notwithstanding the immense exertions of the latter country, and including the extraordinary and war taxes;—the permanent revenue of Great Britain having increased from the year 1801, in the proportion of 16½ to 10; the whole revenue of Great Britain (including war taxes) as 21½ to 10:—and the revenue of Ireland as 23 to 10, and in the 24 years referred to the Committee as 46½ to 10."—"That Great Britain was relieved during the last session of Parliament from payment of taxes amounting to above 17,000,000*l.*; and Ireland from taxation to the amount of only 340,000*l.*"—"That the principles of justice, of sound policy, and of real interest, combine to impress upon the House, the necessity of further reduction of the taxation of Ireland, with a view to the probable permanent increase of Irish revenue, and to the continuance of a beneficial and cordial connection between the two islands."

Mr. F. Fitzgerald rose and said, that as it had been his lot to hold office in Ireland, he was anxious to submit a few observations in reply to the statements which had just been made. To no man could the duty of taxation be more painful than it had been to him; he had found it

necessary to impose some heavy burthens on that country, and he perfectly agreed with the right hon. baronet, when he bore testimony to the great exertions which she had made. The right hon. baronet, however, in framing his resolutions, had adopted a mode of comparison that was quite unfair, and untenable in plain argument. It could not be concealed, that there was a great deficiency in the revenue of Ireland last year, but that was no proof of impolitic taxation, or of the wrong financial principles of the last five years. There were other causes to account for the deficiency, namely, the great difficulties that had been experienced in every branch of trade, commerce, and agriculture. The deficit of the net revenue of 1816, as compared with the preceding year, was 1,191,000*l.* The whole of this, with the exception of about 30,000*l.* had happened in the Customs and Excise. The Stamp and Post-office revenues remained much the same as before; they had, in fact, rather increased, but there was an apparent diminution, which was, however, to be accounted for by the expenditure (about 20,000*l.*) in the alterations, &c. of the Post-office building having been defrayed out of the receipts. The decrease in the Excise was owing to the reduction of the Malt and Spirit duties; in the Assessed Taxes it arose principally from the partial repeal of the Hearth tax, he meant that which affected the lower orders of the people, and the entire repeal of the House duty. The latter affected the lower orders exclusively. The duty on Malt had been reduced from 17*s.* 4*d.* to 9*s.* 4*d.* per barrel, and the duty on Spirits, from 6*s.* to 5*s.* 6*d.* per gallon. The Spirit and Malt reduction thus conjointly taken, amounted to a sum of 270,000*l.* But there was also a repayment for the stock in hand of 195,000*l.*, which being immediate in its operation, necessarily fell on the current half-year. The House and Hearth reductions he estimated at the time, at about 40,000*l.* relief, but the Commissioners thought it would be nearer 50,000*l.* In fact, there was upwards of 330,000*l.* accounted for in one view of the subject alone. The whole diminution of the assessed taxes appeared to be 64,000*l.*, but 40,000*l.* of this had been remitted in the Hearth and House duties. As to the notices of diminishing taxable articles, such as carriages and horses, and of closing up windows, he was fully of opinion that they were generally given in consequence more of the vigorous collection enforced, than of any particular objection to the tax. The enforcement of the existing duties led to this reduction in amount, for those concerned in the collection of the revenue could not, of course, take upon themselves the responsibility of allowing arrears to accumulate. They had only to obey the law, without considering the consequence of enforcing its mandate. (*Hear.*) But he would refute his right hon. friend's general argument, by shewing, that a greater number of taxable articles were now paid for at the increased duty, than when it was at its lowest rate. He

referred to the right hon. gentleman opposite (Mr. Grattan) whether the increased assessments of three parishes in Dublin were not greater than the whole amount of duties discontinued in Ireland. The deficiency in assessed taxes, then, was 64,000*l.*, of which 40,000*l.* had been repealed; so that the real deficit was only 24,000*l.* The right hon. baronet (he repeated) had stated the difference of different years, without any reference to the obvious causes of that difference. He had shewn a decrease in these taxes, but it was as compared with the year 1815, the most productive year that ever was known, for, in 1815, they produced 150,000*l.* more than in 1814, and 340,000*l.* more than in the year 1811. The diminution of the Carriage duty, as compared with 1815, was above 18,000*l.* But the produce of 1815 was near 118,000*l.* and in no one year before had it been 50,000*l.* except in the year 1814, when it was 27,700*l.* The same observation applied to the duty on Houses. The produce of 1815, was 104,000*l.* It had never before been 30,000*l.* except in 1814, when it was near 60,000*l.* The duty on Windows yielded in the last year nearly the same as in the preceding year, namely, 385,000*l.* The greatest receipt of any former year was that of 1814, when it produced 354,400*l.* In no preceding year had it been more than 250,000*l.*—The right hon. gentleman then went into the detail of the produce of the Customs, and the amount of the War Taxes, to shew that his right hon. friend had proceeded on partial data in his calculations. The customs in 1815, produced 2,681,000*l.*; in 1816, 2,116,000*l.*, making a comparative deficit of 565,000*l.* Of this decrease 182,000*l.* was caused by teas alone. The consumption, of course, had been greatly diminished, and the article itself was of an inferior price, so that the revenue fell off in point of diminished value also. In the year 1815, the greatest quantity was entered at the East India sale price of 3*s.* 2*d.* per pound, while in the last year the greatest quantity was entered at 2*s.* 7*d.* per pound. The next general head was Wines, in which there was a falling off of 140,000*l.* He would not then argue, whether the rates of duty on foreign wines were not too high in both countries: but he had felt himself bound to assimilate the custom duties of Ireland to those existing in Great Britain, before he called upon England to incorporate her finances with those of a country less prosperous. Home-made spirits were taxed in England at the rate of 9*s.* 6*d.*, while in Ireland the tax was only 5*s.* 6*d.* It was obvious, therefore, that when the general distress induced many in England to exchange wine for home-made spirits, the facility and extent of such a change must have been much greater in Ireland. The deficiency of the duty on Timber and Deals, as compared with the year preceding, was 100,000*l.* There was to be brought to that account, however, about 20,000*l.* recovered in the month of February, which, in fact, ought to

have been brought to the credit of the preceding year. This had been the result of an investigation in the port of Dublin, where some merchants had sold goods in bond, previous to the payment of the duty. If the previous returns for this article were carried into account, last year would be found most productive. In 1814, it was 54,000*l.*; in 1815, 250,000*l.*; in 1816, 140,000*l.* which was three times greater than in 1814, and therefore the failure was not as represented by the right hon. baronet, as he himself must in candour confess. In imposing the duties upon timber and deals, on a former occasion, he had stated two objects that should be held in view—first, the promoting the trade with our North American colonies; and secondly, the restricting the trade with Sweden and Norway. Now last year, the produce from the trade with Sweden and Norway was diminished by one half, while that of the trade with America was increased nearly fivefold; for in 1815, it was only 15,000*l.*: last year it was from 60 to 70,000*l.* The next branch he would mention was British manufactures, in which there was a deficiency of 32,000*l.* last year, which afforded evidence, not of improvidence in the system of taxation, but of the depression of trade, of manufactures, and of commerce, that prevailed all over the country. The diminution in sugar, foreign spirits, and tobacco, might be accounted for from the same cause. With respect to foreign spirits, in which there was a decrease of duty of 30,000*l.* it was manifest, that since the termination of the war, during which every port, and every part of the coast, was beset with men of war and frigates that acted at the same time as revenue cutters, smuggling must have increased, and the produce of fair trade diminished. He had thus fairly, and, as he hoped, satisfactorily, accounted for the deficiency in the principal branches of the Customs: and with respect to the rest, he would appeal to the right hon. baronet, or at least to the other gentlemen from Ireland then present, whether the decrease might not be attributed to the general distress of the country, the decay of agriculture, and the almost general impossibility experienced by the landed proprietors of collecting their rents. The state of the country in all these respects was indeed so well understood, that even the right hon. baronet himself had declared the impossibility of exacting any thing from Ireland in the way of direct taxation, which, as he had said, must, if rigidly enforced, cut off the sources of her ancient prosperity. Indeed, Ireland had, from the peculiar nature of her trade, suffered more from the return of peace than any other part of the empire. Her trade had been, to provision the fleets and armies of the country, a trade altogether connected with the war, and which, of course, must terminate with the cessation of hostilities. These and many other circumstances (and, by the way, he had forgotten to mention the deficiency in the salt duties,) might account for

the total decrease in the revenue, which could not, by any inferences drawn from the statements contained in the resolutions, be fairly attributed to any improvidence or incorrectness in the mode of administering the finances of Ireland. The right hon. baronet had stated, that since the Union, additional taxes had been imposed to the amount of 3,000,000*l.* from which, however, not so many hundred thousands had been derived. The loan, it would be necessary to observe, for 1813, was 8,500,000*l.*, on which the charge was 595,000*l.* a year. The taxes to meet this amounted, in 1813, to 491,000*l.*, and in the next year to 553,000*l.* In the year 1815, the loan was 9,750,000*l.*, on which the charge was something more than 700,000*l.* which the taxes fully met. These facts were a sufficient refutation of the right hon. baronet's statement.—The right hon. gentleman then praised the liberality of Great Britain, in undertaking to defray the charge on the consolidated fund of Ireland, and remarked, that neither within nor without the walls of that House had he ever heard a single complaint against the consolidation of the two Exchequers. Having stated the decrease in the great branches of the revenue of Ireland, he thought it proper to advert to the great increase that had taken place in them within the last five years. The receipt of Customs had within that time increased by 527,000*l.*, the Excise and Assessed taxes by 1,731,000*l.*, making a total increase in those two great and important branches of the revenue of no less than 2,258,000*l.* When the general increase within that period was so decidedly great, it was not fair to dwell on the partial decrease of a single year, particularly when it was remembered that the amount of these two branches of the revenue alone, at the close of the last year, exceeded the entire revenue of the country in 1801, by not less than 112,000*l.*, and the excess in the entire amount was 3,470,000*l.*; the produce in 1801, being 2,370,000*l.*, and in 1816, 5,840,000*l.*—With respect to the resolutions, he conceived it, at the least, inexpedient to affirm any statements of the character then proposed, from which no practical good could result. It was true, as mentioned in those resolutions, that there had since the war been remitted to Great Britain taxes, amounting to 17,000,000*l.*, and to Ireland no more than 340,000*l.*; but it should be remembered, that Great Britain had for many years submitted to many heavy duties, from which Ireland had been wholly exempt; Great Britain had paid immense sums towards the expenses of each year, while Ireland was called upon to defray her part only by loans, and charge herself with the interest. Such a fact, if introduced in a resolution, could not be denied; but to what purpose should it be affirmed? Objections had been thrown out against the equalization of the assessed taxes, particularly as it seemed to increase the number of absentees; but there was no other alternative that could be adopted for meeting the expenses of the coun-

try. An increased duty of 7l. on a particular kind of vehicle used in Ireland by the occupying tenants, called jaunting cars, had been much censured, from the severity with which it pressed on the middle orders of society; and on the representations that had been made to him, he had reduced it to 4l.—(Only in some cases, observed Sir J. Newport.)—True, it was only in some cases, but they were those in which the grievance had been particularly felt, namely, in the middle class of life—for the increased duty was still continued wherever the owner paid also for a four-wheeled carriage, (Hear, hear,)—or where a person kept another description of jaunting car, of quite a different construction, more expensive than the former, and which usually cost about 70 or 80l., for it was thought, that those who could maintain such a vehicle, might afford the increased duty of 7l. as well as a similar class of persons in Great Britain. He put it to the House, whether it would be prudent to let such resolutions as those proposed by the right hon. baronet go forth to the country, accompanied by the report of his speech, telling the people of Ireland that they had been ruined since the Union, and that the Ministers did not sympathise in their sufferings. He begged leave to assert, that he felt the distress and the financial difficulties of Ireland as much as any member in the House; and, were he disposed to count an insignificant temporary popularity at the expense of his right hon. friend (the Chancellor of the Exchequer), he would now, as he had ceased to be responsible for that branch of service, recommend a reduction of taxes, and concur in the proposed resolutions; but feeling that a remission of taxes was now impossible, and that any comparison between their repeal in this country and in Ireland, without taking into view the circumstances of both, would convey an imputation on the favourable disposition of Parliament towards the latter, he must give the resolutions his decided negative; leaving it to some other member, if he should think proper, to make a motion for disposing of them.

Mr. Ponsonby observed, that the right honourable gentleman had paid some compliments to Great Britain for taking on herself part of the debt and expenses of Ireland; but it must be known, that this arose from the absolute inability of Ireland to support them; and if Ireland could not pay, and England would not pay, the consequence must be, that many persons would remain unpaid. There were many articles of consumption in Ireland which might be exempted from duties with great advantage to the country, and even to the revenue. The capabilities of a country ought to regulate the principle of its taxation: it was impossible to tax a poor country as heavily as a rich one, in the same manner as it was impossible to exact as much money from a poor man as from his more wealthy neighbour. It was an homely, but a correct proverb, "from the cat you can get only its skin." He allowed that, in compa-

ison with the amount of taxes in the respective countries, the remission of 17,000,000l. might be as justifiable in England as that of 340,000l. in Ireland; but the relative powers of contribution should be taken into consideration, and it could not be said that every thing that might be effected in the way of remission had as yet been done for Ireland. For these reasons he should vote for the motion.

Sir H. Parnell said, that the weight of taxation was the cause of universal complaint in Ireland. He stated the many inconveniences that resulted from the unconstitutional power possessed by revenue officers of entering houses for the purpose of counting windows and hearths, and trusted that the Chancellor of the Exchequer would pay the most serious attention to that subject.

Mr. D. Browne said a few words, the import of which was understood to be in support of the motion.

The Chancellor of the Exchequer said, whatever might be the accuracy of the right hon. baronet's assertions, or the general correctness of the statement contained in his resolutions, it would be unwise in the House to affirm them while the finances of the whole empire were under the consideration of a committee. He defended the amount of the remission of taxes to Great Britain, on the ground of her having, during the war, paid 238 millions in war taxes, to which Ireland had not contributed. He contended, that the distress of the country could not fairly be ascribed to the amount of taxation, which position he illustrated by a reference to Switzerland, which was least burthened of any country in Europe with taxes, and which had, notwithstanding, suffered the greatest portion of calamity since the return of peace.—The right hon. gentleman moved the previous question.

Mr. M. Fitzgerald observed, that a discussion like the present was of great advantage to the Chancellor of the Exchequer, by giving him a correct view of the real state of Ireland, for which he was about to legislate in financial measures.—He dwelt on the disadvantages experienced by that country from the absence of her great landed proprietors, and contended for the necessity of some considerable reduction in her taxation.

Sir J. Newport said a few words in reply. He appealed to the knowledge of every gentleman who had resided during the last year in Ireland for the truth of his assertion, that the taxes for that period had been paid out of the capital of the country; and left it to the House to decide what must be the consequences to its future resources and ability, by thus continuing to deplete and impoverish the resident gentry.

The different resolutions were then put, and negatived, by the previous question.

N.B. In the Appendix, under the head "Ireland," will be found several official documents explanatory of the details in Sir J. Newport's statement.

DEMISE OF THE CROWN.] On the motion of *Mr. Ponsonby*, the House went into a Committee on the Civil Offices Continuance Bill, and after some discussion as to the propriety of adding a clause, suggested by Lord *Lascelles*, to extend the principle of the bill to the duration of Parliament, which was supported by Lord *Castlereagh* and *Mr. B. Bathurst*, and resisted by *Mr. Ponsonby*, *Mr. Tierney*, and *Sir J. Mackintosh*, the Report was received, and ordered to be taken into further consideration on Thursday next.

HOUSE OF LORDS.

Friday, May 16.

Bailey's Divorce Bill was read a third time, and passed.

CATHOLIC CLAIMS.] The Duke of *Glocester* presented a petition from the University of Cambridge against the Catholic claims. His Royal Highness stated, that though his name, in consequence of the high office which he held in that University, appeared at the head of the petition, yet he desired to be distinctly understood as not giving any opinion upon that question, or as taking any part either in favour of or against the measure.

The petition was then read, and stated in substance, that the petitioners saw no reason to believe that the sentiments and principles of the Roman Catholics were at all changed; that they had not been conciliated by past concessions; and that nothing would satisfy them but a compliance with claims which would undermine the securities of the Protestant establishment.

Lord *Grenville* presented a petition to the same effect from the University of Oxford.

Both petitions were laid on the table.

The Earl of *Donoughmore* then rose, in pursuance of his notice, and spoke as follows:—It was his duty now to call their Lordships' attention to the petitions from their Catholic fellow-subjects which had been laid on their table. He had presented two petitions, one of which was from the general body of the Irish Catholics, in the present session; and he had presented two other petitions last session, one from the nobility and others, who had thought proper to petition separately, and the other from the Irish Catholic prelates and clergy. It had been intimated to him by some of those who signed the former petition, that they were desirous to have it now brought under consideration; and the prelates and clergy had sent over two most respectable individuals, selected from their body, to give every information in their power to the members of the two Houses of Parliament, and lend all their aid to the furtherance of any measure of relief which the Legislature might think proper to entertain. Their Lordships would therefore understand, that he stood there the representative, though an inadequate one, of the whole body of his Catholic countrymen, claiming on their behalf, that they should at

length be admitted to the privileges of British subjects. In calling their attention to these petitions of no small part of the population of these kingdoms, it was his wish to abstain from all generality, and instead of resting their claims upon the triumphant ground of their merits, he would rather advocate their cause by refuting the calumnies with which they had been loaded. Never had the Catholics been assailed with more violence and acrimony than at the present moment, as their lordships must be aware, from what had passed in both Houses of Parliament, as well as from what had appeared in the public press—a press which was free, and he hoped would long continue to be free—the authentic recorder of the opinions and principles of public men—notwithstanding the extraordinary crusade to which a noble Secretary of State had exposed it, by subjecting it to the control of every magistrate and justice of peace, in the manner stated in his circular letter, for every sentiment and opinion of which they might not approve (*Hear, hear*); thus constituting himself, through the medium of those magistrates, a sort of licenser of the press on all subjects, religious and political. The question never came before the House under greater irritation of the public mind than at this moment. The Catholics had to complain, that they had been most grossly calumniated, and that while their claims were refused, they themselves had been most cruelly maligned. He himself, and probably others of their lordships, had received tracts, written and published against the Catholics, that might make the hair of any liberal man stand on end. One would think that the object was to provoke a renewal of the riots of 1783. The sufferings of Protestant martyrs were represented in pictures, and the Pope and Priests expressing satisfaction at the tortures which those martyrs endured. This was not a fair and candid manner of meeting the petitioners. Every engine had been set to work to prejudice the public mind against the unfortunate Catholics, and he was sorry to say, that the means adopted to injure them had not been without success. But it was not merely of the exertions out of doors that he had to complain. With all due respect to the noble lord on the woolsack, he must say, that he had contributed to this result. The noble lord had risen from the woolsack the other day, (see page 1004.) and with all the authority which belonged to his high station and unblemished character, and with extraordinary warmth, called the attention of their lordships to this question, as one which concerned the very vitals of the Constitution. The noble lord must have meant a great deal by that expression, for it was not his custom to speak without meaning, and his meaning must have been this—that all those who supported the Catholic claims were advocates for measures which would subvert the Constitution.

The Lord *Chancellor* rose to order. With the most sincere respect for the noble earl, he must remind him, that he had only stated an

opinion which he had ever conscientiously held, and in which he was the more confirmed the more he considered the subject. That opinion he was bound to state and to support, but with a desire that the most liberal toleration should be given to all religious persuasions. If the noble earl thought that he meant to prejudice the debate of this night, he could assure him that he did not mean any such thing.

The Earl of *Donoughmore* doubted whether the noble lord, who was the master of order in that House, was not himself out of order. He did not think the noble lord entitled to interrupt him when speaking, though the explanation would have been proper at another time. However, he was happy to find that he had endeavoured a little to soften what he said on a former occasion. The noble lord could keep him at a distance; but it must be most painful to his feelings, which were so acute on this subject, to be daily sitting in the cabinet, and in the habit of advising the Sovereign, along with persons who were aiming a blow at the vitals of the Constitution; or whose principles he must be convinced would, if acted upon, give a deadly blow to the Constitution. There were such men in the cabinet, and there could be no impropriety in mentioning the circumstances, as they had openly declared their opinion in Parliament. These strong expressions did certainly often put an extinguisher on a good cause, and great obloquy had unquestionably been thrown upon this cause of the Catholics; but he hoped that, in spite of that obloquy, it would stand fair before their lordships, and meet with an impartial and candid consideration. With respect to the objections against going into a committee, he would first notice one which was constantly repeated—that their lordships ought not even to adopt this proceeding, until some securities should be stated and settled for the safety of the Protestant Church. That mode of arguing was not unparliamentary, although the proper place for considering the securities was the committee; and calling for a statement of them beforehand, was something like an anticipation of what must be considered at a subsequent stage of the measure. The securities which had been mentioned with reference to this subject were threefold: 1st, the veto; 2d, domestic nomination; 3d, the payment of the Catholic clergy by Government—a security which he had not heard of until the present session, and which he had lately seen mentioned in the public papers. The Catholics objected to the veto, and they had been condemned and maligned because they had objected to it with warmth. As to domestic nomination, that was said to be an illusory security: and why? The argument was extraordinary: domestic nomination was illusory, because it was no new security; the appointment of the Catholic bishops having, with one or two exceptions, been made in this manner for a long time past; but was it not an answer to those who

were terrified at the bugbear called foreign influence? It at least went to the root of that objection: and it was not illusory in another view, for though it might be no new security, yet it would establish the mode of domestic nomination in future, by means of a concordat with the Pope for that purpose. No individual, nor body of men, public or private, however respectable, ought to insist on making a bargain with a Legislature; but the Catholics had shewn by this offer, that they wished to conciliate, and to do away the fears of those who were alarmed. Now he thought it fitting to state to their lordships the course which he intended to pursue in the committee, in case they should agree to his motion. He certainly had no intention to propose the adoption of the security or regulation of the veto. The Catholics themselves were adverse to it, and he, as a member of the Legislature, should have objected to it, even if they had been willing to concede it. The Catholics in this country were a small body of men compared with the mass of the population; but in Ireland the Catholics formed the nation. The government in Ireland was representative; and if the veto were adopted, the care of the Catholic Church might devolve upon some one better acquainted with making speeches in Parliament than with the Catholic ecclesiastical polity. The care of the Catholic Church, he was very apprehensive, would then devolve upon some second or third clerk in the Castle Yard in Dublin. He did not wish to see the Catholic clergy so managed. He knew from experience that they were the best magistrates—the best conservators of the peace—the best instruments for ensuring the due administration of justice. He was far from being desirous that their minds should be turned away from the discharge of their most valuable and important duties, by the introduction of intrigues and cabals among them. Then, with regard to the security of paying the Catholic clergy, it was one for which he saw no occasion. The Catholic clergy wanted no other remuneration than the voluntary allowance made to them, as a reward for the discharge of their religious labours. He did not, therefore, mean to propose in the committee that the Catholic clergy should be paid by the Government. What then, it might be asked, did he mean to propose? In the first place, he meant to propose that the nomination of the Catholic bishops should be purely national and domestic: and his next step would be to connect the Catholics with the Protestant state, by admitting them to every situation under a Protestant Sovereign, except such as were connected with the administration, government, or patronage, of the established Church. The Protestant Church being thus left to the sole management of the Protestant clergy, he did not see why Protestants should refuse to leave to the Catholics the exclusive administration of their own religious affairs. A great many objections had been raised in different publications against en-

tering into the consideration of the Catholic claims at this period, of which he had made some extracts. The first of these was of a very singular nature. The petitions ought not to be considered, it was argued, because they were the petitions of 4,000,000 of people. The Legislature, however, had been called upon to consider the present state of Ireland, and the condition of its population. The Protestants constituted one million of that population; the members of other reformed persuasions about half a million; and all the rest were Catholics. The Catholics then formed about 8-10ths of the population of Ireland; and, therefore, it was contended, their petitions ought not to be attended to. Now the great object of policy ought to be to render a country as productive as possible, and to secure the attachment of the subjects to the Government. He should rather have conceived, therefore, that the numbers and importance of the petitioners were reasons for, and not against, taking their petitions into consideration. Then their lordships were told, that the Catholic clergy managed the affairs of the college of Maynooth openly, and applied themselves to business of a political nature secretly. This was made a serious ground of charge against the Catholics—that their clergy were remarkable for their attention to the interests of a seminary, with which they were peculiarly connected. In any other case, it would be said, ‘the conduct of these individuals calls for the highest praise;’ but here a different course was pursued. It was also objected, that the clergy had an uncontrolled influence over the minds and opinions of the Catholic people. He most sincerely wished that this charge had been true. It was not true, however, and he was sorry for it. The clergy, as he had before observed, were the best magistrates, and the best supporters of the public peace. Whatever influence they had, was employed for that purpose; and no duties were performed in a better manner than theirs. Another ground of objection was, that the minds of the Catholic clergy were so estranged from the people and Government, that they must feel in the nature of things a hatred against a Protestant State. If they had been as bad as the laws had been calculated to make them, Ireland would at this time have been no part of the united kingdom; but, in point of fact, no accusation ever was more completely unfounded. It was a foul calumny against one of the most respectable bodies of men in the community, which the Irish Catholic clergy certainly were: and though the charge were as true as it was utterly unfounded, ought the great body of the Catholics to suffer for the faults of their clergy? There was another argument used against the consideration of the Catholic claims, to which one could hardly listen with patience; it was founded on the outrages of the Orangemen in the province of Ulster against the Catholics; and this argument, he understood, had been well received by those who were hostile to the interests of the Catholics elsewhere. The case was put in this way:—A Ca-

tholic attempted to seize the arms of an Orangeman; the Orangeman fired, and the Catholic was wounded. There were cross-indictments; and the Orangeman, as the charge against him was capital, was of course acquitted by the jury, his brother Orangemen. This argument then rested on a justification of treason and murder, and perjury in the jury. With reference to this, he could not help stating what had been said by the Irish Solicitor-General, who sometimes sat as a Judge, on occasion of an acquittal of the above-mentioned description. Addressing himself to the jury, he said, “I thank God, gentlemen, it is your verdict, and not mine.” The present state of Ireland was, in reality, one of the strongest arguments for entering upon the consideration of this subject, and setting the matter at rest. Another argument against the Catholics was a very curious one. The Pope had restored the order of the Jesuits, and therefore the Irish Catholics ought not to be reinstated in their rights. The Jesuits had certainly been at one time proscribed; and yet he could not help saying, that as far as learning was concerned, no set of individuals ever existed, to whom the world was more indebted. And though formerly they might have been inconvenient to the Continental Sovereigns, he was not aware that any great danger was to be apprehended from them now: at any rate, he could not see how the restoration of that society was of any consequence with reference to the Catholics of the united kingdom. Then it had been argued, that the claims of the Catholics ought not to be allowed, because the Pope had opposed the circulation of the Scriptures without a comment. No one could reverence more than he did, the objects of the societies for distributing the Scriptures; but it was well known, that there was a great difference of opinion, even in our own Church, whether the Bible ought or ought not to be circulated without an accompaniment. The argument would, therefore, cut too deep, and would reach some members of our own Church, and even some members of their lordships’ House; especially of that right reverend body which he saw in such force on the present occasion. He gave no opinion on the subject, one way or the other; but if authority were urged against him, he would meet it with authority. There were, he believed, two members of that reverend bench, one of whom (the Bishop of Llandaff) was then opposite to him—the other he did not see in his place—who were both strongly opposed to the system of disseminating the Bible, without a suitable comment. He wished to avoid any possible misrepresentation or mistake on this point, and to pay every possible respect to the right rev. prelate opposite. With this view, he had copied from the pamphlet published by him, on the subject of the Bible societies, his own words. It might be considered an odd way of defending the Catholics, but as they had been assailed with the Pope, he wished to protect them with the shield of the Established Church. The words made use of

by the right rev. prelate were these :—" But it is urged, if you still require that the Bible, however extensively you may be willing to distribute it, should be accompanied by the Liturgy, you must certainly suspect that there is danger to the Established Church from the distribution of the Bible alone. Here let me ask, whether the Bible itself is not capable of perversion?—whether the best of books may not be misapplied to the worst of purposes?—Have we not inspired authority for answering this question in the affirmative? St. Peter himself, speaking of the Epistles of St. Paul, said, ' In which are some things hard to be understood, which they that are unlearned and unstable, wrest as they do ' also the other Scriptures, unto their own destruction.' Would St. Peter, if he had lived in the present age, have thought this admonition less necessary than in the age of the Apostles?"—" But if we neglect to provide the poor of the establishment with the Book of Common Prayer as well as with the Bible, we certainly neglect the means of preventing their seduction from the Established Church. The Dissenters remain Dissenters, because they use not the Liturgy; and Churchmen will become Dissenters, if they likewise neglect to use it with the people. Have the persons to whom Bibles are gratuitously distributed either the leisure, or the inclination, or the ability, to weigh the arguments for religious opinions? Do they possess the knowledge and the judgment which are necessary to direct men in the choice of their religion? Must they not learn it, therefore, from the instructors? and can there be a better instructor, in the opinion of Churchmen, than the Book of Common Prayer?" After this declaration, he (Lord D.) thought his unfortunate Catholic countrymen would stand acquitted of being singular in wishing not to have the Bible disseminated without a commentary. The Pope declared, that the Bible should not go forth, unattended by the general practice of the Church, and the opinion of the Father of the Church. In the same way, some of the head members of our own Church, held, that the Bible ought not to go out unaccompanied with the Book of Common Prayer. He thought, therefore, that the Catholics were acquitted of this part of the indictment.—The last argument of all was, that if we admitted the Catholics to additional privileges, though we might administer the most solemn oaths to them, they would not scruple to break them. So that, if they took the only means in their power to annihilate our fears, they were not to be believed. A Catholic, therefore, who took an oath, purging him of every objection, in order that we might grant him farther privileges, was to be disbelieved, and the indictment, as it might be called, against him, was still to remain in force.—A most extraordinary attempt had been made in another place to give an erroneous application of the opinion of a person who had always been distinguished for his support of the Catholic

claims. An extract read from that eminent person's works had been received with applause, as if it had afforded an argument against that liberality of sentiment which he had on all occasions defended. What the meaning of this proceeding could be, except that of making it appear that Mr. Burke had spoken against the Catholics, he was at a loss to understand: but if the preceding passage had been read, it would have been found, that the opinion of that great statesman was completely hostile to the principles of those who opposed Catholic emancipation. It would have been found that, speaking with reference to that great body of his Majesty's subjects, he had observed, that our Constitution was not made for exclusion, and that either we should destroy them or they would destroy the Constitution. He (Lord D.) could not desire a stronger argument in favour of the Catholic claims. Every body (said the noble lord) who writes or speaks on this subject, professes that he is an enemy to exclusion; but most of them, notwithstanding, act up to the principle of exclusion, and make specious excuses for their conduct. Ife thought he had shewn their lordships that the arguments adduced to perpetuate them, with respect to the Catholics, were not founded in truth—and it was not, he hoped, necessary for him to say more, to induce them to go into a Committee.—He should, therefore, only move, " That this House do resolve itself into a Committee of the whole House, to consider the petitions of his Majesty's Roman Catholic subjects."

The Bishop of *Llandaff* (in a maiden speech) observed, that having been unaccustomed to trespass on the attention of so august an assembly, and being conscious of his inability to do justice to a subject of such magnitude, he felt considerable difficulty in rising to address their lordships. But, as the question had been so repeatedly discussed in that House, he would not detain them by following the noble mover through the great variety of matter which he had introduced. He should, therefore, merely state the reasons which induced him to dissent from a proposition which had been so respectably supported. Were this a question merely of religious liberty, he would join most sincerely with the noble earl; but the freedom of religious opinion remained untouched in whatever way the present question might be decided. The Catholic enjoyed as full liberty in the profession of his faith as the member of the Established Church. Their lordships, therefore, in considering the present question, had not to concern themselves with religious liberty merely, but also with political power. He surely should not incur the charge of intolerance or inhumanity for making this statement; for the question was so mixed, that its parts could not be considered without a reference to each other. If, for instance, it was a political question only, then why was the discussion of religious opinions constantly introduced into it? It was of little

consequence, with a view to religious liberty, to inquire whether the decisions of the Council of Trent agreed with the 39 Articles, or whether the doctrine of transubstantiation were true or false. Let the Pope answer for refusing to the laity the free use of the Bible. These were questions with which, in a political point of view, their lordships had nothing to do; and it might well be said, if the Catholics hold no other opinions, why should they be excluded from the highest offices in the State? If there be no delinquency, why is the sentence of inadmissibility pronounced against them? With all this he most cordially agreed. In short, he was perfectly willing to let the question of admissibility be decided by the civil question. He had listened with great attention to all that had been urged by the noble earl; and he was ready to admit, what was most favourable to the petitioners, that civil eligibility to office ought to depend upon civil capacity and worth. But before their lordships came to a decision on the claims of the petitioners, they must inquire whether there might not be some religious tenets, the holding of which might render a man better qualified to serve the State than one who did not hold them. Let it then be asked, what was the nature of the civil capacity required by our Constitution? The allegiance of a member of the Established Church was complete, both in a religious and a civil point of view. The civil allegiance of a Protestant dissenter, though not equally complete, was not subject to so disqualifying a deduction as that of a Roman Catholic. If Protestant dissenters refused to acknowledge the Sovereign as the head of their church; or if they had any other head, that head was not a foreigner, or a person who had no common interest with the Government of the country; but, notwithstanding this anomaly, it was said that the obedience given to the Pope was purely spiritual, and never interfered with temporal government. Here he must remark, that in religious opinions it was not always easy to distinguish what was temporal and what civil. Their lordships, therefore, could not decide this question without taking religion into account. They, in fact, knew, that on many points connected with this question the petitioners themselves entertained doubts as to whether they involved civil or religious obligations. Now to whom had the Catholics to apply to solve their doubts? To that very power which was essentially irreconcilable with the temporal power of their own Government; for if the decisions of that power should be inconsistent with their civil duties, was it not to be apprehended that the latter would yield to the former? The commands of conscience would always have a most powerful influence, and persons bound by the obligations of such opinions as those held by Roman Catholics must of necessity, by acknowledging a foreign head, be exposed to be acted upon by foreign intrigue. It would perhaps be

said, that these views were inconsistent with the enlightened policy of modern times; but what was commonly called enlightened policy was not always a wise and good policy. He might be referred to France, and be told, that there Protestants are admitted to a participation of equal political rights with the Roman Catholics; but he must observe, that the case was very different between the admission of Protestants to political power in a State where the Church of Rome formed the dominant religion, and the admission of Roman Catholics to the like privilege under a Protestant Government. The Protestant owed no allegiance but to the Government of his country; not so the Catholic. He avowedly owes allegiance to a foreign prince, whose views are hostile to the system of policy by which the domestic prince reigns. If the petitioners who now applied to be placed on an equal footing of eligibility with Protestants, could give an equal pledge of allegiance, let their claim be admitted; but if their religious opinions prevented them from giving the same perfect and complete allegiance, then they were not equal in point of civil capacity and worth, and consequently ought not to be regarded as equally admissible to offices of trust, or to seats in the councils of the nation. He did not mean to say that Roman Catholics were bad subjects; all that he meant to contend for was, that, politically speaking, they were not so good as Protestants. He was ready to acknowledge their honour and integrity as individuals; many of them were entitled to his highest respect; but the allegiance which they owed to a foreign prince counteracted that which was due to their own sovereign, and rendered them less fit to be admitted to offices of trust in a Protestant country than those who professed the established religion. After having stated these general principles, it was hardly necessary for him to enter into details. He would, however, say a few words on the subject of domestic nomination. In his opinion, it was not material whether the election of bishops was accomplished by a chapter or entirely by bishops. It was well known that a chapter may obey a precept without having any choice; still, however, foreign interference was to be apprehended. In Ireland, as he had been told, the custom was for the coadjutor to be recommended to the vacant see, and for the Pope to confirm. (Here the Earl of Donoughmore rose to explain, which produced a general call to *Order*.) It was true, the Romish bishop, when elected and confirmed by the Pope, still owed allegiance to the King; but if their lordships would judge of the value of that allegiance, they should read the oath which such bishop took to the Pope on his consecration, and consider how the one allegiance was affected by the other. He most solemnly conjured their lordships not to agree to the admission of foreign influence into the political concerns of this State. If that influence were once

admitted, it would produce a change in the principles of our Protestant Constitution, the consequences of which could not be foreseen.

The Bishop of *Norwich* then rose, and addressed the House as follows:—"My Lords, the appointment of the learned prelate to the last vacant See, gave great satisfaction to every friend of literature and of religion, and to no one more than to myself. I cannot, however, allow, either my personal regard for him, or the real respect which I have for his abilities, to hinder me from expressing, in this public manner, the deep regret which I feel at the misapplication of those abilities, in support of a proscription, the most unjust, the most unwise, the most cruel, and, in point of duration, the longest, which is to be met with in the history of the world—a proscription, my lords, which excludes between four and five millions of meritorious and loyal subjects from their civil privileges; though they have given to the Government under which they live, the most unequivocal proofs of their allegiance: proofs, admitted to be unequivocal by the very Government which continues their exclusion; and can therefore continue it, solely on account of their conscientious adherence to the innocent religious opinions of their forefathers. I say, my lords, innocent religious opinions (though, in our judgment, erroneous), which were impressed upon their minds, in early youth, both by precept and by example. In this intolerant country, (for so it has lately become) I shall probably be censured for using the phrase, innocent religious opinions; but I should hope still, that the religious opinions of a Fenelon and a Pascal; the religious opinions of some of the most polished nations on the Continent; and of several highly respectable noblemen and gentlemen of this country, with whom we are in the habit of mixing every day, in friendly intercourse: men, who possess natural understandings as clear, intellectual improvements as considerable, and moral characters as irreproachable as the best of us: I should hope, I say, that the religious opinions of such men, may be deemed innocent, without giving just cause of offence, to any well informed, any liberal, or any candid mind. Independently of this consideration, I have the sanction of the Legislature itself, for making use of the phrase, innocent religious opinions. In different acts of Parliament which have passed during the present reign in Ireland, the religious tenets of the Catholics are vindicated from the imputation of being either pernicious or unsocial; (these are, I believe, the words that are used) and it is added, that when they have taken a certain oath, and made a certain declaration, they shall be considered as good and loyal subjects, and fit to serve his Majesty. This oath, my lords, they have taken, and they have made this declaration; I therefore again say, that they are excluded from their civil privileges, solely on account of their innocent religious opinions. Upon what ground,

then, does my learned friend rest his defence of a system, which, in defiance of reason and of experience, and of the general practice of other countries, makes religious opinions, and not civil conduct, the qualification for civil offices? a system, which is reprobated abroad by every statesman, on account of its impolicy, as we were last year informed by a noble earl (*Aberdeen*) on this side of the House, who is a very competent judge; and is most unquestionably disapproved of at home, by every consistent friend to civil and religious liberty. My learned friend, if I understood him rightly, asserts, that an individual who objects to our ecclesiastical establishment, cannot be so good a subject, as he who approves both of that, and of our civil constitution also. To this argument, it appears to me a sufficient answer to say, Cross the Tweed, or take a voyage to Canada, the Roman Catholic inhabitants of which province, not many years since, gave more than common proofs of their loyalty. I beg your lordships' pardon for intruding upon your patience; but it is probably the last time I shall ever trouble you, upon this, or upon any other occasion; and perhaps, I ought not to do it now, for the question is not of a religious, but of a political nature: it is not, whether this or that system of religious doctrines be the most scriptural, or this or that form of Ecclesiastical Government be the most perfect; but whether the Union of Ireland with Great Britain shall be nominal or real: whether it shall be a substantial consolidation of resources, of talents, of interests, and of affection; or a mere empty delusive title: and whether the loyal, the generous, and the affectionate inhabitants of that unfortunate country, shall in future be the firmest bulwark of your Empire, or the burthen and the vexation of it. This, my lords, is a question, not for divines, not for lawyers, not for young and presumptuous politicians, but for sober experienced statesmen to decide; and to them I very willingly leave it, requesting only your lordships' permission to make a few brief remarks upon a subject, somewhat more within my own province; I mean the domestic nomination to the Catholic bishoprics of Ireland. Anxious to meet, not only the reasonable objections, but even the allowable prejudices of their fellow subjects and fellow christians of the Established Church; the Catholics of Ireland bring forward a proposal, which proves at least a strong desire on their part to adopt some conciliatory adjustment, which may be satisfactory to you, and not incompatible with the doctrines of their religion, or essentially injurious to its discipline. Such a desire demands most assuredly from us a corresponding spirit of moderation. The Catholics conclude, and I suppose justly, that the two great objects which the Legislature has in view, are, in the first place, to ascertain the character for loyalty, and a peaceable disposition of the individual who may be nominated to a bishopric, when any vacancy occurs; and in

the next place, to prevent, as far as possible, all foreign interference. The plan suggested by the petitioners seems calculated to answer these two purposes with sufficient effect. I do not, however, mean to weary your lordships' attention, by entering upon the discussion of so complicated, and in its different bearings, so extensive a subject, especially as it has always appeared to me, that there is no occasion whatever for departing from the present mode of electing Catholic Bishops in Ireland; and still less for accompanying an extension of civil privileges with additional ecclesiastical restrictions, of such a nature, as in the judgment of one of the parties concerned, will materially lessen, if not entirely destroy the value of any indulgence which may be granted. In common life, we should think a man managed very ill, who granted a favour with so bad a grace, as to confer no obligation upon the person who received it; and in matters of a public nature, the case is still stronger. We all know that Roman Catholics, in the various relations of life, have proved themselves as worthy members of society, and as good subjects, as Protestants. Certain offices have already been laid open to them; and thus the question of their admissibility has been irrevocably decided. With respect to the Catholic Bishops, it would be difficult to point out any body of men, who have displayed more loyalty, upon all occasions, or who have more earnestly endeavoured to impress upon the minds of the lower orders of society, the important duty of civil obedience. Read their "Pastoral Charges;" through every page of those excellent publications, the genuine spirit of christian charity is diffused; and the beneficial effects of their exertions have been acknowledged, in more instances than one, by the Government of Ireland. Nor are the Catholic priests of Ireland less remarkable for the exemplary discharge of their ministerial functions. I speak, my lords, of what I have repeatedly seen and known. Is infancy to be instructed—is youth to be admonished—is old age to be comforted—are the consolations of religion to be administered to a dying peasant, in his last moments—the priest, however inconvenient to him, is always at his post. He traverses a wide and dreary bog, in the midst of the darkest night, and of the most tempestuous weather—

"No dangers fright him, and no labours tire;"

and for all this laudable performance of professional duty, he receives nothing which deserves the name of a compensation in the present life. It is, my lords, with heartfelt satisfaction, that I go out of my way to bear my humble testimony in favour of men whose merits are very much underrated, and who are but too frequently neglected by those, who, from worldly motives, should pay them attention; were it only on account of the influence, which they deservedly have over the minds of their nume-

rous congregations; an influence, which, if properly directed, would prove incalculably useful to the Government of Ireland; an influence, to which we are, at this moment, in great measure indebted for the calm resignation with which thousands of miserable wretches bear up against an almost total want of food, of clothes, and of fire. Such being the character and conduct of these excellent Ministers of the Gospel, where, I again ask, is the expediency of making any alteration in their ecclesiastical discipline; admitting for a moment, the right of a civil government to interfere in the ecclesiastical discipline, or doctrine, of individuals, dissenting from the Established Church, but maintaining no doctrines, either subversive of morality, or injurious to the welfare of the State, a right, which I was taught in early life to call in question, by two of the greatest masters of reason whom this or any other country ever produced—I mean Locke and Hoadley? It is not, however, my intention to abuse your lordships' indulgence by engaging in abstract disquisitions. I shall therefore add only one observation, in answer to those who may say, and say most truly, that it is indispensably necessary that we should have ample security for our own civil and ecclesiastical establishment. Nothing, my lords, can be more incontrovertible than this position—nothing more just than the principle on which it rests; but surely it is a principle which ought to be applied with some reference to a reasonable apprehension of danger. It is not every idle fear—every mean and narrow suggestion of bigotry—every injurious suspicion—every ill-grounded jealousy, which can justify the exclusion of five millions of loyal civil subjects from their civil privileges. Shew me, said a very able, a very eloquent, and a very honest patriot, in another place—shew me a real danger, and you shall have any security you desire. This challenge, my lords, never has been accepted, and, though no prophet, I dare venture to foretell, never will. With a man who can seriously persuade himself that the admission of six respectable noblemen into this House, and of not twenty-six into the other House of Parliament, would undermine the fabric of our incomparable Constitution, it is impossible to reason; there must be something more than reason at the bottom of his objections. In truth, he who now talks of danger from Popery, would, (as Dr. Johnson observed) have cried out fire in the deluge. I shall detain your lordships no longer. You have it still in your power, by acceding to the prayer of the petitioners for civil privileges unaccompanied by Vetoism, to tranquillize one third part of your population; and to gratify exceedingly another third part, consisting of Protestant dissenters, and of many, very many, members of the Established Church; but may I be permitted to add, that no time is to be lost. The Catholics of Ireland, and of England also, have, for more than a century, displayed a mo-

dération, a forbearance, a meek endurance of ill, which would have done credit to any of the primitive martyrs; but it is not reasonable to expect, that they will always continue equally patient and submissive; nor, perhaps, is it even to be wished that they should do so: for there is a degree of insult and oppression, which not only justifies resistance, but which makes non-resistance a tame, passive, criminal servility, unworthy of freemen, and dangerous in a free state; for slaves have ever been, and must always be, dangerous subjects. Whether the wrongs of injured Ireland have reached this degree, I shall not presume to determine; but, sure I am, that there is very little of human policy, and still less of Christian charity, in suffering them to approach it so nearly."

The Bishop of *Ossory* rose next, and spoke to the following effect:—"My Lords, I feel myself imperiously called upon by my duty to my King, my duty to my country, and my duty to that most pure and reformed Church, of which I am one of the prelates, not to give a silent vote upon this momentous subject. Nothing could exceed my astonishment at hearing my right rev. friend (the Bishop of Norwich) find fault with the excellent speech of the learned prelate (Bishop of Llandaff) who preceded him. Little did I expect to have heard any of the right rev. prelates on this bench receive something like a reprimand for defending that ecclesiastical establishment, and that Protestant religion, which we all, at our consecrations, have sworn to defend. Far, very far, indeed, be it from me, to presume to compare myself with my right rev. friend in learning—but, my lords, in memory, I may, I trust, without presumption, in some points compare myself with him; and if my memory does not greatly deceive me, Mr. Locke has asserted the very reverse of what my right rev. friend has declared him to have done. My lords, I think, Mr. Locke, in his first letter on Toleration, has made use of almost these very words, "I will not grant even toleration to the Roman Catholics, because they will not grant toleration to any other sect." I am almost certain that this is the spirit of the great philosopher, if they be not his very words. If then, my lords, this great man would not grant toleration (which God forbid that I should refuse) to the Roman Catholics, how can we suppose, for a moment, that he would grant them the power of sitting within the walls of Parliament? No, Mr. Locke never entertained such an absurd idea. He well knew that England was, and must be governed by a Protestant King, and that she ought to be governed by a Protestant Ministry, and by a Protestant Parliament. My lords, the right rev. prelate, at the latter end of his speech, uttered a sentiment which I am certain was heard by every noble lord with pain. From my long knowledge of my learned friend, and from my acquaintance with the goodness of his heart, and the suavity of his manners, I could not have believed that such a monstrous doctrine could

have escaped his lips. It must, my lords, have been produced by the heat of debate—for that right reverend prelate knows too well that it is his duty, as well as that of all the prelates on this bench, to inculcate "submission to every ordinance of man, for the Lord's sake." I am confident that nothing but the heat of debate could have led him to declare, that there was a point at which non-resistance, on the part of the Roman Catholics of Ireland, would cease to be a virtue. I have no doubt but my learned friend will qualify this unconstitutional and irreligious doctrine. How widely different is it, my lords, from that sound and truly constitutional doctrine, held by a noble earl opposite, (Earl Grey) in his most luminous speech the other night. The noble earl declared, "that it was for your lordships, and the other House of Parliament, to legislate; and for the people to obey." The noble earl, who introduced the Catholic petitions into this House, has told your lordships, that very inflammatory and wicked publications have been sent to the houses, and thrust into the hands of almost every member of each House of Parliament. For my own part, I can assure the noble earl, that my opinion has not been biassed by any such publications; for I have never seen them, nor have I heard of them before. I am, therefore, inclined to think that the noble earl may rest satisfied that those little pamphlets have been very harmless. The noble earl has told your lordships, that although he was once an advocate for the veto, he was now convinced that it was a measure which would never be acceded to by the Roman Catholic hierarchy—and, even if it were, the noble earl has been pleased to say, that from the frequent absence of the first Secretary in England, the matter would possibly be left to a third or fourth clerk in the Castle of Dublin. Fears have been expressed by the noble earl, of some great parliamentary influence appointing the Roman Catholic bishops. I confess, my lords, I see no great probability of either of these events occurring. I have never seen any nobleman who has exercised the high station of Lord Lieutenant of Ireland, who would so scandalously neglect his duty as to leave a matter of such moment to a third or fourth clerk—and I am perfectly convinced, that neither of the noble lords immediately behind the noble earl would have so grossly misconducted themselves: and although I differ from those noble personages in politics, I entertain much too high an opinion of them to imagine them capable of being guilty of such a dereliction of duty. The noble earl has told your lordships that a plan has, at length, been devised which will remove all difficulties, and enable your lordships, in a committee, to frame such a bill as, whilst it shall give ample security to the Protestant, will open the door of the Constitution to the Catholic. If it be so—it is, indeed, a very important discovery, and well worthy of your lordships' most serious consideration. Let us, then, calmly and dispassion-

ately consider what this scheme is. The noble earl has been obliged, at last, to confess that this mighty talisman is nothing more nor less than domestic nomination. Why, my lords, the noble earl knows, that the Protestants have enjoyed this most invaluable blessing for many, many years. This boasted security has been granted by the Roman Catholics for ages—because for a very great length of time, indeed, have the Roman Catholic bishops been nominated in no other way. As I wish as much as I possibly can, to prove to your lordships the almost utter impossibility of coming to a right understanding with the Irish Roman Catholic ecclesiastical body, who differ as much from their own opinions declared and published by their authority, as they do from me, I shall be obliged to read many documents to you on this subject, as well as on their difference of opinion with M. Quarantotti and the learned bishops and doctors of Rome: and I can assure your lordships, that I will quote them fairly, and “set down nought in malice.” I will now, my lords, shew you that the veto was by no means considered by the Roman Catholic prelates of Ireland, assembled in Dublin on the 17th, 18th, and 19th days of January, 1799, as contrary to their religion, or as leading them into the heavy guilt of schism; nor had those titular bishops, at that period, any objection to receive through his Majesty’s Government, a provision for the Roman Catholic clergy of Ireland. At a meeting of those prelates, held to deliberate on a proposal from Government of an independent provision for the Roman Catholic clergy, under certain regulations, not incompatible with their doctrines, discipline, or just influence—it was admitted, “that a provision through Government for the Roman Catholic clergy of the kingdom, competent and secured, ought to be thankfully accepted.”—The noble earl has just now told us, that the Roman Catholic clergy ask for no remuneration, and wish for no stipend except what their flocks think proper voluntarily to give them. I must beg leave here, my lords, to observe, that I believe it will be found, that for every office performed by a parish priest, there is a regular fixed price, which the individual (however poor) must pay, if he or she will have the assistance of the parish priest. But we will return to the resolutions of the titular bishops. They continue to state, “That in the appointment of the prelates of the Roman Catholic religion to vacant sees in the kingdom, such interference of Government as may enable it to be satisfied of the loyalty of the person appointed, is just and ought to be agreed to.” Now, my lords, these very same Roman Catholic prelates have lately told the clergy and the people of Ireland, that they could not consent to the veto without being guilty of schism, and that any interference whatever on the part of the Protestant Government of the country, is contrary to the doctrines of their religion, so that your lordships may perceive they say one thing to day,

and unsay it to-morrow. I will leave your lordships to determine how you would act in private life with individuals who conducted themselves in this manner. I am inclined to think, your lordships would have no dealings with them. The resolutions of the above date conclude thus:—“Agreeably to the discipline of the Roman Catholic Church, these regulations can have no effect without the sanction of the Holy See, which sanction the Roman Catholics of this kingdom shall, as soon as may be, use their endeavours to procure.” The noble earl will be so good as to remember that even in this treaty (if it may be so called) the foreign influence has the sole power: the prelates are the members, the sovereign pontiff is the head, and recognized as such in the treaty with their sovereign lord the King, and his Parliament.—The document I have just referred to, my lords, was signed by two of the titular archbishops, and several of their suffragans. Of the other security which has been proposed, the veto, your lordships are aware, that the Catholic Irish prelates differed most decidedly in opinion with the bishops and learned divines assembled at Rome; the former declared, that the Relief Bill “was utterly incompatible with the discipline of the Roman Catholic Church, and with the free exercise of their religion;” they said, that without incurring the heavy guilt of schism, they could not accede to such regulations, nor could they dissemble their dismay and consternation at the consequences which such regulations, if enforced, must necessarily produce.”—Now, my lords, can you treat with such persons with any prospect of coming to a fair and equitable arrangement? By an extract from the rescript of his Eminence Quarantotti, we learn that, “in a full council of bishops and divines, after having read the letters from Dr. Poynter and from Dr. Troy, (the titular Archbishop of Dublin,) and the matter being duly considered in a meeting convened for the express purpose; it was decreed, that the Catholics should receive with gratitude the law which was proposed for their emancipation.”—Here is a difference indeed between these learned doctors! Those of Ireland knew very well, that the bill was neither incompatible with the discipline of their Church, nor would it have involved them in the heavy guilt of schism. But it seems they had an insurmountable objection to any measure tending to give the slightest security to the Protestant Church. To escape out of the dilemma in which they were involved with the council at Rome, they called a meeting of all the Romish parish priests and clergymen of the Archdiocese of Dublin, and I will read to your lordships their three first Resolutions, which are well deserving of notice:—“That we consider the rescript of M. Quarantotti as not obligatory; particularly as it wants those authoritative marks, whereby the mandates of the Holy See are known and recognized, especially the signature of the Pope.”—“That we consider the

granting to Government any power direct, or indirect, with regard to the appointment and nomination of the Catholic Bishops of Ireland, at all times inexpedient.”—“That circumstanced as we are in this country, we consider the granting such a power not only as inexpedient, but highly detrimental to the best and dearest interests of religion; and pregnant with incalculable mischief to the cause of catholicity in Ireland.”—Here appears the truth: and the real cause of their opposition to any interference on the part of the King’s Government, respecting the appointment of Catholic bishops, is now declared: “It would be pregnant with incalculable mischief to the cause of catholicity in Ireland;” in other words, it might impede their plans for the subversion of the Protestant establishment, and the erection of Popery in its place. I must beg leave to trouble your lordships with a statement which appeared in the Catholic official paper of that period, the Dublin Evening Post of Tuesday, May 10th, 1814, soon after the receipt of the rescript from Rome, exhorting them to receive the bill gratefully.—“On Saturday many pathetic admonitions against the Papal rescript were pronounced from the different altars of this city. This (continues the statement) is a glorious instance of the liberty of the Irish Church, and an answer to all those who were in the habit of accusing Catholics of a subserviency of spirit, and a blind obedience to the decrees of the Vatican. The clergymen exhorted their flocks to be patient—to remain tranquil under so severe a visitation: but to be prepared, if necessary, to sacrifice their lives, rather than surrender the freedom of their Church to Prelate or Pope. The exhortations were heard with deep emotions of indignation, and it was easy to see that the resistance will be universal.”—Here, my lords, is a true but very melancholy picture of the real state of Ireland. Your lordships may exercise your legislative right of enacting laws: you may pass a bill by which you may flatter yourselves the Roman Catholics of Ireland would be greatly benefited; it may receive the fiat of the Bishop of Rome and the conclave of Cardinals—and yet the Irish prelates and priests may be of a very different opinion, and may tell your lordships, and the other House of Parliament, that although you imagined you were conferring a favour, you were entailing upon them a curse. You may be told (as resolutions from the Roman Catholics of Kilkenny have declared) that any bill of which the veto forms a part, is “a penal law, and a persecution, which, if persisted in, would shake the British Empire to its foundation.” So say the Roman Catholic Clergy of the diocese of Ossory. I, the Protestant Bishop of that diocese, must take the liberty of declaring to your lordships (and I believe I might say that my clergy would unanimously agree with me in the opinion), that if you ever admit persons professing the Roman Catholic religion into the Houses of Parliament, you will endanger the

throne of your Sovereign and his illustrious family; you will endanger the Protestant establishment in England, as well as in Ireland; for nothing can be more erroneous than to suppose that the one may be overthrown, and the other continue in safety: or that there is not a most intimate connexion between the Altar and the Throne—they must stand or fall altogether. By acceding to the claims of the Roman Catholics, you will, in my humble opinion, endanger the existence of the British connexion in Ireland.—I shall doubtless be told by the noble lords on the other side, that the petitioners have offered to bind themselves by the most solemn oaths (in which the clergy and laity had concurred) to support our Protestant establishment. What, my lords, the Catholic clergy swearing to support the Protestant establishment! On this point I must confess my want of faith—“*Credat Judæus Apella; haud ego*,”—for my weak understanding is unable to comprehend how they can do this, and adhere to the tenets of their catechism of Trent, which contains this very remarkable passage—“The words of the pastors of the Church, are to be received as the word of God.” I must now read an extract from a pamphlet attributed to a right hon. and exalted character, (the Right Hon. Charles Abbot) who for a series of years has filled, with equal honour to himself, and advantage to the public, one of the most distinguished situations in the State, upon the subject of oaths. It bears date May 14, 1813. “As to oaths, I do not think they are to be undervalued; but they cannot be accepted without some discrimination. That they are not to be entirely relied upon, is apparent, by the very conduct of the friends of the bill, and by the necessity they have felt, of superadding regulations to enforce the same purposes. We must also bear in mind by whom these oaths are to be interpreted, and how they have been interpreted. Nor can we shut our eyes against the notorious fact, that the sovereign pontiff, not in ancient times, but so lately as the year 1809, by a solemn instruction to the prelates of his Church, has commanded them to distinguish between the passive oaths which may be taken, and the active oaths which may not be taken, by the Roman Catholics of any heretical state; and has declared, that all oaths taken to the prejudice of the Church, are null and void: nor are these doctrines to be found only in Italy: it is well known that in London also, and within the last eight and forty hours, distinctions of the same sort have been promulgated, in the name and by the authority of a leading prelate of the Roman Catholic Church, and circulated throughout this metropolis.” Most happy do I consider myself in having my opinion backed by such high authority.—To convince your lordships how extremely absurd it is to imagine, for a moment, that any oath which may be taken by any Roman Catholic prelate or priest will give security to the Protestant establishment; I will read you an extract from M. Qua-

rantotti's famous letter to Dr. Poynter, dated 16th February, 1814, by which the melancholy fact will evidently appear, that although they (priest or bishop) may take the oath, a foreign influence will put whatever construction on it may best suit the interest, not of the Protestant, but of the Romish Church. "In case the bill be already passed, containing the same words," (this, my lord, alludes to the oath which was inserted in the Relief Bill,) "or that nothing in it is allowed to be altered, let the clergy acquiesce, and it will be sufficient for them to declare, that this, and this only, is the sense in which they have sworn to it; so that nothing in the oath may be adverse to orthodox doctrine, and that this protest may be generally known, and be for an example to posterity, this construction of it shall be publicly recorded."—Here, my lords, is an *ex post facto* interpretation of an oath, commanded by a foreign authority. How then is it possible to rely on the faith of persons professing such principles? As I cannot find words sufficiently strong to express my abhorrence of such double-dealing, I shall be silent. Of the present head of the Catholic Church, I must now beg leave to say a few words. Your lordships must recollect that he was the Pontiff who travelled from Rome to Paris to assist at the coronation of (not to crown) Napoleon Buonaparte, for the newly declared Emperor would not permit even his holiness himself to place the imperial crown upon his head. He took it from the Pope, and placing it on his own head, exclaimed with a very loud voice, "*Dieu me la donne; garde qui la touche.*" The sovereign head of the Catholic Church, declared the new Emperor of the French the eldest son of the Church. This child of jacobinism, this religious Proteus, who even on the very ground on which his Saviour trod, denied his Divinity, was nevertheless styled by the Bishop of Rome, the eldest son of the Church. Better would it have been for the character of his holiness, had he laid down his life at the threshold of the Vatican. To Pius VII. are we indebted for the re-establishment of the Society of the Order of the Jesuits in Ireland, a favor no doubt conferred upon the subjects of King George the Third, for the many signal instances of protection shewn to his Holiness by his Majesty. It is well worthy of remark, that Ireland and Spain are the only two places where the Jesuits have been permitted to establish themselves. Another act of the present Pope was a Bull, dated the 29th of June, 1816, to the Primate Archbishop of Poland, in which he calls the dispersion of the Bible "a crafty device, by which the very foundations of religion are undermined," and informs the Archbishop, that he has convened the cardinals to consider what measures ought to be taken "in order to remedy and abolish the pestilence, as far as possible." In this production of Pope Pius VII., the members of the Bible Society will doubtless perceive much toleration. My lords, if your lordships

ever consent to admit those into Parliament whose spiritual organ thunders out such language as this, you will, with your eyes open, admit a set of individuals, whose primary obligation is "to support the Catholic faith, and destroy the Protestant religion;" that religion, my lords, which every King of England, at his coronation, must swear "to the utmost of his power to maintain." I must beg your lordships' attention to the force of these words: for in the other parts of the oath the word *utmost* is not mentioned. I will now read to you, my lords, extracts from the declarations and solemn pledges given by every King of the illustrious House of Hanover to Parliament, on their accession to the Throne, with the answers of the Commons thereto.—(Here the right rev. prelate read the extracts, and then proceeded as follows:—) Far, very far, be it from me, my lords, to presume to deny the omnipotence of Parliament. Parliament has, most undoubtedly, a right to alter and amend the Constitution of the State. It has frequently and wisely done so—but, my lords, if it ever change the Constitution so far as to admit those persons into Parliament, whose spiritual head, or heads, deem it no disgrace to put an *ex post facto* interpretation upon a most solemn oath, which was supposed to have been inserted into an act as a measure of security, it will, I most conscientiously believe, shake the British empire to its foundation; and, my lords, I am at a loss to imagine how any Minister, remembering the solemn pledge which our beloved Sovereign gave to his Parliament, could bring himself to advise the Prince Regent, "acting in the name and on the behalf of his Majesty," to give the royal assent to any such bill. When the noble earl who introduced the Roman Catholic petitions into this House, assured us how much it was the wish of that body to conciliate their Protestant brethren, I own, my lords, I was absurd enough to expect that an offer would have been made by the Pope, and by the Popish clergy and laity of Ireland, to grant to his Majesty the same privileges as the King of Prussia, or any other Protestant sovereign possesses, with regard to the appointment of Bishops, &c. But the noble lord was not authorized to make any concession. His clients ask for every thing, but will yield nothing. My lords, I perfectly agree with Dr. Dromgoole, when he says, "that if the Church of England wants securities, she must seek them elsewhere, for the Roman Catholics have none to give." It has been the fashion among the advocates for concession, which has been very improperly termed Catholic Emancipation, to state, that the Roman Catholics of Ireland were a degraded and enslaved people. Now, my lords, no statement was ever more unfounded in fact than this; and I defy any noble peer on the other side to point out any Catholic State in Europe, whose subjects enjoy more civil liberty, or possess more religi-

ous toleration : and some of your lordships will, probably, be surprised when I inform you, that the Roman Catholic Clergy of Ireland, with respect to marriages, exercise a power which the Protestant clergy are forbidden by law to exercise. A Protestant clergyman is subject to certain pains and penalties, if he marries any persons whose banns have not been three times published in the churches of their respective parishes, or without a licence is shewn him, which dispenses with the publication of the banns. A Roman Catholic clergyman marries his parishioners without any banns, and is liable to no penalties. Your lordships are well aware, that the great majority of forty-shilling freeholders in Ireland are Romanists : and, I trust, you will always bear in your remembrance, that the minds of the great mass of Irish Roman Catholic population are in a state of absolute subjugation to the priesthood. If then you leave the qualification of the voter at the absurd low rate of forty shillings, and open the doors of the Legislature to Catholics, you will find sixty of that body out of the one hundred Irish members seated within the walls of the other House. And let me seriously ask your lordships, whether you would wish to see sixty very respectable Catholic gentlemen assembled in a committee of the House to consider the merits of the bill proposed for the better regulation of the Protestant clergy ? The Catholic religion, my lords, is every where the same—active, busy, and meddling with the political affairs of every state. It does not, like the Protestant religion, “study to be quiet, and mind its own business ;” but it expects the people and the Government to yield implicitly to whatever its hierarchy may deem most expedient for its aggrandisement. If proof of this were wanting, a very signal instance might be found in a kind of pastoral letter (signed by the Archbishop of Mechlin, and, I believe, by all his suffragans, except two) which was thrust under the doors of the shopkeepers of Brussels, a few days prior to the inauguration of the King of the Netherlands, in which the Catholics were told, that they could not, as good Catholics, take an oath of fealty and allegiance to a Protestant prince : and what is still more extraordinary, this curious production could not be obtained two days after it had been so dispersed—although very great pains were taken to procure a copy, and much money offered for one. My lords, I will proceed no further, although much remains to be said. For the reasons I have assigned, I must oppose the motion of the noble earl ; and, I trust, your lordships will recollect, that if the majority of the Irish be Romanists, the majority of the people of England and Scotland are Protestants.

The Bishop of *Norwich* explained. He would yield to no man in his recollection of the part of Mr. Locke’s works to which he had referred ; and notwithstanding the contradiction he had received, he insisted that that great writer laid it down as a principle, that no man ought to

suffer for not being a member of the Established Church, unless it could be proved that he maintained opinions injurious to the State. He entered into the same writer’s reasoning upon the subject, to shew that he even carried it farther than was generally supposed.

The Earl of *Harrowby* said, he could not give a vote upon this great and often agitated question without some explanation. In the course of previous discussions it had often been his fate to hear speeches on both sides containing positions equally untenable, and the present debate had afforded a fresh instance of the kind. If any thing could have driven him to give a vote in a contrary direction to that which he intended, it would have been a part of the speech of the right reverend prelate who spoke last ; and if any thing could have added to the conviction to which he had come, it would have been the address delivered by the other right reverend prelate who spoke last but one. The former (the Bishop of *Norwich*), without due reflection, had uttered sentiments, which, if weighed with the utmost candour, must be held to be extremely dangerous ; as tending to set up a power superior to the law, and to inculcate notions that might lead to the extremes, not only of sedition, but also of rebellion. (*Hear, hear.*) On the other hand, the right reverend prelate had been equally imprudent in expressing his opinions, and had advanced doctrines to which he probably would not adhere on reconsideration. The right reverend prelate who spoke first (Bishop of *Llandaff*) had stated the question with great distinctness, and had wisely discarded a great deal, often formerly found in long speeches and large volumes, which proceeded upon the principle, that a difference of religious opinion alone was a just ground of exclusion from civil office. Civil qualifications and civil guards were therefore only contemplated by him ; but he, unavoidably it should seem, mixed them up with religious points, regarding the comparative degree of allegiance to be expected from a Protestant and a Catholic. It seemed, however, clear, that the allegiance of a man who was attached to both Church and State must be more perfect than that of a man who was of a contrary religion to that of the establishment. The chain that bound the subject to his country was composed of a variety of links ; and when one of those links was wanting, its strength could not be so great ; but the question for a politician, in a case like the present, was—whether in the absence of that link to make the chain complete, it was not sufficiently strong to bind firmly and effectually. (*Hear, hear.*) Even in Catholic countries, the civil and religious allegiance were not directed to the same individual ; and if the foregoing proposition were not true, it would be no difficult task to prove, by every rule of logic, that a Catholic could not be a good subject to any king of any country. It was politic as much as possible to avoid all differences and disputes between

the allegiance to the Sovereign, and the allegiance to the Pope. History shewed that the consequences of such discordances, in former times, were misery and disorganization. It was but fair at present to take into consideration the different circumstances in which the country was placed: no man would refuse to admit that a great distinction prevailed. In the reign of Elizabeth the fidelity of the Catholics had been put to a severe test: the Sovereign was excommunicated, and yet how small a portion of the difficulties of her reign originated in the active disloyalty of the Catholics of her kingdom? In the reign of Charles I., who adhered with more firmness, or made greater sacrifices, than the Roman Catholics? and even in severer trials, no class had exhibited more exemplary firmness and resolution in support of the State under which they lived. In Acts of Parliament they had over and over again been declared the loyal subjects of the Crown of England; and the only fair question now to be put was, whether, when they had greater inducements to fidelity, they would not if possible, more steadily adhere to the Government under which they enjoyed so many advantages? (*Hear, hear.*) The right reverend prelate (the Bishop of Ossory) had taken great pains to shew that the opinions of the clergy had perpetually varied: if the argument were good for any thing, it removed all objections on the score that their present tenets were adverse to any arrangement, because it shewed, that those tenets might easily be altered, and the disposition of those who held them rendered favourable to the measure. Such, however, was an unfair line of argument as applied to any set of men; and it might be employed, not only against Catholics, but Protestants, and every denomination of Christians. Some bloody acts that remained in our statute-book not long ago, would have entitled England to the appellation of the most sanguinary and pitiless nation known in the history of the world; and were the Scotch clergy of the present day to be reviled, because their ancestors of the same faith had solemnly declared at the Union, that episcopacy should never be introduced into their country? To conciliate, and not to irritate, should be our present object; and surely, to bring into employment, for the benefit of the State, the talents and the industry of so large a portion of the subjects of the Crown, was an object worth attaining. The question then resolved itself into this point—where did the danger exist? If a satisfactory answer were given to it that night, it would be for the first time. (*Hear.*) Foreign allegiance and its consequences had been spoken of by a right reverend prelate, who had asserted, and truly, that when foreign influence was abandoned, the Catholic became not a Roman but an Irish Catholic. Was it possible to afford to this objection of allegiance to the Pope a more complete answer? Could any thing better be desired, than that four millions of subjects should become Irish Catholics?

(*Hear, hear.*) It had been urged, as another objection, that if a few Catholics were admitted into the army, navy, or parliament, they would soon form a dangerous majority; but surely this danger was chimerical on all accounts, whether the numbers or the motives of the men were considered. Assuredly, if they could overthrow the State, the Church would be in great danger: but was it not demonstrable, that the Protestant members now returned by Catholics to Parliament were more to be dreaded than as many Catholics in their seats? A Protestant member, if he wished to retain his place, would be obliged to vote as his constituents should dictate—he had not the possibility of being impartial; while the Catholic would be left to the free exercise of his discretion. The impolicy of excluding Catholic from the naval and military services had been so often proved, that it was scarcely necessary to repeat it; but he would ask, was it prudent to make enemies of those who had fought and bled for their country? Was it just, while they exposed themselves in defence of the State, to deprive them of the honours due to their martial achievements? Or was it a wise system, as applied to the bar, from whence the greatest dangers to a Government might arise, to give those who were called to it an incentive to discontent? If the opponents of the Catholic claims would declare, that Catholics should never be allowed to open their mouths for the purpose of speaking, the argument would be intelligible; but they were permitted to gain influence, fame, and fortune, and then they were told “thus far shalt thou go and no farther:” they were not to be allowed to ascend the Bench, lest the due administration of justice should be impeded by their notions upon some abstract points, though subject to the censure of an enlightened Bar, and the tribunal of a public equally enlightened. Just so much privilege was allowed them as to make them dangerous; while they were excluded from every thing that could attach them to their country and to the State. (*Hear.*) The House ought not to forget that this question was progressive, and that it was impossible for things to remain in their present condition. Was it expedient, he would ask, that this discussion should be renewed year after year? and if it was not, were their lordships sure that the ground upon which they stood was so secure as to extinguish all apprehension of danger? To his judgment it certainly appeared, that an unaccountable and unreasonable division of sentiment between two parts of the same empire, situated on different sides of the Channel, never could conduce to the well-being or security of the State. He did not think it at all necessary, in his view of the subject, to enter into any discussion, either of the veto or of the plan of domestic nomination. It was for Parliament to determine that question; and if it should adopt the measure, to prescribe the necessary conditions. (*Hear, hear.*) It would then be for the Catholics to say whether they

would accept the arrangement so provided, or not; and if they should refuse, Parliament would have the satisfaction of having performed its duty. Few who then heard him, he was persuaded, were desirous that the law should continue as at present, unaltered in any of its parts. If the committee were appointed, an inquiry into the whole system might be accomplished; and if all the good that in his opinion was desirable could not be attained, some concessions might be agreed to, and some obnoxious grievances removed. If the Catholics should not then obtain the boon, which had been so long in their view, they would have the consolation of reflecting that their case had been considered, and must receive with gratitude the assurance that the Legislature had been actuated by a desire to yield to their claims, if it could have been done consistently with the safety of the Constitution. With these views he hoped their lordships would support the motion for a committee, and trust to the investigation which would then take place for the best decision of what might wisely be surrendered, and of what it was essential to withhold. (*Hear, hear.*)

The Earl of *Liverpool* said, he had heard with no less satisfaction than the House, the speech of his noble friend, marked as it was, not more by that acuteness of mind and force of thought which always distinguished him, than by the most candid and unexaggerated statement; but although he felt thankful to him for his clear exposition of the argument, he was sorry that he must differ from him in his conclusions. He wished, in the first place, to refer to what he considered the real merits, of the question. It was, undoubtedly, competent to his noble friend to say, in support of a motion for appointing a committee to examine this or any other subject, that it was not bound to come to any certain resolutions, or to recommend any specific measures: but he must contend, at the same time, that their lordships were entitled, before they assented to such a proposition, to look at the real intention with which it was brought forward. It was not pretended that the object was to redress any partial grievances, to make any partial concessions, or to remove any particular anomalies: it was not urged that some new modifications of the act of 1793 had become necessary in the present circumstances of the country; but the professed purpose was, to place the Irish Roman Catholics in every respect (some provisions with respect to the Church alone excepted) on a footing of equal privileges with Protestant subjects. This, he apprehended, was the real ground of the question. If the motion contemplated nothing but some farther indulgences, or as complete a toleration as was compatible with the existence of a Protestant Government, the argument for a committee would be unanswerable, nor should he be disposed to object to it; but the fact was, it was all or nothing that was required. A bill which went to the extent of granting every de-

mand, was brought into the House of Commons in the year 1813, and was read a first and second time. In the committee it was proposed by a very great authority (the Speaker), to omit that clause which enabled Roman Catholics to sit in Parliament. The clause was consequently negatived, and the authors of the bill considered that omission as a defeat of the whole measure. They exhibited no desire to obtain additional advantages for the Catholics in the army, in the navy, or at the bar; but because they could not carry all, refused all; and the bill was thrown out, not by those who were the most unfavourable to it, but by its friends and promoters. (*Hear, hear.*) Having said so much as to the light in which the immediate question ought to be viewed, he wished to make a few observations on the ecclesiastical branch of the subject. He must, however, express at the outset his desire to clear the discussion of this point from all extraneous considerations. If concession were to be resolved on, it was desirable, in his opinion, that it should be made without any interference with the doctrines or discipline of the Irish Catholic Church. The case of those foreign Catholic churches which existed under Protestant Governments was essentially different from that under consideration. For example, he might allude to the relation between Prussia and Silesia, or Russia and her Polish provinces: these were territories annexed to great states by treaty or conquest, in which the population, the property, the Church, all were Catholic; and in which the Roman Catholic was, therefore, the established religion. They could not deny the temporalities to the Government; and we were equally entitled to claim a jurisdiction over the civil establishment of Ireland; but the Catholic was not the established religion of Ireland, nor ought Parliament therefore to assume the authority of legislating on matters affecting the principles of its ecclesiastical system. Much as had been said with regard to the veto, and with regard to domestic nomination, he attached no importance to regulations of that nature. They might be judicious restraints, if the object of jealousy was the character of individuals; but he believed that no men could be more respectable than the Catholic prelates; and if there had been any exceptions to this remark, they had not proceeded from Irish nomination, but were to be traced to a very different cause. It was not about the form of the nomination that he entertained any scruples: the source of his objections and apprehensions was, that, however named, they were necessarily subject to foreign influence, the pastors of the Romish church, and bound to pay obedience to a foreign ecclesiastical jurisdiction. (*Hear, hear.*) He agreed entirely, that if concessions were to be granted, they ought not to be made in an ungracious manner, a manner which must excite painful feelings without affording any additional security. The only question with him was, were they prepared to make concessions? A right reverend

prelate (the Bishop of Llandaff) had observed, that in point of abstract principle no description of persons could complain of unequal privileges, who voluntarily placed themselves in a situation which forfeited the equality of them. He should ask, not only as it affected the Catholics, but every other body of dissenters from the Established Church, did they, when they required equal privileges, offer equal conditions? And if they did not, could it be contended that there was any injustice or inexpediency in distinguishing between them? (*Hear, hear.*) Without pretending to decide positively, he certainly entertained great doubts whether any Civil Government could long exist without the aid and union of some form of ecclesiastical establishment. However that might be, he trusted this country would never make the experiment. At the period of the Revolution the connexion between the State and the Church was solemnly recognized; it was a connexion which pervaded all our institutions, and characterized every part of our system. It was then settled, that the King himself must communicate with the Church of England. The same rule was applied, although since not unwisely relaxed, to the army and navy. The two Houses of Parliament were, on some occasions, parties to the performance of its rites and worship; and the judges of the land, if not by positive law, yet by immemorial custom, never opened their commissions without repairing to the Established Church. (*Hear, hear.*) Thus deeply was the union he had described impressed upon all the forms of the Constitution. Upon what principle, he desired to know, if these concessions were allowed to the Roman Catholics, could they be refused to every other class of Dissenters? He admitted that all exclusion must sometimes operate harshly on individuals; and could only be justified, therefore, on adequate grounds of political expediency. The sect of dissenters called Quakers was a very respectable body, who were excluded by an act of their own. Why was not concession to be extended to them, or why not to the Jews, who might also conscientiously maintain their own peculiar opinions on theological subjects? Might he not, however, here call upon their lordships to consider how far they were going? The result of equal and general concession must be, to leave no difference between any description of Dissenters and the Established Church, in any respect beyond endowment. Parliament must immediately cease to be a Protestant Parliament. (*Hear.*) He could not be supposed to mean that the majority of members would be no longer Protestant; but the Catholics, whatever their numbers, would constitute an integral part of the Legislature, which must thus cease to be exclusively Protestant. This would at once effect an entire change in the system of the Constitution, and must dissolve that intimate alliance between the Church and State which had been established at the Revolution. He wished their lordships to contemplate the con-

sequences of adopting such a principle. How would it apply to the law which excluded every other than a Protestant King? Would it be possible to maintain this part of the Constitution, whilst every obstruction was removed to all other offices, in favour of all other individuals? It would be hard indeed, that one family alone should be excepted from the right of adhering conscientiously to their religious opinions, unless by the sacrifice of the Crown. He was aware that it had been proposed (in the bill of 1819) to except likewise the Lord Chancellor and the Lord Lieutenant of Ireland. He should only say, that these were regulations quite unsatisfactory to his mind. This question, however, yet remained to be considered, with relation to the special and peculiar circumstances of Ireland. The proposed measure had been represented as one calculated to heal all past dissensions, to soothe and allay all animosities, and to create what had been termed a moral union throughout every portion of the empire. If he could really believe that these consequences would follow from its adoption, he should be extremely reluctant to withhold his support from it; but because he did not believe so, and thought it would produce an opposite effect, he felt his objections to it fortified and invincible. (*Hear.*) His noble friend had argued that things could not remain as they now are: he would rather ask, could they, if this measure should be carried, remain as they now are? (*Hear, hear.*) In that case grievances, or what would appear to be so, and be so called, would remain behind. It would then be considered as a grievous hardship, that where the majority of the population was Catholic, the establishment should be Protestant. It was useless to compare the circumstances of Ireland with those of countries in which the population and establishment went together. It would at last become a question, whether the faith which had been pledged to the maintenance of a Protestant establishment should be preserved or broken. Was it wise, then, with such a prospect before them, to weaken the foundations of the establishment by stripping it of part of that influence and power which might be essential to its defence? The practical effects of exclusion were only felt occasionally and by a few. Neither ought it to be forgotten, that the Roman Catholics themselves were the greatest exclusionists in the world. To prove this, it would not be necessary to appeal to the Councils of Trent and Lateran, but to modern recent decrees, in which it was expressly declared, that toleration was not consistent with the principles of their Church. Could it then be doubted, that if by any succession of events or combination of circumstances they should acquire the ascendancy, either civil or religious, they would exclude Protestants? This was the result of the best founded consideration he had been able to give the subject: he admitted that it was a case of difficulty; much of the policy that had been pursued in

that country he regretted; but they were under the necessity of providing for circumstances as they actually existed. They must take things as they found them. At such a period as the present he conceived our best security would be in supporting and keeping together the Church and the State as established at the Revolution. All the indulgence and all the liberality that was consistent with this fundamental principle, he should feel happy to support: but he could not help regarding the design of bringing all religions to a level, as tending to unhinge the minds of all classes of the people; and, by unsettling opinions, to render society liable to receive every accidental prejudice or impression: thus impairing the ancient foundations of a Constitution under which we had long enjoyed the utmost happiness and security. (*Hear, hear.*)

The Earl of *Darley* said, he was surprised that the noble lord should express a disposition to grant some farther indulgences to the Catholic body, and yet refuse to go into a committee, where that purpose might be immediately accomplished. He (Earl D.) was satisfied that a prejudice had been created against their cause, by the misconduct and intemperance of particular individuals; but although he regretted those circumstances, they convinced him more fully of the propriety of acceding to the claims of the petitioners. The very persons who had done so much injury to the progress of the measure, well knew that their consequence would cease when the question was carried. He was of opinion, that the admission of Roman Catholics to the full participation of the benefits of the State, so far from creating any danger, would increase our security. By granting them privileges, we should engage them to support the Constitution and laws under which those benefits would be enjoyed. He could not see any ground for the apprehensions of the noble earl opposite (Lord *Liverpool*.) Dangers had been stated, but they were merely ideal, and ought not to preclude concession. It had been said, that the full admission to privileges would not allay discontents and produce immediate and effectual conciliation. He was willing to allow that such an effect could not be produced at once. As he did not believe that the present exclusion was the cause of all the evils of Ireland, so he did not think that the removal of restrictions would operate to produce a complete cure. Many other remedies would be necessary, but this was indispensable as the commencement, and the qualifying principle of all the rest. We could not possibly remain where we were; we must grant more, or we had granted too much. Government should take up the measure as an essential part of its policy; and then there could be no doubt of the acquiescence of Parliament, from the numbers already zealously disposed in both Houses to exert themselves for its completion. It was a measure necessary for the well-being of Ireland, and the general security of the empire.

Lord *Grenville* began by saying, that, as the House must feel that his opinions had long been settled on the great question then before them—that, as on many preceding occasions he had endeavoured, with his utmost energy, to press upon their lordships to confer this important boon on England and on Ireland, it would not, he hoped, appear any diminution of zeal, if, at that late hour of the discussion, when the minds of their lordships were in possession of every argument, and the sense of the public was so fully enlightened on the subject, he should decline again to proceed into that wide and comprehensive view of it which on former occasions he had felt to be his duty. Nothing, indeed, that he could say could contain in it more than had already been brought forward and urged with such ability by a noble lord opposite (Lord *Harrowby*), who had cast his eye over the whole subject; who had taken a liberal and enlightened view of the interests of the empire; who had examined the question in all its bearings, with the tolerant spirit of a statesman. Most fully, likewise, did he (Lord G.) concur in the sentiment of a right reverend prelate (Bishop of *Norwich*)—a man who adorned the station in which he was placed—a man whose name was revered by the country—with whom he had lived long in habits of intimacy, and whom he was proud to call his friend: most fully did he agree with him, that the question of that night was not one of nice and metaphysical distinction; was not one of theological investigation, or religious discussion; but a question of justice and expediency; one of a purely and extensively political nature; one not for divine, or lawyers, or logical disputants, but for statesmen; one not for the school, but for the Legislature; a Legislature which had proceeded in its other enactments on enlightened principles; which had consulted the interests and endeavoured to promote the happiness of other parts of the empire, and other classes of the State: but which, in legislating for Ireland and Irish Catholics, had disgraced its statute-book, and distorted its policy, by some of the most oppressive, unjust, illiberal, cruel, and unwise enactments, that had ever stained the code of any country. He would not then enter into any theological dispute about the measure of spiritual obedience required of the Catholics, and other points of a similar nature. He would not go into considerations so narrow, so limited, so unstatesmanlike as those. He would not endeavour to draw their lordships' attention to points so little connected with the question. It would not be a proper subject of inquiry in that House what retired scholars in their closets might think or say about the limits of temporal or spiritual power exercised by the head of the Catholic Church; about the extent of obedience, or the degree of submission claimed or enjoyed by churchmen: their lordships were called upon to view the present question with a different spirit and for a different purpose; to look to it as

one of legislation, to consider what experience had shewn on the subject, and what wisdom would point out to be done. When he viewed it as a question of policy, and followed the light of history and experience, he could not entertain a doubt. But instead of attending to these considerations, it seemed to be thought sufficient, by those who opposed the measure, to advance some nice subjects of difficult explanation, to recur to irrelevant matters of fact, or to point out some remote cause of apprehension, or some minute appearance of distant danger. When they had done so, they thought they had laid sufficient grounds for stopping farther proceedings, and called upon the Legislature to pause in the progress of concession. In opposition to such a mode of thinking and acting, he conceived that we ought not to view a question on one side, and to anticipate danger only from one quarter: that the difficulties and dangers attending a measure ought to be balanced, and that we ought to desire, not that course which was entirely free from circumstances of remote apprehension or contingent evil (in most cases not to be attained), but that which was attended with the fewest of them. If we never adopted any measure which had apparent wisdom and justice on its side, and positive good for its object, till it could be demonstrated that in the remote possibilities of events, in the unseen concatenation of causes, no natural evil could result from it, except by a special appointment of Providence, or a change in the laws of nature, he knew of no acts which a Legislature could pass with safety. He knew of no line of policy which would not, in such an event, be liable to objections. But if noble lords were so alive to the dangers of concession, could they shut their eyes to those evils which had threatened the empire for the last 60 years, from the want of it? This was no subtle point, no nice, abstract, metaphysical question: it was a practical question, that came home to the feelings of every man; of which all the empire heard and saw much; and which every person, who felt for the happiness of his country, or wished for its stability, had examined. We were placed in a situation of great difficulty. It was proposed by the opponents of the Catholic emancipation to remain where we were, unless we could shew that it was not possible for danger to arise from an endeavour to ameliorate our condition. In this situation we were destined to stand, not because it could be shewn clearly that by such an endeavour our interests would be endangered; not because it could be pointed out by what power, by what means, from what quarter, or at what time, difficulties or evils were to result from it; but because the House were told by the noble earl opposite (Liverpool) that the connection between Church and State, between the civil power and religion, had been long established, and ought to be maintained. He (Lord G.) held that very opinion as firmly as the opponents of the present measure; and it was because he

held it firmly, and would zealously support it, that he asked their lordships to look at the question in all its bearings; to grapple with it; and not to be deterred from legislating upon it, because they might bring about evils no man knew of what nature; and might shake our establishments no man knew in what manner. If he were asked how the decision of this question could endanger the empire, or shake our establishments, he would answer, not by concession, but by withholding concession; by irritating the feelings, by insulting the pride, and calumniating the character of four or five millions of our fellow-subjects; and thus uniting them against our intolant principles and oppressive institutions. He would tell, on the other hand, the means of perpetuating our establishments, and confirming our religious institutions; and that would be by a measure which would demonstrate the liberality of our principles; which would admit to an equal participation of civil privileges those who differed from us on religious grounds. Nothing could strengthen our empire more than a cordial union and conciliation with Ireland: nothing could tend to our disadvantage more than the belief that we could stop where we were; and could, without concession, arrest the growing evils of that country. These evils were produced at first by intolerance, and had been perpetuated by an obstinate adherence to illiberal restrictions. A noble earl, on the other side, had spoken of the danger of relaxing farther these restrictions; but he had not specified how this danger would arise, and he (Lord G.) believed it never could arise at all. If danger were to arise from concession, it must now be as great as ever it could be by admission to farther privilege. All that was dangerous had been already granted. In the army, if there was any disposition to rebellion, or to the overthrow of our establishment, the Catholics had already acquired the means. They could accept of commissions below that of a general officer, and a colonel might have more influence over the minds of the soldiers of his regiment, than a general officer less connected with them. They might be governors of fortresses in the same manner, and might produce as great evils by betraying their trusts as if they were general officers. He would not go over the different heads of service, to point out the admissions and exclusions, so as to shew the impolicy of the latter in conjunction with the former, although he might instance the same thing in the navy. The Bar, likewise, was open to a display of their abilities, though the Bench did not offer them its honours; and he need hardly say, that in a country deprived of its Legislature, the influence of the Bar was proportionably increased. This was the case in Scotland, and would be the same in Ireland. To admit the Catholics into Parliament could be attended with no danger. It could not be supposed, considering the small numbers that would be admitted, that they could exclude, as seemed to be dreaded by the noble earl,

the majority of Protestants. If any alarm of this kind were really felt, it was superfluous to describe how needless and chimerical it was. A more distant and indistinct danger still had been apprehended by the noble earl. "If you remove this grievance (said he), would the Catholics be satisfied with their situation, and make no farther demands?" In return, he would ask the noble earl, if they were disposed to proceed these lengths after obtaining the intermediate privileges, would they be prevented by their refusal; would the discontent excited by ulterior wants be lessened by a feeling of present oppression; would their irritation be allayed by increasing its causes, or their power of doing mischief be diminished by multiplying its excitements? They would not become less attached to the State by sharing in its benefits, or less disposed to overturn its establishments by being excluded from them. In fact, if ever they were to be inclined to ask for greater privileges, or a distribution of church funds, they must be so at present; and had in addition the irritating consideration, that they were not only debarred from advantages which they might think they had a right to possess, but were excluded, wantonly, illiberally, and ungenerously excluded, from privileges they had a right to enjoy. Parliament should, therefore, remove this great cause of irritation; should shew them that Protestants could be liberal in concession, while they were firm in maintaining what they considered right; and demonstrate that a Protestant Church was perfectly consistent with the enjoyment of civil privileges by those who differed from it. Let the evil first be removed for which there was no necessity; and a firmer hold could be afterwards taken on ground which could not be disputed: this might be a sufficient answer; but he would go farther, and contend, that by concession we should not give the Catholics any advantage in their ulterior objects, but should deprive them of the wish to proceed, and interest them in the support of Protestant establishments. He knew no man who would be so presumptuous as to attempt to answer the noble lord's question, "would things rest there?" He could not tell what decision the wisdom of Parliament might come to, but this he would not hesitate to say, that no measure could produce such beneficial effects as concession; nothing could so promote peace and tranquillity; nothing could so guard against danger; nothing could more effectually counteract a long train of impolicy and misgovernment. This was what was represented as dangerous by the noble lord, and what he (Lord G.) thought the only means of safety. This was no new opinion of his. He had long entertained it; and every thing that he saw and heard only impressed it more deeply on his mind, and made him feel it with the greater force. It was a gross misrepresentation to attribute the illiberal spirit in which the present system originated to the Revolution. There never was a greater or more glorious prince than William III.—one more disposed to

support freedom—more wise in his plans, or more successful in his undertakings; but if there were any thing more remarkable than another in all his great qualities, it was the liberal spirit by which he was guided; and the toleration that appeared in his life, his principles, his government, and his conduct. (*Hear.*) His example had been admired, and his principles had been diffused over Europe; and he (Lord G.) reckoned it hard, indeed, that the most disgraceful restrictions were identified with the reign of the most liberal prince of his own age, or of any other (*Hear, hear, hear.*) He maintained, that the principles of the Revolution had reconciled liberty with a Protestant Government; intolerance had afterwards followed; and the present measure could alone bring religious toleration back to its union with civil freedom. The system of relaxation began about 40 years ago; much had been effected in 1793, but all could not be accomplished then: all that could be done, all that the state of the country would admit of, was done. He (Lord G.) should always look back with pride and satisfaction on the share that he had in those measures. It was remarkable, that all those concessions were passed in times of distress and difficulty; and though no man could say that in the American war, when engaged with our own colonies, or at the commencement of the war with France, we were not in a situation in which every thing should have been done to promote our internal union, and to increase our resources, yet we ought not to allow, that what we then granted was extorted from us. As sinister motives, however, might be found for every thing, our situation at that time was considered as the cause of our liberality; and the relaxation of our restrictive policy was considered as the result rather of our fears than of our justice. This objection, however, no longer existed. We had now arrived at a situation in which we could afford to be liberal and tolerant without being suspected of displaying those qualities from an apprehension of danger. In arriving at this situation of security, we had been eminently assisted by the people of Ireland (*Hear, hear*); they had contributed largely their resources, they had shed their blood; they had spared nothing; they had refused us nothing. If we now granted concession, it would appear not to proceed from a fear of danger, but from a stronger principle—the operation of affection; and he might even add, the influence of gratitude. (*Hear, hear.*) It was happy that we could confer a favour now without any mistake of our motives. He would press, therefore, the granting of this measure—in the first place, because it was our duty; in the second place, because it was our interest; and lastly, because the feeling of every heart told us, that now the time had arrived for removing all jealousies, for allaying all discontents, and for producing perfect conciliation. (*Hear, hear.*) Thus Ireland, already united to us by geographical position, and by a common Government, would be still closer at-

tached by the indissoluble bond of affection, and by the enjoyment of common laws and equal privileges. (*Hear, hear, hear.*)

Earl Bathurst asked for what purpose they were to go into a committee, without having settled certain principles on which they were to proceed? To go into a committee without some specific plan would only be to excite expectations which could not be fulfilled. The veto and domestic nomination had been mentioned as specific plans at different times: but the veto had been rejected by the clergy, and was afterwards withdrawn by their friends. It was understood to be an article of the Union, that there should be no bar to the discussion of the Catholic claims: well, we had discussed and inquired, and we found that it was not expedient to grant those claims; and surely it would not be said, that because the Act of Union did not bar discussion, it was to be considered as having taken away all bar to concession. Suppose there had been no Union, were their lordships prepared to say, that the Roman Catholic religion would have been established in Ireland? No, it would not: because it was contrary to the very principles of the Constitution, that a religious establishment should be set up in opposition to the Protestant establishment: this would be to take away the very key-stone of the arch of our system. The great argument on the other side was, that concession would dissolve that bond of union which at present existed between the Catholics of Ireland and foreign powers; but this argument was of no great weight, unless it were also shewn that the Catholics of Ireland would be completely satisfied with what was proposed to be granted to them. Would they not want more? As to the incapacities under which they at present laboured, he thought more than necessary stress had been laid upon them. Surely there was something visionary in the idea that a nation was injured, because some individuals were prevented by law from filling certain situations which it was impossible the great body of the people should ever attain; yet such was the reasoning of one class of the advocates of the Catholic claims. The peasant quietly tilling his potatoe ground, and who had no thought beyond it, was represented as a debased and injured man, because he could not become a colonel or general on the staff. To another class of advocates, who conceived that great additional concessions might still with safety be made to the Catholics, he was ready to give his acquiescence—that is, if a fair line could be drawn between what should be granted and what should not; and if he could believe that the grants so limited would be satisfactory, he would be one of the first to give his vote in support of them. But then let the advocates of such concessions produce their bill at once, and let the specific objects be fairly described: for why should the House go in the first instance into a

committee? His noble friend (Lord Harrowby) had asked whether we thought we could stand where we did? To this he (Lord Bathurst) would answer, yes; I think I can stand, because I have stood; and I do not choose to go from the spot where I do and can stand, till you can prove to me that the spot to which you recommend me to move is quite as good as that which you ask me to leave (*a laugh*): but he thought this argument proved too much; for if the concessions were so dovetailed that they must go together, and that we must either repeal the past or go on to more, then he would ask when and where we were to stop? If the Catholics of Ireland were put on the same footing as the Protestant Dissenters, would they go farther, and ask also for a Church establishment? These were the grounds on which he felt it necessary to resist the present application: for these reasons he would not by his vote give a notice to quit till he was sure of having another house over his head. He was not prepared for that fundamental change in the establishment of the country which the proposed measure would effect. He was disposed to look with gratitude to the period of the Reformation: he did not mean to that bloody and licentious reign which first started that blessing, but to the mild and solid virtues of the succeeding monarch, who placed the Church upon a rock, from which he hoped in God it would never be displaced. (*Hear, hear.*)

Earl Grey said, that exhausted as the subject was by the speeches of his noble friends, and the noble earl opposite (Lord Harrowby), he felt some apology was necessary for troubling the House, and yet he could not reconcile it to his sense of duty to give a silent vote. He must therefore beg the attention of their lordships, while he expressed, in a few words, his sincere concurrence in the promotion of a cause supported by every principle of policy and justice. He had felt much pain and surprise at the course of argument pursued by a noble lord (Liverpool) and a right reverend prelate (Bishop of Llandaff) who had preceded him in the debate. They had made an objection, truly of an extraordinary nature, to the demands of their Catholic fellow-countrymen. What! was it at this period of general information that the British House of Peers was to sanction the monstrous idea that the Protestant religion was not such a religion as might, with safety, grant to the Catholic body that participation of power, which a Catholic Government had thought it expedient to grant to a Protestant body under similar circumstances? He had heard that assertion thus broadly and unequivocally delivered with considerable regret, because he had always thought, and until that evening he had never heard any thing to shake his conviction, that if our religion differed in any thing from the Catholic religion, it was in the liberality of its doctrines and of its professors.—(*Hear, hear.*)—It had been stated, that when the great duke of

Guise fell by the hand of an assassin, in the time of the religious disputes in France, under the reign of the most cruel enemy of the reformed Church, he exclaimed to his murderer, "mark the difference between your religion and mine; yours inculcates assassination as a duty, mine commands me to forgive!" (*Hear, hear, hear.*) A sentiment in itself so noble, that it had been introduced into one of our best theatrical pieces, the play of Tamerlane, in these words:—

"Now learn the difference 'twixt thy faith and mine—
"Thine bids thee lift thy dagger to my throat;
"Mine can forgive the wrong, and bid thee live."

The distinction here drawn by the poet he had always thought peculiarly applicable to the Church of England; but the doctrine of the reverend prelate, and of the first Lord of the Treasury, seemed to intimate that he had been mistaken. The noble earl who spoke last had asked, "Why go into a committee? why not bring forward some specific measure?" To this he would answer, that it was the Parliamentary usage to go into a committee on all matters of high importance, where great grievances required great remedies. Surely there was no man who could think that the exclusions under which the Catholics laboured were not great grievances. A right reverend prelate indeed had said, that he, forsooth, should be perfectly satisfied if the Catholics were allowed to enjoy merely those privileges which had been already granted to them: but he (Lord Grey) could never be satisfied while any individual, in a free country, remained cut off from his right—the capacity of power; such an exclusion was utterly inconsistent with the real principle of toleration. He was of opinion, that if such exclusion were not justified by State necessity, it was unjust, and could not be supported on any other ground. A noble earl had said that our Government was essentially Protestant, and that concession could not be allowed without altering the very nature of the Constitution. He (Lord Grey) had not so read the Constitution. Sure he was, that the great man under whom the laws now so much relied on were introduced, was, as his noble friend had expressed it, disposed to the greatest toleration; and if he did not carry his principles into full effect and practice, it was not his fault, but that of the spirit of the times: it was the State necessity of opposing a family then struggling for the Crown. That danger had ceased; and the laws enacted under it ought to cease with it. No danger now remained that could be pointed out or defined. None at least had been stated: he begged pardon: a noble lord opposite had stated one danger: that was of a nature somewhat unsubstantial. He had said, that if Catholics were admitted into Parliament, it could no longer be called exclusively a Protestant Parliament. But what was it now: was it really now a Parliament of an exclusively Protestant bias? Were not the Protestant members returned by Ca-

tholic electors as likely to be supporters of the Catholic interests as Catholics themselves would be? This was the first time that he had ever heard it avowed that the name was more important than the substance. He had heard and known that the forms of a free Government sometimes survived when the substance was gone; but never yet, when the liberties of a country had sunk under a military despotism, had he heard that it was considered any consolation that the names of those liberties remained. The mere name was but an insult when the reality was no more. (*Hear, hear.*) Yet the noble earl argued in this manner: he thought, that though the Parliament might be substantially the same, yet great danger was to be apprehended if two or three Catholic peers should be restored to their hereditary seats in that House, which had been filled by their illustrious ancestors with such glory to themselves and to their country. (*Hear, hear.*) And what was the danger of admitting these eminent persons into the enjoyment of their ancient rights?—Why, that the name of an exclusively Protestant Parliament would be done away; and with the name, according to the noble earl, the securities of the Protestant establishment would likewise be extinguished. Surely never was an argument more futile, never was danger more imaginary than this. (*Hear.*) After we had gone so far in removing the disabilities of the Roman Catholics, he could not conceive either the policy or the wisdom of stopping where we were. By withholding the claims of so large a body of his Majesty's subjects, we must make their discontents more formidable to the State. What could be more absurd in principle, what more dangerous in practice, than the exclusion of that body from the army? Nothing, he maintained, could be more absurd than to withhold from the Roman Catholic the name and rank of a general, whilst, in many cases, from the necessity of the service, we gave him the command and authority of a general. This, he believed, had actually occurred in the field of Waterloo, and from the accidents of war it must perpetually happen. With respect to the Bar, the system of exclusion was equally impolitic and dangerous. The Roman Catholic lawyer, whatever his abilities might be, was not only precluded from sitting on the Bench, but could not be admitted to the situation of King's counsel. The effect of this was, that we gave him a retaining fee against the Crown, and threw into his hands the means of making the discontent of the people most formidable to the Government. Was there any policy or wisdom in this? On the contrary, we rendered the Catholic population of Ireland not only useless, but dangerous to the State. He felt that at that late hour he was trespassing too much on the patience of their lordships, but he was anxious to explain the reasons upon which he should give his vote. The noble earl (Bathurst) had said, that if these claims were conceded, the test laws must be repealed; but so far from thinking that any

danger would arise from adopting that measure, he (Earl Grey) thought it would be a material advantage to the country. He conceived it would be extremely beneficial to admit the English Catholics to a full participation of all civil, naval, and military privileges: and that it would be a measure of the greatest injustice to continue the operation of the test laws; they imposed a sort of stigma which the Dissenters did not deserve, and enforced a nominal and unnecessary disqualification. In the history of modern times we did not find that the spiritual fear of the Pope had prevented Roman Catholics from adhering to the Government in opposition to him; and, therefore, he was desirous, that their religious adherence to the Pope should not interfere with their civil interests. Unless he were greatly mistaken on this subject, he saw at once the danger and the remedy. The danger, he thought, was merely ideal; but the remedy consisted in uniting the Catholics to their own Government, when all danger, if any existed, would immediately vanish and disappear. It was a principle of the Church, to which the reverend prelates would not object, that we should do unto our neighbours as we would they should do unto us. In what situation did he find the Government of Holland? It was a Protestant Government; and the union of the Netherlands with that Protestant Government was adopted as a means of strength and alliance. The Treaty of Union said, that the two Governments should form but one State, of which the Protestant Government of Holland was the foundation. The second article declared, that equal protection and favour should be extended to every sect, and that all classes should be eligible to every office of the State. This treaty was framed upon the soundest principles of policy, and had been sanctioned and approved by the British Government. Here, then, we had a Roman Catholic State united to a Protestant Constitution, in which every individual was made admissible to every office whatever. We had done this for other countries; and having done so, he was wholly unable to comprehend, if it was safe for Holland, how any sound reason could be given, why a similar course of proceeding could be productive of the danger which some of their lordships seemed to apprehend. He was sensible that in what he now stated he added nothing to the strength of the arguments which had been so ably supported by his noble friend (Lord Grenville); but he had this satisfaction, that he had once more raised his voice against what he believed to be as impolitic as it was unjust; and which, instead of adding to the security, diminished the real tranquillity and welfare of the nation. (*Hear, hear.*)

The Lord Chancellor could not agree with the noble earl who had just sat down, that any argument could be drawn from the instance of Holland in favour of the emancipation of the Catholics of Ireland. In the treaty to which the noble earl had referred, that general extension

of privileges was given, because the Government of the Netherlands was a Roman Catholic establishment. The ground of his opposition was, the nature of our Constitution with respect to the King's supremacy. He would pass over the time of Henry VIII., when that supremacy was first established; he would pass over the statute of the 1st of Elizabeth, when the supremacy of the Church was again established; but let their lordships remember, that, if ever a legislative measure was adopted to secure to the utmost the Protestant establishment, it was at the Revolution. Much had been argued from the writings of Locke; but he would venture to say, that no man in the world had been more decidedly hostile to the claims of the Catholics. That eminent writer had positively declared, that, according to the Romish Creed, faith was not to be kept with heretics; that they pronounced all who were not of their own communion to be heretics; and that they claimed the power of excommunicating kings: he, therefore, thought that they ought not to be admitted into power, since they delivered themselves over to another prince. When he stated, that these were the opinions of Mr. Locke, at the Revolution, he hoped he might say, that there had been times when the principles of the Catholics were considered to be dangerous. He hoped he might be permitted to call to the attention of their lordships, that they were now debating what they should do between Catholics and Protestants, considering the obligation they had all come under to maintain the Constitution of England. It could not be forgotten, that an act was passed in the reign of Charles II., to enforce a declaration against transubstantiation. That act was made for the better prevention of Roman Catholics being admitted into Parliament: and no man living could read the Bill of Rights, without seeing, that the civil and religious liberties of this country were to support each other. The preamble of that bill expressly stated, that the late King James had endeavoured to subvert the Protestant religion (*hear, hear*); and therefore certain persons had sent for King William,—for what? Not merely to secure their civil liberties, but also their religion. (*Hear, hear.*) They tendered the Crown to him, as a Crown to be worn by a Protestant, and by a Protestant only: and it was positively declared, that in case the Crown should devolve on a person professing the Roman Catholic religion, he should be considered as *ipso facto* dead, and the Crown should devolve on the next Protestant heir. (*Hear, hear.*) It was utterly impossible that any man could read the Bill of Rights without understanding that Popery was inconsistent with the principles of our Constitution. The oath of supremacy was established at the same time; and it asserted, that no foreign power ought to have any jurisdiction, either civil or religious, within this realm. (*Hear.*) Again, if we looked at the oath of a privy councillor, it denied the

authority, both civil and ecclesiastical, of all foreign prelates whatsoever. (*Hear.*) With respect to himself, he had long entertained an opinion utterly inconsistent with the principles on which this question had been debated that night. He must say, that, according to his reason and apprehension, it went to the destruction of all the safeguards of the Constitution. His Majesty was to lose his throne, if he became a Roman Catholic; and he it remembered that the Bishops were specially summoned to consult as to the good of the Church. (*Hear, hear.*) If the King, then, could not be a Roman Catholic, how could the affairs of the State be administered by Popish officers? He would repeat, that our ancestors, at the time of the Revolution, had made it their business to secure this nation against the effects of Popery; and this was the Constitution which we were bound to transmit to posterity. (*Hear.*) The Roman Catholic religion was decidedly hostile to the principles of a free Government. The most eminent writers, Milton, Locke, Temple, Somers, and King William himself, had recorded this opinion; and James the Second was deprived of his Crown because he had attempted to introduce that religion into the State. What, then, should we now overturn all that our ancestors had done? What would the nation say to this? What would be the feelings of the Protestant part of our people? As he understood the Constitution, it was his bounden duty to dissent from this motion: it was hostile to the liberties of the country, both civil and religious; and went to the destruction of every security for which our ancestors had so gloriously struggled. (*Hear, hear.*)

The *Bishop of Norwich* and the *Lord Chancellor* mutually explained.

Their lordships then divided—

Non-Contents 62—Proxies 60 . 112

Contents 54—Proxies 36 . 90

Majority . . 52

Adjourned at two o'clock.

NOT CONTENTS—PRESENT.

DUKES—York, Cumberland, Beaufort, Rutland.

MARQUESSSES—Bath, Cornwallis, Exeter, Lethian.

EARLS—Bridgewater, Westmorland, Winchelsea, Cardigan, Shaftesbury, Poulet, Aylesford, Macclesfield, Bathurst, Harcourt, Aylesbury, Digby, Abercromby, Liverpool, Romney, Mansers, Lonsdale, Verulam, Edgcombe, Talbot, Brownlow, Beauchamp, Limerick, Glasgow, Caledon, Charleville, Roden, Mayo.

VISCOUNTS—Falmouth, Sydney, Hood, Hampden, Sidmouth, Lake, Exmouth, Melbourne.

LOKES—Boston, Dynevor, Morton, Selsea, Kenyon, Rolle, Bolton, Middleton, Eldon, St. Helens, Redesdale, Ellenborough, Arden, Gambier, Aboyne, Harris, Prudhoe.

ARCHBISHOPS—Canterbury, York, Trian.

BISHOPS—London, Lincoln, Salisbury, St. Asaph, Landaff, Exeter, Oxford, Ely, Chester, Carlisle, Hereford, Peterborough, St. David's, Clonfert, Ossory, Killala.

PROXIES.

DUKES—Clarence, Wellington, Buccleugh, Montrose, Leeds, Richmond, Athol, Newcastle.

MARQUESSSES—Hertford, Donegal, Cholmondeley, Huntly, Salisbury, Northampton.

EARLS—Scarborough, Orford, Courtown, Radnor, Coventry, Stamford, Buckinghamshire, Lindsey, Blessington, Chichester, Shannon, Erne, Balcarras, Malmesbury, Longford, Nelson, Kellie, Percy, O'Neil, Caithness, Portsmouth, Mansfield, Farnham.

LOKES—Napier, Vernon, Wodehouse, Sinclair, Le Despenser, Rous, Bagot, Ribblesdale, Carlton, Hill, Combermere, Curzon, Dudley and Ward, Sheffield, Forbes, Walsingham.

BISHOPS—Winchester, Worcester, Durham, Gloucester, Bath and Wells, Bristol, Chichester.

CONTENTS—PRESENT.

DUKES—Sussex, Somerset, Grafton, Bedford.

MARQUESSSES—Headford, Anglesea, Ormon, J. Coyngham.

EARLS—Essex, Dartmouth, Bristol, Harrington, Warwick, Fitzwilliam, Hardwicke, Darlington, De la war, Grosvenor, Fotesque, Rosslyn, Grey, Hairrowby, Mulgrave, St. Germans, Daruley, Aberdeen, Carysfort, Lauderdale, Cassilis, Chailemont, Donoughmore, Glengall.

VISCOUNTS—Lorington, Melville, St John, Clifden.

LOKES—Saye and Sele, Grantham, Montford, Holland, Duncie, Loley, Giantly, Bulkeley, Somers, Braybrooke, Grenville, Auckland, Cawdor, Ilford, Dundas, Crewe, Lynedoch.

BISHOP—Norwich.

PROXIES.

DUKES—Kent, Devonshire, Argyll, Leinster.

MARQUESSSES—Stafford, Buckingham, Downshire, Wellesly, Sligo, Londonderry.

EARLS—Derby, Cowper, Jersey, Waldegrave, Thetnet, Albemarle, Caernarvon, Bessborough, Ossory, Clancarty, Morley, Spencer, St. Vincent.

VISCOUNTS—Hereford, Keith, Anson, Granville.

LOKES—Byron, Yarborough, Ashburton, Clouston, Carlington, Ponsonby, Hutchinson, Stuart.

BISHOP—Rochester.

HOUSE OF COMMONS.

Friday, May 16.

[POOR RATES.] The bill which had been introduced (see page 782) to make Lead Mines chargeable to the Poor Rates was withdrawn, and another bill was ordered to be brought in by Lord Lascelles and others.—His lordship accordingly now presented a bill "to render rateable to the relief of the poor, proprietors of Lead Mines, or Mines of Lead and Silver, in respect of any income or beneficial interest, not liable to the risk of working such Mines," which was read a first time, and ordered to be read a second time on Friday next.

[SAVINGS BANKS.] On the motion of Mr. Rose, the Savings Banks' Bill was recommitted, when a long discussion took place on its various clause and provisions. Sir C. Monk and Mr. Dickinson opposed the clause which obliges the trustees of these institutions to vest all monies

received by them in the Public Funds or in Exchequer Bills; the former contending that such a measure would tend to degrade the country gentlemen, as leaving it to be inferred that it was unsafe to trust them with the amount of the contributions; and the latter, that the contributors would have no redress, in case the Public Funds should be unable to pay the full amount of the dividend.

Mr. *Huskisson* and Sir *J. Newport*, on the other hand, maintained, that the Public Funds were the least objectionable security that could be proposed; and that if they were unsafe, which no man could say, mortgages would be equally ineligible, in any event that might shake their credit. It was, moreover, advisable to take the charge out of the hands of the country gentlemen, who would be almost unavoidably exposed to the imputation of partiality in the execution of their trust.

Mr. *Sumner* was of opinion that the Funds were the best and most sufficient security.

Mr. *Preston* thought the clause would be mischievous, by rendering it difficult for the owners of small property to borrow small sums on good security. It threw that money into the Funds which might be lent on mortgage, to the relief of the agricultural interest.—The clause was finally agreed to.

The clause which allows persons who have money in Savings Banks to receive parish relief, unless an order to the contrary be made by two Justices, was next discussed.

Mr. *Rose* observed, that this clause had been considered more than any other in the bill. He had called a meeting of several gentlemen connected with Savings Banks, and though five or six of them objected to it, the great majority were in its favour. Indeed the objections to it were much obviated by a limitation which he had introduced, forbidding parish relief to be given to any person who had more than 30*l.* in one of those institutions.

Lord *Milton* observed, that the clause would be much less objectionable if it were enacted, that no person having any money in a Saving Bank should receive parish relief, without an order from two Justices, instead of authorizing them to receive it, unless two Justices made an order to the contrary.

Mr. *Brand* objected to the clause, as it would destroy all the independence of spirit which Savings Banks were calculated to promote. If the poor man was subject to lose his hard-earned savings by illness, he had rather induce him to apply to the rich for their charitable assistance, for thus a feeling of benevolence on the one hand, and of gratitude on the other, would be preserved. The proper place for this enactment, if it were necessary, would be the bill on the subject of the Poor Laws.

Mr. *Barclay* thought, that the introduction of Savings Banks would rather tend to benefit the parish funds than to diminish them.

Mr. *Huskisson* agreed, that if they had to le-

gislate on this subject, unimpeded by the habits which the Poor Laws had created in the country, it would be unwise to adopt the clause. But it was necessary under the present system of Poor Laws—so mischievous in its principle and administration—to hold out to the poor man some inducement to save, which he would not do, if, on the first fit of sickness, all his stock were to be swept away; he would be then left in a condition not better than the most improvident of his neighbours.

Mr. *Philips* objected to the clause. How, he observed, could the idea of disgrace be attached to the fact of receiving parish relief, when it was confessedly extended to persons not indigent? If the clause were once passed, it would be difficult to repeal it; while it would be very easy to add it at a future period, if it should be necessary to do so.

Mr. *Western* objected to a clause which seemed to be connected with that before the House, and which gave a bonus out of the parish rates to those who should contribute to Savings Banks for three years. This would create a suspicion that these institutions were intended to relieve the rich from the support of the poor, and not to rescue the poor from distress.

Mr. *Brougham* observed, that he wished well to the bill, but felt much difficulty with respect to the two clauses under consideration. The first, however, he would pass over; but his objection to the second was invincible. It was an application, or rather a misapplication of the Poor Rates, not to support the poor, but to give premiums for certain savings. The practical evil was, he admitted, small, but the principle was inadmissible. When a person had contributed for three years, he was to be entitled to a premium of 6*l.* or 7*l.* 6*d.*, according to the rate at which he had contributed. He could not approve of such a mode of coaxing and cajoling persons into industry and economy. Besides, it was in fact a premium upon previous conduct, rather than an incitement to future industry. As to the effects of the Poor Laws, he really believed that they degraded the character of the people; but a circumstance had been mentioned as an aggravation of those effects, which he thought should rather be stated as a set-off against them. It was said, that the poor were led to look upon parish relief as a matter of right; now if they did so, was it not obvious that they could not feel degraded by receiving what they considered as their right?

Mr. *Wilberforce* thought the effects of the Poor Laws upon the characters of the people most baneful. They precluded benevolence on the one hand, and prevented gratitude on the other. They likewise placed the dissolute and the unfortunate on an equality in point of destitution and relief. Some years ago, when this subject was discussed in the House, it was recommended that those who had some small property should not forfeit it by obtaining parish relief; which proposition was most favourably received,

The principle in this case was the same, and entitled to the same indulgence. He therefore approved of the clause which granted parish relief, but had considerable doubts as to the propriety of the clause for giving premiums.

Lord *Milton* was inclined on the whole to approve of the clause for relief, though he thought it a difficult point to decide. As property in many shapes might be concealed from the Overseers of the Poor, while money deposited in Savings Banks would be always known to them, it would not be fair to lay the contributors under a disadvantage. He must however object to the clause for giving premiums.

The first clause was then agreed to, and the second was negatived without a division.—The other clauses of the bill were then discussed, after which the House resumed, and the Report was ordered to be taken into further consideration on Monday.

MISCELLANEOUS ESTIMATES.] The following Miscellaneous Estimates, (the whole of them being for the present year) were presented (by command).—Civil Establishment of Sierra Leone, 15,814*l*.—Ditto, ditto, Nova Scotia, 13,440*l*.—Ditto, ditto, New South Wales, 12,815*l*.—Ditto, ditto, Upper Canada, 11,325*l*.—Ditto, ditto, New Brunswick, 6,247*l*.—Ditto, ditto, Newfoundland, 5,425*l*.—Ditto, ditto, Prince Edward's Island, 3,826*l*.—Ditto, ditto, Bahama Islands, 3,301*l*.—Ditto, ditto, Cape Breton, 2,550*l*.—Ditto, ditto, Dominica, 600*l*.—Printing Acts of Parliament for the use of Magistrates, &c. and Printing Expenses for the House of Lords, for 1817, 17,000*l*.—Printing 49th Volume of Lords Journals, 2,552*l*.—Printing 69th Volume of Commons Journals (Deficiency), 815*l*.—Printing 70th Volume of Commons Journals, 3,500*l*.—Printing 71st Volume of Commons Journals, 3,250*l*.—Printing 72d Volume of Commons Journals, 3,250*l*.—Re-printing Commons Journals and Reports, for 1817, 8,500*l*.—Re-printing Commons Journals and Reports, (Deficiency of Grant for 1816,) 6,472*l*.—Printing Bills, Reports, &c. for the House of Commons during the present Session, 21,000*l*.—Printing Bills, Reports, &c., for the House of Commons (Deficiency of the Grant for the last Session) 8,197*l*.—Printing Votes for the House of Commons for the present Session, 2,500*l*.—Secret Service Money, 50,000*l*.—Superintendence of Aliens, 4,825*l*.—French and Dutch Emigrants, 4,440*l*.—American Loyalists, 19,500*l*.—Criminal Lunatics, 3,000*l*.—Law Charges, 20,000*l*.—Mint Prosecutions, 4,000*l*.—Annunities in lieu of Exchequer Bills (1797 and 1802), 600*l*.—Superannuation Allowance to Paymasters of Exchequer Bills, 466*l*.—Superannuation Allowance to Clerks of Audit Office, 1,950*l*.—Superannuation Allowance to Clerks of Lottery Office, 331*l*.—Superannuation Allowance to Officers of the Mint, 620*l*.—Caledonian Canal, 25,000*l*.—Highland Roads and Bridges, 20,000*l*.—Repair of

Henry VIIIth's Chapel, 2,695*l*.—National Vaccine Establishment, 3,000*l*.

CLERGY RESIDENCE BILL.] On the motion of Mr. *M. Sutton*, that the House should resolve itself into a Committee on this bill,

Mr. *Babington* rose, and expressed his apprehensions, that the present, like every former measure of a similar character, would fail in its object. It appeared by the returns which had been made to the House, that in between 10 and 11,000 parishes in England, the number of clergymen resident were, in 1806—5,545; 1807—5,512; 1808—6,758; 1809—no return; 1810—5,240; 1811 and 12—no return; 1813—6,375; 1814—6,804. This statement was rather against his own argument, but still the proportion of resident clergymen in so many parishes was very small. (*Hear, hear.*) The number of resident curates for the last three years in which returns had been made, were 1,587, 1,884, 1,948. He thought these statements proved that the parishes were not sufficiently supplied. The right reverend Bishops might be very good men: but having themselves experienced the indulgence of their superiors, they would be apt to extend the same favour to others. This, he conceived, must be regarded as a very serious evil by every one anxious for the interests of religion, and the maintenance of the Established Church.

Sir *W. Scott* said, there were several parts of the bill which he introduced in 1803, of which he had himself disapproved, but in suffering it to pass, he had yielded to the judgment of Parliament. In the effervescence of contention and zeal, occasioned by various discordant opinions at the Reformation, the clergy naturally became objects of suspicion and restraint, and informers were encouraged and constituted their superintendents. This system continued for 300 years. Now he did not know what episcopacy meant, if it did not place the administration of the Church in the hands of Bishops; yet during that period informers possessed the power which those dignitaries ought to have had. Informers were a most odious kind of prosecutors; the one part acting from spite, the other from avarice. At length informers having been discouraged by courts of law, the clergy became careless, and there appeared wholesale informers; the whole public cried out against the non-residence of the clergy. He then, *multa gemens*, brought in his bill, in which two principles were admitted. 1st, Informers were authorized under certain regulations. He detested public delation, but he was obliged to submit to the judgment of others. 2dly, The Bishops were restored to their proper authority in exercising discipline in the Church. He knew there were certain persons who had no love for Bishops, and who wished to destroy their authority; he had himself borne the first fire of the attack from the liberal, (for they were one class) on the one side, and from the austere and the rigid on the other. He considered it as one objection to that act, that it im-

posed too much inconvenience upon the clergy. There were some clergymen, such as the Rector of Bow Church, a most respectable man, and professor of divinity in Oxford, who had not any house of residence in the parish. But residence had been much increased of late in Berkshire; where he had resided, there was no clergyman non-resident; the same could be said of other parts of the country. As to pluralities, when it was considered that several livings did not exceed 50*l.* a year, any indiscriminate objection to the system could not be consistently maintained. Mildness was one of the principles on which he should advise the House to act on such a question. All that could be done practically, not theoretically, to render the bill effectual, should be resorted to.

Lord *Ebrington* objected, that the Bishops themselves were often non-resident, and consequently could not be acquainted with the characters and circumstances of their clergy; in one diocese in Wales the Bishop never resided; it might be invidious, but he felt it his duty to mention this. (*Hear, hear.*) He objected likewise to the discretionary power given to Bishops in the appointment of curates. The prohibition of farming was illiberal and unjust. Farming was often necessary, generally amusing, and even an inducement to residence.

Mr. *Dickinson* thought, that as all professions were obliged to attend to their duties, the residence of the clergy ought to be enforced; but it was some difficulty in this view, that many of them had no more than 80*l.* a year, and some not more than 35*l.*

A Member stated, that the cause of the Bishop's non-residence (alluded to by Lord *Ebrington*) was the want of a palace.

The House then resolved itself into a Committee.

Mr. *M. Sutton* defended the clause which restricted spiritual persons from taking to farm, for occupation, above a certain number of acres, without the consent of the Bishop of the diocese, under the penalty of 40*s.* per acre: every such permission to specify the number of years (not exceeding seven) for which it might be given.

Mr. *C. W. Wynn* thought, that the clergy ought to be secluded from secular affairs. It was not enough that they read the lessons and the prayers: they ought to attend to the habits and feelings of the people: they should establish their own authority by disinterestedness, moderation, and theological industry; above all, they were bound to avoid any interference with their parishioners in the petty traffic and selfish transactions of secular concerns.

Mr. *Courtenay*, Lord *Milton*, and Mr. *W. Smith* severally supported the clause. The last hon. member observed, that the practice of taking tithes in kind was a growing evil, and he hoped that the present enactment would check it.

A division took place upon the question, whe-

ther this clause should stand part of the bill, and the numbers were—

Ayes, 88 | Noes, 35 | Majority, 53.

The clause having been thus carried, Mr. *M. Sutton* moved, that the number of acres of which the farm should consist should be 50. An amendment was moved, that it should be extended to 100; but no division took place, and it was agreed that the blank should be filled up with the word "eighty."

The House then resumed, and the chairman of the Committee asked leave to report progress; and to sit again.

FINANCE COMMITTEE.] Mr. *Davies Gilbert* brought up the third report of the Finance Committee, respecting the Oidnance. It was laid upon the table, and ordered to be printed.

HOUSE OF LORDS.

Monday, May 19.

CONVEYANCERS.] Two petitions were presented from certain attorneys and solicitors, stating, that, as the law now stood, persons of no professional education were permitted to practise as conveyancers, and praying an alteration of the law in that particular.—Laid on the table.

HOUSE OF COMMONS.

Monday, May 19.

PARLIAMENTARY REFORM.] Petitions were presented from the inhabitants of Sutton in Ashfield, and Keyworth, praying for Annual Parliaments and Universal Suffrage.—Ordered to lie on the table.

Mr. *Lambton* presented a petition from Great Yarmouth, praying for Parliamentary Reform, Economy in the Public Expenditure, and the Reduction of the Military Establishment. The hon. member stated, that the meeting at which this petition was framed, had assembled without any contravention of "the Gagging Bill," and that, within 30 hours after it was voted, it was signed by no less than 2000 persons.—Ordered to lie on the table.

DEBTOR AND CREDITOR LAW.] Sir *S. Romilly* presented the following petition from persons in and near the metropolis, complaining of the evils in the way of recovering small debts. He was not prepared to propose a remedy, but one was loudly called for:—

"That your petitioners, with no less concern than regret, have witnessed for many years past, but more particularly of late, the cruelty and oppression of suits for the recovery of small sums of money in his Majesty's courts at Westminster, the Marshalsea, and other subordinate courts, as well on bailable as on servicable process.—That the enormous expenses a person is put to when arrested upon a demand of 10*l.* or 15*l.* and the persecution, extortion, and inconvenience he suffers to obtain his liberty for even a short period, arising from the almost insurmountable

difficulty of procuring bail, is far beyond the conception of your honourable House.—That in term-time it frequently happens a debt of this description, including the bailiffs' charges, the spunging-house, and other attendant expenses, is doubled, if not trebled, in a few days.—That in like manner the costs of an action for the recovery of 40s. are speedily run up to more than four times the original sum.—That it must be obvious to your honourable House, if a defendant be unable to discharge a demand of this amount, he is rendered still less competent so to do, with so rapid and grievous an accumulation of expenses.—That your honourable House having extended the powers of the Court of Conscience for the cities of London and Bristol, your petitioners trust, in reference thereto, as also to the great and progressive depreciation in the value of currency, that your honourable House will deem it but just and reasonable to extend at least to an equal amount the provisions of this summary and more effectual mode of recovering small sums to all parts of the kingdom.—That many a debtor would willingly struggle hard to pay his just debts, but his affairs frequently become so overwhelmed with the law expenses, that he is under the necessity of surrendering himself to a prison, thereby fixing the plaintiff not only with the loss of his debt, but the costs of the action.—That in the present state of public affairs and national distress, it is earnestly hoped, as well from equity as policy, that your honourable House will listen to your petitioners, and apply forthwith a remedy to their complaints; for your petitioners are thoroughly satisfied, that there are thousands and tens of thousands of his Majesty's once loyal and dutiful subjects, who, after being totally ruined by law charges of the most vexatious nature, and exposed to indeterminate imprisonment, have become so soured and dissatisfied with the whole government of their country, as to dwindle but at best into a state of sullenness and disgust.—The petitioners, therefore, prayed the House to grant such relief as in their wisdom and humanity should seem meet.

Ordered to lie on the table.

SUSPENSION OF THE HABEAS CORPUS.] Sir *M. W. Ridley* rose to ask the noble lord opposite (Lord Castlereagh) when he proposed to name the Secret Committee on the State of the Nation?

Lord Castlereagh replied, that the committee was to be appointed immediately after the holidays.

Mr. Tierney said, he supposed the committee was to be appointed that day fortnight, not for the purposes of inquiry, but in order to frighten the House. (*Hear, hear.*)

Lord Castlereagh admitted that it was, in the judgment of his Majesty's Ministers, necessary to continue the suspension of the Habeas Corpus Act beyond the period at present limited; they were convinced that the state of the country was such as to render it unsafe to dispense with

that mode of ensuring the public security; and at the same time, if the House did not find good grounds for such a measure they would not give effect to the intention of Ministers.

Mr. Tierney supposed that either something very terrible had been discovered by Ministers, or something very terrible was to be discovered by them before the 2d of June, since their resolution upon the subject seemed so decided. (*Hear, hear.*)

LOTTERIES.] The order of the day for the third reading of the Lottery Bill having been read,

Mr. Lyttelton rose and said, that none of the objections to this bill had been removed; it was quite unchanged even in its most offensive parts. It was so bad in its principle, and so objectionable in all its branches, that the House must feel ashamed of it, and consider themselves bound in honour to reject it. He therefore moved that it be read a third time this day six months.

Mr. Wilberforce could not allow that opportunity to pass without bearing his testimony against the bill. The bad principle and the injurious effects of lotteries had been always perceived and denounced by the wise and good. The aversion to their continuance had of late made considerable progress. The higher classes reprobated them, and the lower classes were beginning to see their ruinous tendency. They were not productive of much benefit to the State, and were most injurious to the morals and industry of the people. He, therefore, hoped that the hon. gentleman below (Mr. Lyttelton), who had signalized himself by his opposition to those measures, would soon be finally successful.

Mr. J. W. Ward agreed with the hon. gentleman, that lotteries were most injurious to morals, and at the same time were not good financial measures; yet he thought the bill should pass at this time, inasmuch as none of the hon. gentlemen on the other side had pointed out any other mode of raising the money. (*A laugh.*) Gentlemen might laugh, but he considered a deficiency in the revenue a great evil, and the deficiency created by rejecting this bill would be 500,000*l.*

Lord A. Hamilton said, he had been fully convinced of the insufficiency and injurious effects of such bills by the arguments of the hon. gentleman (Mr. Ward) on a former occasion. (See page 640.) The House were to proceed that night to consider of a compensation to the Crown for sinecure offices. Why should not that compensation embrace the lottery bill? Surely it was more important to protect the morals of the people than to give a compensation to the Crown for sinecure places. The arguments of those who supported the bill were of no force, either in truth, expediency, or necessity.

Mr. Grenfell said, that the lottery did not produce one half of the sum alleged by the hon. gentleman on the other side.

Mr. Tierney observed, that there could be no difficulty in supplying any deficiency oc-

casioned by the rejection of this bill. The right hon. gentleman opposite had contrived to make the income and expenditure meet by Exchequer bills. (*A laugh.*) Navy bills and debentures were issued at two months and two months without any interest, and Exchequer bills from 2d. to 2½d. The Chancellor of the Exchequer could easily, therefore, supply the deficiency of the lottery.

Mr. Ward explained, that it was the desponding view of the finances held out by the right hon. gentleman himself, that had induced him to consider the deficiency a great evil.

The House then divided—

For the third reading 73

Against it 48

Majority —25

Mr. Grenfell then moved, that the clause for granting a remuneration to the Bank for receiving money arising from the sale of lottery-tickets, be expunged: 1,000*l.* was allowed for every 20,000 tickets, and as there were 60,000, 3,000*l.* was to be given to the Directors in addition to the profits they derived from monies passing through and remaining in their hands. This might appear to the right hon. gentleman a very trifling sum; but in the present state of the finances, a saving of even 3,000*l.* was not to be overlooked; besides, it was of much consequence that this sum should be withdrawn, as forming a link of the chain of ministerial extravagance and Bank rapacity. Upon this subject there was but one opinion beyond the walls of that House, where unfortunately the eloquence of economy was wholly inoperative. It saw also of importance, as indicating the spirit and feelings with which the Bank had acted for the last twenty years.

The Chancellor of the Exchequer said, that if the hon. gentleman would point out any plan more economical than the present for managing the business of the lottery, it might be taken into consideration before another bill was proposed. He did not believe, however, that any better management could be adopted, and that the experiment might be injurious: he should, therefore, oppose the amendment.

The question was then put, and the amendment being negatived without a division, the bill was read a third time.

Upon the question being put on the preamble,

Mr. Lyttelton rose to propose a new one. In the time of King William, an act was passed to prohibit the mischievous gaming, commonly called lotteries, as injurious to the morals and welfare of the people. He would propose that the preamble of the present bill should be taken from the words of that act, and that it should be entitled, "An act to enable the lords commissioners of his Majesty's treasury to raise certain sums of money for the service of his Majesty by the mischievous practice of gaming, commonly called lotteries: against the common good, the trade, the wealth, and morals, of his Majesty's subjects."

Sir J. Newport observed, that at the Revolution, the Crown stood as much in need of money as at the present time; but the Ministry of that day never proposed to compromise public morals for national revenue. It was then believed that the common good ought not to be sacrificed for a measure of finance, and that revenue was nothing when compared with morals. The Chancellor of the Exchequer had reversed this maxim, and seemed to think that morals were, nothing when compared with revenue.

The Chancellor of the Exchequer reminded the House, that the act of King William was made to prohibit not public but private lotteries; not a State lottery, but private gaming of that kind.

Mr. B. Moreland denied that the act of William referred only to private lotteries. The prohibition was general, and extended to all lotteries, which it described as common and public nuisances. The State lotteries of the present day, were affected by this act, which remained unrepealed; and were it not for the annual licenses which the lottery act gave to this species of gaming, he was convinced that persons engaged in them might be indicted under its provisions. It even went farther than the right hon. gentleman (Mr. Lyttelton) had gone, for it not only prohibited all lotteries whatever, but declared that those engaged in them should be branded as common rogues. (*A general laugh.*)

Mr. Brougham thought that the Chancellor of the Exchequer should introduce a clause, exempting contractors and others from the penalties of the act, as experiments, dangerous to lottery contractors and speculators, might be tried under the statute of William, which was still in force. If the preamble taken from that statute would not suit, he (Mr. B.) suggested that it should be entitled, an act to raise money to his Majesty, by encouraging vice and immorality among the lower orders. (*Hear, hear.*)

Mr. Grenfell trusted, that if the country should again have such an evil inflicted upon it, the management of the lottery would be transferred from the Bank to the Exchequer.

The original preamble was then agreed to, and the bill passed.

OFFICE ABOLITION BILL.] Mr. D. Gilbert moved the second reading of the Justices in Eyre Abolition Bill.

Mr. Boswell, after regretting that some member of more influence than himself did not step forward to oppose the series of bills which originated in the abolitions recommended by the Finance Committee, observed, that he would not be deterred by the unpopularity to which he should be exposed; nor did he think that Parliament ought to yield to clamour in legislating for the country. Economy was necessary at the present moment; but the abolition of these places would produce no immediate relief, and no great ultimate saving. He quoted Mr. Burke against the present system of abolitions, and objected to the compensation bill, as a measure

which would make duration of service, rather than transcendancy of talent or brilliancy of exertion, the criterion of merit. In the history of the country there would be found names which had become illustrious in a short career, and the records of individuals, who had conferred immortal obligations on their fellow-citizens and mankind. Length of service might be a proper mode of estimating the reward of clerks, or ascertaining the value of mechanical perseverance. He denied that the influence of the Crown had increased to any undue or alarming extent. Favouritism had not placed Nelson in the command of a fleet, nor conferred on Lord Wellington the conduct of our army. He would oppose all the bills, as parts of a system for making inroads on our present Constitution and Government.

Lord *Milton* wished to say only a few words on a measure which he thought would have met with no opposition; and he would not have said any thing at all, had he not been induced to animadvert on some parts of the hon. gentleman's speech. He had quoted Mr. Burke on the civil list, and seemed to consider himself an hereditary commentator on his meaning; but he had totally misapprehended him. If he (Lord M.) had any fault to find with the committee, it was because they had not viewed the whole subject so comprehensively as Mr. Burke, but had taken scraps and shreds of his principles. The hon. gentleman had said, that Mr. Burke was against the abolition of sinecures, and quoted a part of his speech that seemed to countenance that idea; but had he read the whole, he would have seen that Mr. Burke, in advising the alienation of the Crown lands, contemplated the abolition of this very office of justices in Eyre, as one of the beneficial consequences of that measure. Thus, said he, would fall the justiceship in Eyre, &c. Mr. Burke, then, not only recommended the abolition of these sinecures, but the removal of the very foundation on which they rested. The hon. gentleman had said, that the proposed system of abolition would make inroads on our Constitution, but these sinecures were no parts of our Constitution. As efficient offices, they were parts of our Government formerly; as sinecures, they had ceased to belong to it. He (Lord M.) was as little disposed to yield to the clamour of which the hon. gentleman had spoken as any man, but it was not clamour only that was against sinecures; the middle ranks of society, and even the highest order of the public out of doors, had expressed a decided opinion against them; and though he would not yield to clamour, he would say with Mr. Burke, God forbid that he should oppose the universal and decided sense of the country. (*Hear, hear.*)—The bill was then read a second time.

OFFICE REGULATION BILL.] The second reading of the Exchequer Offices (England and Ireland) Regulation Bill being moved,

Sir *J. Newport* said, he had formerly men-

tioned the possibility of one or two of these bills being taken by the other House along with the Compensation Bill, while the rest might be rejected. He hoped the House would not lose sight of this.

Lord *Castlereagh* observed, that the suggestion of the right hon. baronet had not escaped the attention of his Majesty's Ministers, and he could assure the House, that every precaution would be taken to render any apprehensions on that head nugatory. He could state on the part of his colleagues and himself, that they thought it better to put the business of the committee into separate bills, for the sake of gaining the object; and on their part, no exertion should be wanting to accomplish the great end they had in view. In fact, these bills, though divided, were but one great whole, all embracing the same economical principle, and in consistency, Ministers must and would support them all. (*Hear, hear, hear.*)—The bill was read a second time.

The Exchequer Court Bill, the Offices in Scotland Regulation Bill, and the Offices in Ireland Abolition Bill, were severally read a second time.

Sir *J. Newport* expressed his surprise, that in the last bill no notice was taken of the Board of Works in Ireland, which had been some years since the subject of a distinct report, in which its abolition was recommended.

Mr. *Peel* said, that this subject was at present under consideration. The principal officer had hitherto been also employed as superintendent of the barrack department. Some new arrangement, however, in the present circumstances of the public service, was felt to be necessary, and he had a clause to propose in the committee which had that object in view.

The bill was then read a second time, as was also the Board of Trade Regulation Bill, after a few words from Mr. *Calcraft*, who gave notice of his intention to move some alterations in the committee.

CIVIL SERVICES' RECOMPENSE BILL.] The order of the day for the second reading of this Bill having been moved,

Sir *Robert Heron* rose and observed, that he could not consider the measure in any other light than a gross, but, as he sincerely trusted, vain attempt, to impose on the people of England. The reports of the Finance Committee professed but little, and did not perform what they professed. When the House recollected the manner in which the Treasury had regulated offices formerly, as for example in the Civil List, there could be little doubt how they would act on the present occasion. The abolition of offices was agreed on, but it was to take place only at the death of the present possessors. He was obliged, when alluding to this, to differ from some of his friends for whom he entertained the greatest respect; for he could not see on what grounds it could be maintained, that because a man had for ten years held an office acknowledged on all hands to be useless,

he should therefore hold it for twenty years longer, and that because he had obtained 20,000*l.* of the public funds, he should obtain 20 or 30,000*l.* more, especially at a time when we were on the eve of not being able to pay even what was due to justice. It was worthy of notice, that when the question of suspending the rights of the people was before the House, the delay of a few days was thought too much, but when the question was to take away pensions from those who had rendered no service, and were entitled to no reward, then no delay was considered too long, for it was better that the country should be disappointed than that the sinecurists should suffer; and therefore the people must wait till the office-holders expired before they obtained relief, and that relief perhaps would not arrive till many of those who now asked it were dead. To him it appeared, that the bill for compensating the holders of offices was likely to be abused, and indeed one would naturally think that by this measure Ministers wished to drive the people to say, "Give us back the system of sinecures, but keep the Compensation Bill to yourselves:" and no wonder, for the bill itself was founded on a fallacy. For the first time in the history of the country, he found the principle avowed, that places of high political power were fit objects of pecuniary speculation. Formerly the offices of Tellers of the Exchequer were given to Lord Chancellors as a reward for eminent services, and sometimes to their sons, as in a case well known; but a bill had been lately passed for granting pensions to them, so that the tellerships were reserved for political ambition and intrigue. The people had been taught by demagogues to believe, that the only remedy for their distresses consisted in the abolition of sinecures, and Ministers were certainly much indebted to a certain orator in Palace-yard for such ill-founded harangues, as he had rendered them the most essential service. (*Hear, hear.*) Every independent man in the country knew this to be the case, and he could not help thinking that the Committee had lent itself too much to the wishes of Ministers, and the House knew well what those wishes were. If there existed any doubt on that point, he would only remind them of the conduct of Ministers during this and the last session of Parliament. In the last session they put the word "Economy" into the Speech delivered from the Throne, which was one of the greatest insults that could be offered to the illustrious person exercising the functions of Royalty, and a mockery of the sufferings of the people. Yes, whilst those hoisted words hung upon our ears, they were detected in endeavouring to raise the salaries of offices, the labours of which were diminished, and whenever any measure of economy was proposed, it was always stoutly resisted. At last, however, in *one* instance, popular feeling (even though it was stigmatized as "ignorant impatience") prevailed, and awed by the remon-

strances of their friends, who threatened to desert them unless they attended to economy, they appointed a Finance Committee, which made three Reports, of which he had seen one (but from its specimen he could only say "much good may it do them"), and while the people expected, as they had a just right to do, that the expenditure of the Civil List should be regulated, they were insulted by the appointment of a new officer, and the addition of 260,000*l.* to that establishment. True it was that that sum had been nearly expended in the Civil List before, but then, be it remembered, it was drawn from iniquitous and illegal funds, the Droits of the Admiralty, which at once were a source of injustice to the nation, and the prey of royal piracy. (*Loud cheering from the Opposition benches.*) A magnanimous Prince required not the gaudy show of mere appearances to make him respected in the eyes of his subjects; and it was, therefore, no more than just for the people to expect that some diminution should have taken place in the vain parade and pageantry of the Prince Regent—things which a great Prince always despised who wished to live in the hearts of his people. Such savings would not, however, have suited the purposes of an Administration like the present, which had always governed by corruption. (*Hear, hear, hear.*) He did not deny that some reductions had been made in the army, but it was absurd in the extreme to keep up such an establishment as the present, merely for the sake of defending our foreign possessions. Surely there was no great necessity for robbing our Dutch allies of their colonies, when we knew such expense would be incurred in keeping them. But the truth was, the people were goaded by excessive taxation, and began to murmur, and therefore it was deemed necessary to maintain a large army in order to fill them with terror. (*Hear, hear!*) This might go on for a little, but it would soon be seen that England, familiarized to a military system, would lose her liberty, and sink into the awful gloom of despotism. For his part, he would prefer throwing up all the bills to the passing of that which was immediately under consideration. (*Hear, hear.*)

Mr. Brougham observed, that application ought to be made to Parliament, to enable the Crown to provide for public services, as each individual case arose, which should be examined on its own peculiar circumstances. He objected to the present plan, because it was systematic and prospective, investing the Crown with an annuity of 42,000*l.* in addition to the Pension List of the country. It had been justly said, that this was the first time in which the idea had been embodied into an Act of Parliament, that politics were a trade. He entreated his hon. friends, before they gave their approbation to this measure, to examine it in all its bearings. The pretence on which it was founded was undoubtedly plausible; it was, that a power should

be reserved to the Crown of rewarding effective services, now that a large share of its former influence was to be taken away. He denied, however, as a proposition of fact, that this influence would be so diminished as not to leave the Crown possessed of ample means of rewarding meritorious exertions. The amount of the Pension List in 1809, a year when the 4½ per cent. fund fell extremely short, was 220,000*l.*, and its average was probably not less than 240,000*l.* Upon that list were to be found the names of persons who had rendered no service; persons who belonged to families not more distinguished for their antiquity and rank, than for their wealth and splendour, and whose only title to their pensions, he presumed, was their invariable support of the Ministers of the Crown, whoever those Ministers might be. (*Hear, hear.*) The present bill ought to be entitled, a bill to enable the Crown to continue the misapplication of funds which the Constitution had given it for public purposes, not for the indulgence of its private bounty, gratitude, or charity. It was monstrous, in the present state of the country, that such an object should be contemplated. He saw on the opposite benches some hon. members who enjoyed pensions of 800*l.* or 1,200*l.* a year, which he regarded as nothing more than the fair remuneration of their official labours; but this only served to prove that for this purpose the Crown was already in possession of adequate funds. It was not enough to shew that some patronage had been taken away; it should be proved that enough had not been left for the due reward of efficient services. The old grounds on which these sinecures were defended, were, that they were necessary to the splendour of the Crown, to its weight in the country, and its influence in both Houses. It was said also, that there was something in their antiquity that made them dear to some people: but it had of late been discovered that they had another merit, which was that of constituting an useful provision for a certain class of men of great talents, but of small private fortunes. This was just as unfounded as any of the other topics of justification, and must appear so, if it could be shewn that they never had been so applied. He would prove this by referring separately to a few of them. And first he would take the wardenship of the cinque ports, and governorship of Dover-castle. At the commencement of the present reign, this office was held by the Duke of Dorset, and then by the Earl of Holderness. The latter was succeeded by Lord North, who was far from being a poor man; for at that very time, he was heir apparent to a very wealthy family. After him came Mr. Pitt, and then the present possessor, the Earl of Liverpool; who certainly did not belong to that class for whose encouragement it was pretended that such an office, or a compensation for it, should exist. With respect to the office of Chief Justice in Eyre, he should be happy to meet his hon. friend, the

chairman of the Committee, on that point. The first of those very poor and humble adventurers was, as in the case of Dover-castle, the head of the Dorset family. Why, then, were such persons to be compensated? Was it on the principle that they had relinquished a lucrative profession? This was impossible, because a peer could not enter into a lucrative profession. Of the 60 persons who had held the chief justiceships in Eyre there were only five commoners, of whom only two were known to recent times, Mr. Grenville and Mr. Villiers. Not one single individual had held those offices who could reasonably apply to the Crown for any compensation on the principle of being poor. Of the Lords Justices General there had been 33, and only 3 that had not been persons of great rank. The offices of Lord Registrar and the Keeper of the Great Seal of Scotland had also, since the Union, been held by wealthy peers, except perhaps in one instance. After this statement, he would ask the House, whether they were prepared to say that the argument of compensation was founded in good faith, or would bear to be examined? The Crown had the means of rewarding effective services from the pension list; and they might safely take away all those sinecures without preventing poor persons from becoming statesmen, except in one or two instances, in two or three centuries. He requested the House to observe what a great proportion of those offices had been held by wealthy persons since the American war. The argument that men should be paid for public services was of very recent date. Why should it be laid down that statesmen must look for compensation from the Crown, when they remembered the Somerses, the Godolphins, and all those illustrious statesmen who had devoted themselves to the service of their country? What new light had come over this age, that we were to take men into the pay of Government, merely with a view to reward them on their retirement from office? When Chancellors were remunerated, the case was very different. The man who was promoted to that elevated station had been a barrister; and when he went to the bar, he went to it for no one object but to advance his fortune, just as a merchant or a tradesman goes into his counting-house or behind his desk. He was, therefore, to be treated as a professional man to the end; and when he retired, we should give him half pay, in the same manner as we rewarded the man who had served in the field. This was the principle that was applied to the discharge of clerks in office, and he sincerely wished that they had more. He objected, however, to considering men in the higher situations of life as mere traders in office. Had a statesman no higher view? Was his conduct influenced by no better motive than the prospect of a pension on retirement? He could not, he would not believe that any man sincerely desirous of serving his country, or of preserving

the high reputation which his talents might acquire, could be actuated by principles of so low and sordid a nature. But, supposing for a moment that men got into Parliament, or even into office, with such interested motives, was it decorous in that House to tell it to the world? Was it politic in them to proclaim to the country by Act of Parliament, in the black letter of a statute, that men entered into Parliament as into a trade? Were these the principles upon which the illustrious statesman of former times had acted? Was this the way in which England had attained her pre-eminence over every other country? No; it was by having a race of high-minded, sound-principled men, who stated their opinions in Parliament because they were their opinions; who were not picking up a little paltry pelf on every occasion that presented itself, but who did that which their consciences and their principles directed them to do, looking for their recompense to that consciousness of desert which was not to be put in competition with any reward which an act of Parliament, such as that before the House, could bestow. (*Hear, hear!*) There lurked, therefore, in the argument of the supporters of the measure, this gross fraud (for he would not call it a fallacy), that public men were to be treated as traders in politics, and the inference sought to be drawn was, that power must be given to the Crown to compensate those who entered into that trade. This, he maintained, was a fraud on the Constitution, and on the country. But the principle of this compensation bill was not what it professed to be. It did not go to reward the services of all who devoted their time and their talents to the benefit of their country. He admitted that there was one class of public men whom it did call forth; but who were they whose labours, it was said, were to be thus rewarded? Was the State only to be served by men in office? Did those who gave up their days and nights to their attendance in that House, and to the studies necessary to make that attendance valuable, confer no benefit on the community? These indeed served their country—the others served themselves. He saw around him many hon. friends who had toiled long and hard in the discharge of their duty to their country; who had on many occasions rendered it the most essential service; but who, in the whole of their political lives, had not been above eleven or twelve months in office. Was he to be told on that account, that their labours had not been eminently beneficial to the public? Was it to be established as a principle, that he only was a public servant who held an office? The great business of Government in this country was carried on, not behind desks and in cabinets only, but in the great council of the nation. During the administration of Sir Robert Walpole, of Lord North, and of Mr. Pitt, the country derived no inconsiderable advantages from that counter-action, that opposite force, which persons on one side of the House

employed against their opponents. If to this we added the positive and direct effects which Opposition produced on the measures of Ministers, whoever they might be, it was impossible to doubt that the substantial Government of this country was carried on in Parliament. Here then was the inconsistency of the bill. Under the pretence of calling forth generally the exertions of statesmen, it only tended to call forth the exertions of those who were devoted to Government. It was true, that to the nature and capacity of such individuals, the rewards held out by the bill were peculiarly adapted. And yet office wanted no such charms. He appealed to the experience of the gentlemen opposite, and to the observation of the gentlemen surrounding him, whether, in their time, at least, there had been any fear of a scarcity of individuals ready to hold official situations? Notwithstanding all that, a right hon. gentleman (Mr. Canning) had said, at the beginning of the session, of the little value of office, that it was hardly worth having, that it had lost all its attractions, &c. he did not perceive any symptom of a lack of candidates for it. All those homilies, however, had been read from the opposite side, to deter others from the vice of covetousness. Why then offer a bounty to persons to enter that House for the purpose of running an official career? If this must be done—if the patronage of the Crown must be strengthened for such an object, at least let the object be called by its plain name—let its real character be exhibited—let it at once be stated to be to enable poor men to serve the Crown. In his opinion office was not a situation for a poor man; who might, however, as effectually serve his country as the most wealthy peer. By continuing in his original poverty he might still support his principles, and numerous instances might be adduced of the greatest and most solid benefits which the public had derived from persons of no superior rank and property. But it was obvious, that the gentlemen opposite did not seem capable of forming a conception of a man devoting himself to public life, without the hope of lucre; they could not conceive the possibility of making the business of the State any thing but a matter of trade and gain to the individuals engaged in it.—The hon. and learned gentleman concluded by recapitulating his objections to the bill. They were, first, that the Crown already possessed sufficient means of compensating public services; secondly, that the proposed addition to those means would only lead to their misapplication; thirdly, that under the pretence of encouraging individuals to devote themselves to the public service, the bill merely tended to draw such men from their respective avocations in life as were desirous of becoming office-bearers; and lastly, that it was the first time of proclaiming to England by Act of Parliament, that politics had become a trade. (*Hear, hear!*)

Mr. Banks observed, that the principle of this bill was by no means novel; it had received

the approbation of many great men, and was precisely the same as that which enabled the Crown to give pensions to Chancellors on their retirement. No man of late times had enriched himself in office; and it was proper that the Crown should have the power of rewarding long and faithful services. It would have been impossible for Mr. Pitt, after having so long filled the situation of Prime Minister, to have lived in the same retired manner as before he entered into office. He did not mean to deny, that the sinecures now proposed to be abolished had become objects of public odium. Had they, however, been given as rewards for eminent services, this never would have happened; but as they had sometimes been perverted to the purposes of favouritism, the tendency which public opinion had taken with regard to them was easily accounted for. There were many instances in which their application had not been liable to the reproach so generally cast upon them. He would mention one name which had lately come before the public in a very honourable and popular way; Lord Camden held an office which had been given to his father as a remuneration for eminent services. In such cases the means of remuneration must exist in some shape or other. Compensation, however, was necessarily distributed through the medium of the Crown; if it depended entirely on offices or pensions in the gift of Ministers, it was not to be expected that they would be forward in rewarding individuals who had been opposed to themselves, though he was by no means inclined to undervalue such services, especially when he recollected how long Mr. Burke had been in opposition. Some legislative provisions were therefore necessary. With regard to what had been said on the subject of pensions, though he agreed that they were not such vested interests as patent offices, he could not concur in all that had been stated respecting them. They were granted by the Crown either for life or during pleasure; but he thought that the ground on which any pensions had been granted could not be inquired into. By abolishing these offices, we deprived the Crown of a large share of what it had to give for services, and, therefore, we ought in justice to render something to it in return. The proportion might be too large, but it could be limited in its extent. He should, however, reserve for the Committee his view as to how far any limitations or restrictions ought to be carried.

Lord A. Hamilton said, that although he had on a former occasion assented to a bill which contained a clause for granting compensations, he had not thereby expressed his concurrence with the principle of that measure. He was decidedly of opinion, that no compensation ought to be given for the offices proposed to be abolished. They had been always misapplied, and never could be proper objects for the patronage of the Crown. He agreed with the observation of his hon. and learned friend that as

the Crown was already possessed of so large a fund, there could be no need whatever for increasing its powers of rewarding meritorious services. He wished the House to consider, whether circumstances did not call upon them to contract the means of expenditure as much as possible. Would it satisfy the country to learn, that because a set of useless offices were abolished, compensations had been provided as substitutes? It could not be doubted, that they would see through the fallacy of this measure, which, as had been justly observed, was a fraud upon them, and upon the Constitution.

Mr. J. Smyth did not think it necessary to defend his consistency on account of any vote he had given on a former bill. He did not regard the compensations which might be granted under the present measure as establishing the principle that pecuniary reward was the object of public services. He could not conceive that any pecuniary remuneration was a consideration with those who filled great offices of the State. How could the value of such services be measured by money? Great public officers devoted the whole of their time by day and by night to the public service, and it was difficult to say how such men could be sufficiently rewarded. On these grounds, without considering money as a reward for public services, he should vote for the bill.

Mr. Douglas objected to the whole of the bills, and the principle on which they proceeded, which went to denude the Crown of the means which it ought to possess of rewarding public services. The consequence of these bills must be to make every man enter into office with the character of a pensioner. Measures of this description had already been carried much too far. Public men had thought it necessary to offer up part of their salaries as a sacrifice to popular prejudice, though they must know it was a delusion to hold out that any benefit could be derived from such a proceeding. That was not the best way of obtaining the confidence of the country.

The House then divided—

For the second reading 105; Against it 45—Majority, 60.

SUPPLY.]—The House resolved itself into a Committee of Supply, when the following sums were voted.—75,300*l.* to defray the expense attending the confining, maintaining and employing convicts at home, for 1817:—80,000*l.* to defray bills drawn, or which might be drawn, from New South Wales, for 1817.

SAVINGS BANKS.]—The Report of the Savings Banks Bill was taken into consideration, and the bill was ordered to be read a third time on Wednesday.

A Bill was also brought in "for the protection and encouragement of Provident Institutions, or Banks for Savings, in Ireland," (see page 170.) which was read a first time.

SHERIFFS IN IRELAND.—RECOGNIZANCES.]—A Bill was brought in "to amend the Laws relat-

ing to Sheriffs in Ireland," and also a Bill "to amend the laws in respect to forfeited recognizances in Ireland," which were read a first time.

THE MINORITY

AGAINST THE THIRD READING OF THE LOTTERY BILL.

Atherley, Arthur	Mackintosh, Sir J.
Brougham, Henry	Morland, S. B.
Butterworth, J.	Monck, Sir C.
Babington, T.	North, Dudley
Burrows, Sir W.	Newport, Sir John
Brand, Hon. T.	Ossulston, Lord
Calcraft, J.	Osborne, Lord J.
Campbell, Gen. D.	Parnell, Sir H.
Calvert, C.	Phillimore, Dr.
Curwen, J. C.	Rowley, Sir Wm.
Carter, J.	Ridley, Sir M.
Cavendish, Lord G.	Rashleigh, Wm.
Fergusson, Sir R.	Ronilly, Sir Samuel
Gordon, R.	Rancliffe, Lord
Glenfell, P.	Russell, Lord William
Heron, Sir Robt.	Smyth, J. H.
Howarth, H.	Smith, Wm.
Hanilton, Lord A.	Sharp, Richard
Hornby, E.	Sefton, Lord
Iamb, Hon. W.	Thompson, Thor.
Iambton, J. G.	Tierney, Right Hon. G.
Lockhart, J. I.	Waldegrave, Hon. W.
Milton, Viscount	Wilberforce, W.
Martin, John	Williams, Sir R.
Tellers.—Bennet, Hon. G. H.—Lyttelton, Hon. W.	

THE MINORITY

AGAINST THE SECOND READING OF THE CIVIL SERVICES' RECOMPENSE BILL.

Atherley, Arthur	Martin, H.
Aubrey, Sir John	Martin, John
Bailie, Sir E.	Mathew, Hon. M.
Barnett, James	Milton, Visct.
Barnard, Visct.	North, D.
Brand, Hon. Thos.	Newman, W. R.
Campbell, Gen. D.	Osborne, Lord F.
Carter, John	Ossulston, Lord
Duncannon, Viscount	Parnell, Sir H.
Douglas, W. Keith	Proby, Hon. Capt.
Fergusson, Sir R. C.	Phillimore, D.
Gordon, Robt.	Rancliffe, Lord
Guise, Sir Wm.	Rowley, Sir W.
Hammeley, H.	Russell, Lord W.
Howarth, Humphrey	Sharp, Rich.
Hughes, W. L.	Sefton, Earl of
Hurst, Robert	Talbot, R. W.
Juifosse, G. P.	Tavistock, Marquis
Jefevre, C. S.	Waldegrave, Hon. W.
Lyster, R.	Webb, E.
Mackintosh, Sir J.	Wilkins, Walter
Mantland, Hon. A.	Williams, Sir R.
Majoribanks, Sir J.	

Tellers.—Brougham, Henry.—Heron, Sir Robert.

* Mr. M. Fitzgerald, Colonel La Touche, and Hon. R. La Touche, paired off against both bills.

HOUSE OF LORDS.

Tuesday, May 20.

The Lottery Bill, and other Bills, were

brought from the Commons and read a first time.

NAVY ESTIMATES.]—Lord Melville laid the Navy Estimates on the table.

POOR LAWS.]—The Earl of Hardwicke moved, that the Commons be requested to permit some of their Members, Mr. Calvert, Mr. Finlay, Mr. Phillips, and Mr. Hall, to attend their Lordships, in order to be examined before the Committee appointed to consider of the Poor Laws.—A message was ordered to be sent accordingly. (For the reply see the Commons.)

HOUSE OF COMMONS.

Tuesday, May 20.

STEAM BOATS.]—Mr. Curwen presented a petition of William Lester, stating, that he had invented an Engine to ensure the safety of the Boilers of Steam Boats, and praying the House to refer the same to the examination of the Committee on Steam Boats, which was ordered accordingly.

POOR LAWS.]—Mr. Curwen presented a petition of Inhabitants of Trowbridge, praying for a revision of the Poor Laws.—Referred to the Committee on the subject of those laws, and ordered to be printed.

A message from the Lords requested, that this House would give leave to Mr. Calvert, Mr. Finlay, Mr. Phillips, and Mr. Hall, to attend their lordships, in order to be examined before the Committee on the Poor Laws.—The three first members being present, and having given their consent, the House gave them leave to attend, if they should think fit, and the messengers were called in and acquainted therewith; and that the House would send an answer to that part of the message which related to Mr. Hall.

STATIONARY (IRELAND).]—Copies or abstracts were ordered "Of all correspondence which may have passed between the Chief Secretary, or any of the Public Boards of Revenue in Ireland, and the King's Stationer there, relative to the supply of stationery for the public offices, the rates of such supply, and the privileges claimed by such King's Stationer, by virtue of letters patent or otherwise, during five years last past."

LOTTERIES.]—Mr. Lyttelton presented a petition of Mary Sparks, a respectable woman residing in East Smithfield, who was taken into custody some time ago, upon the information of a person of the name of Solomon, that she had been engaged in illegal insurance in the Lottery. The petitioner stated, that her house was entered by the informer, accompanied by some police officers, and papers being found, which were placed there by the informer, she was committed to hard labour for two months, by a magistrate, under the existing law. But upon discovering that the informer was guilty of perjury, she was liberated under a Habeas Corpus, by Mr. Justice Holroyd. That she thereupon preferred a bill

of indictment against the informer; for perjury, which bill was found by the Grand Jury of Middlesex; but the cause having been removed by *Certiorari* into the Court of King's Bench, she had not the means of prosecuting the indictment, and therefore she appealed to the House for redress. The Hon. Member said, that he had received an excellent character of the petitioner, from the churchwardens of the parish in which she resided; and he hoped the House would take her case into consideration, which was, in fact, but one of many instances that had come to his knowledge, of the oppression and injustice of these informers, who were employed by that respectable person, Mr. Hesle, as the Chancellor of the Exchequer called him, under the sanction of a system which the right hon. gentleman so zealously defended, but which he (Mr. L.) should never cease to deprecate.

Mr. Bennet bore testimony to the accuracy of his hon. friend's statement, adding, that the petitioner was a respectable fancy-dress maker, and that the inferior officers of the police were too much in the habit of hunting out individuals in this and other cases, for the sake of obtaining pecuniary reward.

The petition was ordered to lie on the table.

ABOLITION, &c. BILLS.]—Mr. D. Gilbert proposed to have the several Bills founded on the first Report of the Finance Committee, committed *pro forma*.

The Justices in Eyre Abolition Bill was considered in a Committee, and reported, and ordered to be read a third time to-morrow.

On the Committal of the Exchequer Offices (England and Ireland) Regulation Bill, Mr. Tierney objected to investing the Lords of the Treasury with the power of settling the amount of the salaries to be granted to such officers as might be appointed upon the actual abolition of the sinecures. This proposition bore immediately upon the Compensation Bill, as the amount of compensation to be granted to the Crown could not be settled, until the amount of the loss sustained by it were ascertained. It was also to be considered, that upon the extinction of any sinecure referred to in this Bill, five or six small officers might be appointed, and so the patronage of the Crown might rather be extended, for the aggregate of the allowances to those small officers might really exceed the amount of the sinecure, while it was notorious that the appointment of five or six small officers always extended the influence of the Crown more than that of one officer.

Mr. D. Gilbert said, that as the present was quite a prospective measure, the Committee thought they could not fix upon the salaries proper to be granted to officers at a distant period, and therefore that arrangement was referred to the Lords of the Treasury, whose conduct would of course be subject to the review of Parliament.

Sir W. Burroughs supported the views of Mr. Tierney.

Lord Castlereagh justified the opinion of the Committee, observing, that it would be absurd to call upon the Treasury to draw up at present a schedule of the salaries to be allowed to the several officers in the contemplation of those Bills, at perhaps a very distant day.

After a few further remarks from Mr. Huskisson and Mr. Tierney, the Bill was gone through, the House resumed, and the Report was ordered to be brought up to-morrow.

The Exchequer Court Bill, the Offices (Ireland) Abolition Bill and the Board of Trade Bill were severally committed, and the Reports ordered to be received to-morrow. The Civil Services' Recompense Bill was also committed and reported, and the Report ordered to be taken into further consideration on Friday next.

PARLIAMENTARY REFORM.]—A Petition of Incorporation of Weavers of Dunfermline, praying for Reform of Parliament, was presented; also of Inhabitants of Kurton.—They were ordered to lie on the table.

General Mathew observed, that he had a petition to present from the inhabitants of Dublin, signed by many thousand persons, praying for a Reform in the representation of the people; but previously to presenting it he would say a few words. The petition was couched in sound, energetic, and constitutional language; and it came from the once wealthy and commercial, but now impoverished and depressed capital of Ireland. After the late decision respecting the Catholics, it might be considered almost useless to approach that House; but the petitioners were not without hopes, that the voice of the people might ultimately induce them to attend to their prayers, on the important subject of Parliamentary Reform. That ill fated country, part of which he represented, felt the sad effects of the present defective system. The consequences were seen in a ruined agriculture, a degraded nobility, an impoverished gentry, a famished people, an insolvent trade, and a bankrupt nation. The Parliament of Ireland had voted for an hereditary union—a vote that they had no right to give; but it was obtained by corruption. He was prepared to prove, if the House should afford him the opportunity, that the members, at the time of the Union, sold themselves. Some had contracted for places and pensions; others for bishopricks and archbishopricks; even the judgment-seat did not escape the influence of corruption; and others bartered their country's condition for honours and ribbons, which would hang around the necks of the possessors as long as they lived, the badges of their degradation. The petitioners, amongst other things, prayed for Annual Parliaments, and they had great authorities in support of their claims. The authority of Chief Justice Raymond was great and decisive, and the Bill of Rights declared, that there ought to be frequent Parliaments. The Septennial Act was avowedly passed only for a temporary purpose, and no satisfactory reason could be adduced for its continuance. They had now

no rebellion to dread; there was no fear of any insurrection but in the imaginations of a weak and pusillanimous Committee, and a corrupt Ministry. The desire of keeping their places alone induced them to raise the alarm of jacobinical conspiracies, to frighten the nobility and gentry, and persons of landed property, into the support of their measures; and they succeeded in frightening those who were ready to believe in every old woman's tale—*(A laugh)*—or in gunpowder, pop-gun, or warming-pan plots!—*(Much laughter.)* He had heard, that Britons would never make a cowardly surrender of their rights; but what did he now behold? The Constitution was suspended, and some of our ablest writers were obliged to fly from the country. All things tended to shew the necessity of Reform; and he implored them not to forget what the great Lord Chatham had impressively stated, that if they did not reform themselves within, the people would reform them without, with a vengeance. All eyes were now fixed on Parliament, to witness their decision on the measure to be proposed that night; and by the votes which they gave, it would be easily decided, whether members were really independent, or only the tools of Ministers. *(Hear, hear.)*

After a few words from Mr. Talbot, in support of the petition, it was brought up, read, and ordered to lie on the table.

Sir F. Burdett presented a petition from the City of Cork, praying for a Reform in Parliament. The misery and distress, he observed, which prevailed in that part of the country, could be equalled only by the uniform good conduct of the people, who were suffering under their piessure. They could not quit the country, nor could they get any employment in it. The meeting at which the petition was agreed to, was conducted with the greatest order and decorum.

Sir N. Golthurst said, he could confirm the statement of the hon. baronet as to the order which prevailed at the meeting, but with regard to the persons who attended it, he could not say much of their respectability.

The petition was brought up, read, and ordered to lie on the table.

Sir F. Burdett then rose, and spoke to the following effect:—He said, that he felt himself placed in rather an awkward situation upon the present occasion, when it was his duty, pursuant to the notice he had given, to bring forward the subject of Parliamentary Reform. At any former period, he should have thought it sufficient, in order to induce the House to institute an inquiry, if he had presented strong and decisive grounds for believing, that elections were not conducted according to the laws of the land. He should have thought, that he had performed all that could have been demanded of him, if he had tendered evidence of the truth of what he asserted, that the House of Commons did not fully and fairly represent the people, consistently with the principles of the Con-

stitution;—that the elective franchise was most partially and unequally distributed;—that gross and flagrant corruption was employed in returning members; and that the great majority of them were nominated, not by the collective voice of those whom they appeared to represent, but by the recommendation of a few powerful individuals, who, by these means, obtained a weight of parliamentary influence, forbidden by the spirit of the laws, and in its consequences most dangerous to the liberties and happiness of the country. New doctrines, however, had been promulgated on this subject; and what, in better times, would have been denounced as corrupt and ruinous, was now recommended as necessary for conducting the affairs of the nation. What was formerly regarded as a seed whose fruit was productive of disease and death, was now maintained to be the seed of a tree whose fruit yielded nourishment and strength, and under whose shade security and repose were to be found. They had been recently told, and unblushingly told, that corruption, both within and without those walls, was absolutely necessary; that avowed corruption, in short, was the practical form of Government under which we ought to live, because, unhappily for ourselves, we had lived under it for no inconsiderable period. It was certainly, therefore, an unpleasant and awkward predicament in which he found himself placed, to appear as the advocate for the aggrieved in the presence of those from whom the grievances proceeded; to demand from those who had declared corruption necessary, the remedy and protection against its future effects. He was persuaded, however, that the voice of the people, decidedly pronounced as it had been, the number of petitions laid upon the table, and the almost equal number which had been rejected from informalities, would have their weight, and that the House would no longer refuse to take their grievances into consideration. He would venture to say, that more petitions had been lately presented, complaining of the inadequate state of the Representation, and declaring it to be the source of all the abuses that had crept into our Government, than were ever presented on any prior occasion of any description whatever. When formerly motions were made for Reform, the friends of that measure were told, that the people did not desire it. They were triumphantly asked, where are your petitions from Birmingham—where from Manchester, and from other places, that were excluded from all participation in the choice of representatives? That question, however, would not now be repeated; for the House were aware, that petitions had been laid upon their table, not only from Birmingham and Manchester, but from every part of the kingdom, and signed by not less than one million of people. *(Hear, hear.)* Whether, therefore, the allegations of those petitions were well or ill founded, whether they believed the facts as stated or not, whether re-

drugs could or could not be given, they were bound to institute some inquiry into grievances so generally felt and complained of. It was said, that many of the notions entertained by the friends of Reform, especially out of that House, were wild and visionary; and the people were represented as praying for what had never been sanctioned by the laws, nor recognized by the practice of the country: they were charged with having invented novel grievances, and demanded novel remedies. Among those visionary claims, was that of Annual Parliaments, which, it was contended, never existed in any former period. It was really almost incredible that so little attention had been paid to the real history of the country, by those who maintained that proposition. It was quite clear and incontrovertible, that Annual Parliaments were the law and practice of England, even before any history we had of it. For centuries before any history was written of the events of this country, but of which tradition had handed down some facts, Annual Parliaments were in constant use. It might, perhaps, be said, in reply to that argument, that they were to consider, not so much what had been the practice of their ancestors, as what ought to be adopted now: but it must be allowed, that the proof of such a system through a long series of ages strengthened the present claim of the people, and at least relieved them from the accusation of promulgating new fangled doctrines. The practice, then, was as old, and older than the reign of William the Conqueror. The word *Parliament* was not in use at that time; but by the law of the land, the *Great Council* (as it was called) had a right to meet, at least, once every year, for the purpose of watching over the general weal, of controlling arbitrary power, and correcting whatever abuses might be found to exist. This law William the Conqueror was sworn to observe. It would be no answer to say, that he was a perjured monarch, because perjured kings might be found in every country; the enemies and oppressors of their subjects: this was the law, and the whole history of England went to establish the fact. It was said, that in the reign of Henry III. Parliaments were more regularly constituted, and then the word *Parliament* itself was first used; but it could not be denied, that during the whole of that long reign, (with one or two exceptions, which proved nothing against the law,) Parliaments were annual, and so they continued, till the time of Edward II. In that reign, it appeared, there had been an omission of holding these Annual Parliaments, which Andrew Horn, (in his "*Myrrour des Justices*") called, "an abuse of the law, and a main one too;" and, therefore, in the 4th year of Edward III. it was thought necessary to pass an act, which declared, "that a Parliament should be holden every year once, and more often if need be;" and in the 86th of the same king, another act was passed, which provided, "that a Parliament should be holden every year, as another

time, (namely by the former act) was ordained." It had been a question, whether the king was obliged by those statutes to call a new Parliament every year, or only to permit a Parliament to sit annually, for the redress of grievances and dispatch of business. In reply to that, he would ask, what was the actual practice? During the long reign of Edward III. and a more constitutional and more glorious reign was not to be found in English history, not one Parliament was continued beyond one year, but a new Parliament was called every year. It was not indeed necessary that every Parliament should continue a year. They often continued but for a month or two months, and there was an instance of five new elections in one year. It was therefore the constitutional, legal right of the people of England to have a new Parliament every year; it was imperative upon the kings of England to call a new Parliament every year. Many gentlemen of great ability and patient research had fully investigated and clearly traced the history of this practice, and yet not one instance had they found of a Parliament prologued or continued beyond one year down to the 22d of Henry VI. In the time of the civil wars between the houses of York and Lancaster, the party that happened to prevail could do every thing or nothing: and those were certainly not times from which constitutional precedents could be drawn. But even in those turbulent periods, it was astonishing how few instances there were of Parliaments having been long kept together. In fact, when they looked to the particular times in which the practice of lengthening the duration of Parliament was first introduced, it afforded a striking argument in illustration of the motives. It was in the reign of Henry VIII. when that monarch was anxious to be divorced from his wife, when he had quarrelled with the Pope, with the Church, and with the people, and was bent upon effecting what was called the Reformation. He kept his Parliament together for five years; and that was the first instance upon record of its having been continued so long. The reason of his doing so was obvious. He had resolved to accomplish a measure, which, whatever might be thought of it now, was then in opposition to the wishes of the great bulk of the nation, and conformable to the views of only a party in it. He intended to carry on his government in a way contrary to the will of the people, and therefore he unconstitutionally kept together that body of men who would give him their support. Bishop Burnet, in his history of the Reformation, observed, that "the king took great pains to manage the elections, and to obtain a suitable Parliament." He succeeded, and secured so subversive a House of Commons, that he did not suffer them to separate, till he had carried his two great measures, the divorce from his Queen, and, as the nation considered it, the plunder of the property of the Church. Religion was made the cloak for the latter, as it was now made the cloak for many other de-

signs. In the following reign of Edward VI when the Protestant interest, still the minority of the nation, prevailed, the same course was followed, and, by the influence and intrigues of the Protector Somerset, Parliament was again continued for nearly five years. Mary next ascended the throne, a Princess justly condemned for her sanguinary persecutions, and which had acquired for her the epithet of Bloody Mary; but when the Catholics, who had been plundered and persecuted, came again into power, smarting with their ill usage, it was not surprising, though it was not justifiable, that they had retaliated: yet the first thing she did, was to repeal all the odious acts relating to constructive treason which had been passed in the reign of Henry VIII., and to place the security and freedom of her subjects under the protection of 25 Edw. III.; so that the people of this country were at this moment, so far as life and liberty were concerned, less secure than under the bloody Mary. (*Hear, hear, hear.*) She, proclaiming that the people had been deprived of their just rights, and of the great security for their liberty, had recourse to short Parliaments, and there was not one during her reign which lasted above nine months. The reign of her successor (Elizabeth) transcended all praise. Too wise to force, too honourable to impose upon the people a system of government inconsistent with the principles and practice of the Constitution; without millions of money to corrupt, without laws to oppress, without a standing army to overpower; she gained the affections, and ensured the obedience of her subjects, by the wisdom and vigour of her administration. In her reign there were only two long Parliaments. With the Stuarts commenced a long course of violations on the Constitution. It was remarkable, however, that James I., a prince who mounted the throne with high ideas of prerogative, stated, in his first proclamation for calling a Parliament, that the sheriffs of the counties should not direct such boroughs to send members, as were so utterly ruined as to be incapable or unentitled to contribute their share to the representation of the country. (*Hear, hear, hear.*) And yet he kept his first Parliament nearly eight years. But the people were not then jealous of that encroachment. All the evils which they had suffered arose from other quarters; and they thought themselves perfectly safe in the hands of Parliament, because no previous evil had been felt, and no present evil was apprehended from them. We had now come to the interesting and eventful reign of Charles I. That monarch had not learnt the principles of the English Constitution, and studied not to rule according to its laws and usages; he tried to establish a Government without Parliaments. This innovation he supported, too, by the authority of Westminster-hall. (*Hear, hear.*) The judges of that time lent themselves, the subservient tools, the industrious servants of despotism. The greatest law-

yers of that age, or of any age, sanctioned the unprecedented, unconstitutional, arbitrary attempts of Charles. (*Hear, hear.*) because he had not a standing army to impose the opinions of his law-officers. (*Hear, hear.*) If he had had a permanent military force, this great question of Reform could not have been argued that night. At length, for his own convenience, he was obliged to call Parliament together; but as he had not the millions at his disposal which Ministers now had, as he had not the same enormous power of corruption, he could not effect his purposes: how the members were elected did not signify: how many years they continued was of no importance; it was impossible to find any set of men capable of surrendering the rights and interests of the country to the arbitrary will of a tyrant. They were connected with their fellow-subjects, they had a common interest with them; there was nothing to make it their interest to sacrifice the liberty of the people. (*Hear, hear.*) We knew how the contest between Charles and his Parliament ended. A few individuals having gained the ascendancy, thought that the Parliament which had resisted the intrigues and the violence of Charles, and had preserved and protected the liberties of the nation, ought to be continued; and an act was passed, something like what was afterwards done on different principles, and for different purposes, for protracting the period of the duration of Parliament. It was then thought proper and salutary, that a Parliament that had acted so meritoriously and so successfully, that had fought the great battle of the nation, and obtained a glorious victory, should continue to be the guardians of national liberty. At length, notwithstanding it had done so much for the people, it became itself an intolerable grievance; and it was then thought gain to the nation that one great man should step forward to protect its liberty, and ensure its security. Yet Oliver Cromwell was a parliamentary reformer, and proposed a plan and system of national representation, the best, perhaps, that was ever devised; certainly the best, in reference to the period when it was produced. Its character, indeed, was so fair and equitable, that even Lord Clarendon had said, and it was contained in his writings, "that it was worthy of a more warrantable authority, and of better times." But when Cromwell found that he must either lose his place, which to him would have been to resign himself to the gallows, or support by the sword what he had acquired by the sword, he naturally preferred the latter alternative. The people, always attached to the Constitutional Government of Kings, hailed the restoration of Charles II. It might have been expected that he, from gratitude to the nation for the zeal and affection with which they received him, would restore and confirm all their laws and privileges: but he was not of that generous character: he was of a cold, unfeeling disposition: he forgot the claims, and trampled upon the

rights of the nation. But though the people had neglected the necessary precautions through joy in receiving their banished monarch, his cold and cruel heart only availed itself of this to enslave them. For this purpose he endeavoured to corrupt the Parliament: and this was the first deliberate attempt at that mode of controlling the wishes and the interests of the people. The nation had been guilty of the generous folly of receiving him without the stipulations necessary both for the security of the State, and for the safety of the Crown; and took back, unconditionally, one that otherwise would have lived a wanderer upon the face of the earth. In return, he attempted, and succeeded in his attempt, to corrupt their House of Commons. The Parliament which invited him over was too honourable and independent to suit his purpose; and, therefore, he modelled one to his own mind. His object was to re-establish Popery, and there again was another proof that long Parliaments were most useful when it was wanted to carry measures hostile to the general wishes of the nation. In the reign of Charles II. the Catholics had certainly become the minority. What did he do? He kept the Parliament together for sixteen years; but that Parliament, which was branded with the name of the Pensionary Parliament, would not go the length of enabling him to govern by the sword. He then dismissed it, and during the rest of his reign continued in a struggle with the nation greatly similar to what had occurred during the Government of Charles I. But he did not live to incur the same penalties, nor to experience those misfortunes which afterwards befel his family. James II. acting upon the principles of his brother, was more headlong in his course, and brought affairs sooner to a crisis: he committed many outrages, but none more flagrant, or more offensive, than attempting to corrupt elections, and he was in consequence obliged to abdicate the throne. We had now reached the period of our Revolution: this surely was not too remote to be appealed to; the doctrines it expressly established could not be branded as new and new-fangled, nor could those who defended them be accused of an intention to subvert the Constitution. The hon. baronet, therefore, would here make his stand. In the declaration issued by the Prince of Orange at the Hague, setting forth the objects of his enterprise, and the grounds on which he had been invited to this country, there were many heavy accusations against the King: reference was made to the Judges, who had become the servile instruments of arbitrary power; to the juries (a great and portentous evil) who were illegally selected; but the main grievance, the grievance of grievances, that which formed the front and head of the declaration, was the corrupt state of the House of Commons; the packing of a Parliament; the King, using undue means, by corrupting the electors, as well as the members after they were elected, in order to influence and control the functions

of the Legislature. The Revolution was principally, therefore, in order to procure a full, and free, and fair Parliament; this was proved by the admission of James II. himself, who knew what was right, though he did not practise it. When certain of his friends, including many of the nobility and clergy, who did not desert him in his utmost need, waited upon him with a petition, beseeching him to renounce his course, and above all, to summon immediately a free Parliament, he replied, "How can I assemble a Parliament that shall be free in all its circumstances, unless the Prince of Orange goes out of the country, who, by his presence, will influence a hundred votes?" It was evident then, from all the facts which had been adduced, that it was at all times, by the laws of this country, a high crime to corrupt the Parliament, or to use any means to make them subservient to arbitrary purposes. One of the charges of impeachment against Richard II. was, that he had packed a Parliament; and another, that he had kept the Parliament together an unusual length of time. Now what was that unusual period? Only five months; which was then considered a longer duration than the forms of the Constitution allowed. The King, no doubt, possessed the right of proroguing Parliament whenever he saw occasion; but it should never be exercised without sufficient cause. The power was to be used in a moderate manner, and not to be abused, as it had been, by proroguing to any extent which the Sovereign might think fit. Richard II. then was deposed, and James II. was expelled for tampering with elections. While such signal instances were recorded in our history, while the Bill of Rights recognized our claims, could it be contended that we were not entitled to a free election of Parliaments? An election necessarily implied that it should be free. How then could this essential part of the Constitution be reconciled with individuals appointing members of the House of Commons? The hon. baronet could here have wished to have had the petition read at the table, which was presented to the House in 1793, drawn up by a committee of gentlemen who had associated to promote the great object of Parliamentary Reform. That petition (which had been lately republished in a pamphlet he then held in his hand) was so complete in its details, so unanswerable in its arguments, so convincing in its proofs, that he wished it were impressed upon the memory of every one who then heard him; the constitution of that House was so well dissected, that he was astonished so many years as had since passed could have elapsed, without any inquiry having been instituted into the truth of its allegations. In that petition it was stated, "that 84 individuals do, by their own immediate authority, send 157 members to Parliament; and this the petitioners were ready, if the fact was disputed, to prove, and to name the members and the patrons." Could the nominees of such individuals be supposed to be a free representation of the people?

And yet, perhaps, members so returned constituted nearly 3-4ths of those who then heard him. The petition went on to state, "that, in addition to the 157 members above-mentioned, 150 more, making in the whole 307, are returned by the recommendation of 70 powerful individuals, added to the 84 before-mentioned, and making the total number of patrons 154, who return a decided majority of the House." One hundred and fifty-four individuals thus claimed and exercised the right of disposing, by their agents, of the lives, liberties, and property, of the millions of inhabitants who composed the subjects of this kingdom. Did not this seem in itself a usurpation? did it not appear a grievance which called loudly for a remedy? If he were required to submit to any arbitrary power that had interests contrary to that of the people; if oppression were to be permitted from any quarter, he would rather endure it from the Crown than from individuals who could control the Crown—who kept both the King and the people in bondage; who destroyed the Constitution, and united in themselves all the powers and prerogatives which it ought to possess. We could not read the opinions of any eminent author who had spoken of our Constitution without finding that his authority was in favour of a change of this system. Mr. Justice Blackstone, who, in his own time, was regarded as rather a courtly lawyer, and was accused of not being sufficiently alive to corruptions and abuses, but whose book now (so much had our opinions been altered within the last half century) might almost be considered as speaking Jacobinism, had laid down principles which shewed the necessity of a Reform. He had said, that there were three powers in our mixed Legislature—the King, Lords, and Commons; that these three powers ought to be kept distinct; and that the latter especially, as the guardian of the people's rights, ought not to be under the influence of the former; for, added he, if the other two branches were to influence the House of Commons, which emanates from the people, and constitutes their natural protectors, there is an end of the Constitution. So firmly convinced was the learned commentator that the people ought to be represented, and thus had a right to govern themselves by delegates elected by themselves, that he conceived the force of laws and the necessity of obedience resulted from this principle. In one place he admits, "that the spirit of our Constitution is in favour of a more complete representation of the people;" and in another he declares, that "The lawfulness of punishing criminals is founded on this principle, that the law by which they suffer was made by their own consent." Was it to be borne, then, that instead of being governed by laws made by our own consent, instead of seeing a full and free representation, instead of seeing the majority of the people deputed those who were to legislate for them, the nation was to be ruled by a few borough-mongers? Different writers, according to their taste, their

education, or their peculiar bias, had pointed out the advantages, and supported the excellence of different species of government. The republican, the aristocratical, and the monarchical form of administration had all had their panegyrists; but no author that ever he read or heard of, had ever praised an oligarchy. (*Hear.*) In an aristocracy, the interest of the nobility and the people might frequently be the same; and, at any rate, the form of Government did not imply an opposition between them. This might, therefore, be a good Government under certain circumstances. The same might be said of absolute monarchy. The reigning Prince might sometimes have the wisdom to see that his interest and that of his people were inseparably united; that he could enjoy power and resources only in proportion as he promoted their welfare; and that a higher reward could be reaped in their approbation of his exertions to promote their happiness, than in the gratification of that senseless caprice and inverted ambition that would lead him to destroy their liberties, and to squander their property. Democracies, with more plausibility, had been often the subject of encomium and recommendation.—They had in the history of the world performed wonders. All who heard him would remember with what enthusiasm, when young, they had read of the prodigies of valour and conduct for which the ancient republics had been distinguished; how celebrated they had become for the energy, the intellectual improvement, and scientific progress of their citizens. Indeed, no form of government had called forth more talent, more industry, more resources, and been distinguished by more remarkable deeds than the democratical. For energy, in particular, it transcended the rest, and had received the support and praise of many great men. But an oligarchy could boast of having performed nothing laudable; of having done nothing that could be approved; of having no panegyrist. (*Hear, hear.*) Some oligarchies, however, were not so objectionable: they were merely aristocracies with a narrower basis, where the interests of the governors were not necessarily opposed to those of the people. The oligarchy of which he was speaking was, however, of a different character; it was an oligarchy of borough-mongers, whose interests were at variance with those of the rest of the nation; who corruptly usurped powers that did not belong to them, and trampled upon the rights of the people at their pleasure; in short, it was the most odious, the most degrading, and the most galling of all oligarchies. That 150 patrons of the representation should exist, that they should exist against all law, that they should exist against the resolutions of the House of Commons itself, which resolutions were passed at the commencement of every session, and might be regarded as the law of Parliament, or at least a declaration to the country that such was the law, appeared monstrous and unaccountable.

The law to which he alluded on this subject was no new law, it was nearly as old as Parliaments. The statute of Westminster I., prohibited any interference of great persons with elections, and expressly enacted that they should be free. It was written in old French, and said, that no great man should disturb the electors when in the exercise of their duties; that, "because elections ought to be free, the King commanded, upon great forfeiture, that no man, by force of arms, nor by malice or menacing, shall disturb any to make free election." This law was the foundation of the resolution passed at the beginning of every session, "that it is a high infringement of the liberties and privileges of the Commons, for any lord of Parliament or any lord-lieutenant of any county, to concern themselves in the election of members of Parliament." What had now become of this law and this resolution? They were allowed to sleep; they were never acted upon; or rather they were perpetually broken, and had become a dead letter. A Reform in the House of Commons, so as to destroy this power of interference, would be of more service than any law prohibiting it. The Bill of Rights had likewise declared, that elections should be free; but more would have been done towards securing that object by enacting, that there should be a more frequent and more universal exercise of the right of suffrage, than by the long declaration of rights on which that bill was founded; one line to this effect would have been more efficient than all other laws and resolutions whatever. At the time of the Revolution, the Parliament, called the Convention Parliament, because it was disposed in some cases to go counter to the wishes of the Government, was not suffered to remain so long assembled as to execute the great work of securing the freedom of the representation. It had declared *ex officio* informations by the Attorney-general, to be contrary to the laws of England; and although there was a great spirit of freedom in the Government of that time, yet, like all governments, it was averse to an abridgment of its assumed powers. *Ex officio* informations were then declared to be *al*; and the history of this species of proceeding since, would be sufficient to excite our wonder at the change in our sentiments, and to call for a cautious jealousy over our remaining freedom. That proceeding, then denounced by Parliament, was now declared to be law; and power was put into the hands of the Attorney-general of imprisoning or holding to bail (which was equivalent to the power of imprisonment) any and every man in the kingdom, on his simple *ex officio* information. Nay, he might do this, on merely declaring that it was his intention to file an information. (*Hear, hear.*) What now became of the law for protecting the liberty of the subject; what became of that law which Lord Coke called the bulwark of our freedom, our personal security? What signified all that was said about our presumed

innocence and perfect impunity till our guilt had been pronounced by a jury of our peers? All this was now mere rhapsody. (*Hear, hear.*) It had no existence, except in the imagination. We might read of the protection which our Constitution afforded, but with as much reference to reality as if we were perusing a novel. It appeared like a sort of fairy enchantment, something very delightful to behold; but when we approached to touch it, it was so fragile, that out of regard for it, no doubt, the nominees of a set of borough-mongers in that House, on the least pressure of public difficulty, had been in the constant habit of suspending its most wholesome provisions. (*Hear, hear, hear.*) It was a maxim which he believed could not be disputed, that tyranny was generally greater under the forms of a free constitution, when perverted, than under an open undisguised exercise of despotic power, and that, at any rate, it was more difficult to be got quit of. This was no new doctrine—it was no French principle—it had been declared by Machiavel, and supported by Montesquieu. This latter writer, who was not a beardless boy newly come from school, but a man who had devoted twenty years of his life to the study of governments, had given it as his opinion, that the liberties of England would perish, like those of the ancient republics, when her Parliament became corrupt. But corruption was supposed now to be harmless; it was even defended as a necessary part of the existing system, rather than denounced as tending to the ruin of the Constitution. It had been argued by a right hon. gentleman (Mr. Canning), that Government could not go on without it: but he thought he should bring sufficient authorities to overbalance the opinion of that right hon. gentleman, when he stated, that all our great men were against it, and that there were no less than 150 laws in our statute book denouncing it. It would be pedantry to go into all the great authorities on this subject, but he might be forgiven for stating the opinion of Mr. Locke, that the corruption of the representation was the very worst of all evils, as it poisoned the source of all laws, and cut up our Constitution by the roots. It would be strange indeed, as had been said by Plato, that the same venality which was felt to be so pernicious in every other department of life, should at once lose its injurious effects, and become operatively wholesome, when employed in the service of Government. In the time of Charles the Second, although the Parliament which was suspected, justly, of corruption, had not been free from undue influence, they at least shewed the necessity they conceived themselves under to affect purity, by taking an oath, protesting before God, that, "neither directly, nor indirectly, they, or any of their friends, for their use or with their knowledge, had received any sums of money from the King, or any other person by his Majesty's order, and that they had not given their vote in Parliament

for any reward or promise whatsoever." This corrupt Parliament had a different opinion from the right hon. gentleman with regard to the necessity of being free and independent. It seemed indeed extraordinary that corruption could find its advocates: that the very word was not sufficient to deter from any open undisguised defence. Speaking of corruption, he could not help enlarging a little on the meaning of the word, in order to remove some prejudices and misconceptions which want of explanation had allowed to be entertained. It had a different meaning in the mouths of different persons, and as applied on different occasions. When used by a religious man in opposition to religious principles, it was called sin: in the conduct of those who transgressed the rules of honesty or virtue in private life, it had the name of immorality; and when applied to the conduct of public men in Government matters, it was called political. Political corruption in this classification, might be perfectly consistent with private morality. It might be defined that state in which individual interest was arrayed against public good, and private views influenced public conduct. On former occasions, when this question was agitated, it had been said by its opponents, that no reformation of the representation was necessary, but that the electors should reform themselves, and then corruption would cease. One of the most ingenious of those persons (Mr. Windham), and to whom even those who differed from him most had listened with pleasure (although it was felt at the moment that he stood in the singular predicament of defending those very practices which his mind abhorred), was remarkable for viewing the subject in this light. He used to illustrate the existence of corruption in the people, by supposing the case of an elector who had a son in the navy. He calls upon the influence of that Government for whose candidate he had uniformly voted, to have that son made a master and commander. The object is effected. All the brother officers of the son are at a loss to find out in what way he had entitled himself to the distinction, and are naturally chagrined at the undue favouritism. Here, said Mr. Windham, was a job emanating from the people themselves. Now, all this arose from a confused notion of the subject, because the people can never be corrupt, inasmuch as they can never have but a common interest. The mistake was occasioned by confounding political with private corruption, which were perfectly distinct in theory, and were often separated in practice. Taking the definition he had formerly given of corruption—namely, an opposition of private interest to public duty, and the natural bias which the former creates against the latter—a House of Commons might be very virtuous as legislators, whose individual private conduct was most corrupt: and, on the other hand, a Parliament might be corrupt which was entirely composed of saints. When he therefore spoke of the corruption of the

members of the Legislature, he meant no implied reflection on their private conduct: he believed that in the common intercourse of life they might be all upright in their principles, and honest in their transactions; but when their interests were opposed to their duty, in a parliamentary sense he could not but call the House corrupt. Nay, he would even go farther, and say, that the more honourable the members were in their private capacity, the more corrupt they might be in their public; as a member, from a private engagement which his honour might compel him scrupulously to observe, might be prevented from voting on a particular occasion according to his views of right, and be induced to surrender his seat, when, by keeping it and voting contrary to his patron, his services might be beneficial to the public. Though no member could be deprived of his seat when he had once obtained it, every one knew that a gentleman would be reckoned dishonourable, nay, he would not be tolerated in society, who should not obey the instruction of his patron, or resign his seat at his desire. It had often been a question without the walls of Parliament, and within, how far a representative was bound to obey the will or to act upon the views of his constituents. All disputes upon this subject would cease by a free election. We often heard of meetings of constituents to remonstrate against the conduct of their representatives; these, likewise, would cease, confidence would be restored between the House and the people, and the people would willingly submit to those laws which should proceed from themselves. But that confidence did not exist, while the representation was in its present state, while the people had not the seats at their disposal, and the Treasury had a market to settle such commodities. (*Hear, hear.*) He brought no particular charges against Ministers; they must act as they did, or otherwise they could not command their majorities: and without such majorities, the Government itself, which emanated from the borough-mongers, could not be carried on. This was the avowed, acknowledged state of things; and that practice, at which the Speaker had said that our ancestors would have startled with horror, was now openly and unblushingly defended. All parties had confessed its existence; and the noble lord opposite (Castlereagh), who had been concerned in selling seats, was only more unfortunate than others, in having been detected. (*A laugh.*) He meant no personal attack on the noble lord; nor did he mean to say that he peculiarly ought to be impeached, as he had not been more criminal than others would be with the same opportunities. But the very public avowal of such a violation of the Constitution was of itself a strong argument for putting an end to the present system which was plunging the country into ruin, and under which, whatever success we might gain, whatever other advantages we might enjoy, liberty could not much longer exist.

(*Hear, hear.*) There was a time when such practices would not have been borne by the House: he well remembered that since he entered Parliament they were not mentioned directly, but always in circumlocutions. In 1785, when Mr. Pitt, then Chancellor of the Exchequer, moved for leave to bring in a bill to amend the representation of the people, he said, "that there was a sort of squeamish and maiden coyness about the House in talking on this subject; they were not very ready to talk in that House, on what, at the same time, it was pretty well understood out of doors, they had no objection to negotiate, the purchase and the sale of seats." This maiden coyness, however, had now worn out. (*A laugh.*) Hence the necessity of Reform was apparent. He need not remind the House of the petitions which had been presented complaining of the grievance of the present system: they had been numerous, and pointed out different remedies. He did not think that the description of any specific plan was necessary: it was enough for him that the grievance was acknowledged, and that a remedy of some kind or other must be applied, which might be left to the wisdom of the House. He would not, therefore, trouble them with entering into any abstruse discussion, or offering any specific opinion. He had shewn, that the great evil was nomineeship to seats, and he hoped that it would be possible to induce the House to enter into inquiry. The gentlemen all over the country, who saw their property fast leaving them, who had been accustomed formerly to defend the liberties of their fellow-citizens, but the majority of whom unhappily now thought only of supporting Government, and of giving it strength, whilst they should be adding to its honesty—who saw this once happy nation the seat of industry, and abounding in capital and credit, changed into a taxed, oppressed, overburdened, and beggared people—would, he thought, now see sufficient reasons for inquiring into the cause of the evil, and applying the proper remedy. (*Hear, hear.*) It was said that our Constitution was a glorious Constitution. Yes, it was so in the books; it was so in the works of our political writers; it was so in Montesquieu; and in the descriptions which our old lawyers and statesmen had given of it: but, practically speaking, there was not more wretchedness, more tampering with liberty, or more corruption in any part of Europe, than prevailed under our boasted Constitution. He hoped, therefore, that the gentlemen of England would see that it was not their interest to fortify this system, that there could be no check or control over Government without a change in the representation, and that their property would soon leave them, unless there was an immediate change. When the members who might be returned after the Reform should see, that every time they put their hands into the public purse they took something out of their own, that profligate and wasteful

expenditure of the public money would of course cease. At present, the gentlemen of England saw that they must surrender their comforts, by the enjoyment of which they promoted that of the people—that they must renounce that hospitality by which they were enabled to gratify their own feelings, and to diffuse happiness around them—that they were driven from the seats of their ancestors, and obliged to hide themselves from the pursuit of their creditors and the tax-gatherers in a foreign land;—could they require any other arguments for Reform?

Must we then, wretched exiles, ever mourn,
Nor e'en with length of rolling years return?
Are we compell'd by cruel fate's decree,
No more our houses and our homes to see?
Or shall we mount again the rural throne,
And rule the country, kingdoms once our own?

If they would take counsel from their wisdom and not from their fears, they would, instead of passing acts to oppress the people, step forward for their protection; and would see that the system of corruption was as destructive of their own interest as it was of that of their constituents. He hoped the people would not cease to demand their rights, and would compel a reformation of the abuses complained of. The want of virtue in the representatives of the people was what the Crown had as much a right to complain of as the people, as both were kept in thralldom by the same oligarchy, and would both be relieved by the same remedy. If the people were always to be met with bills of severity when they presented their petitions; if when they were silent they were supposed indifferent; and when they spoke out, their liberties were to be suspended, and all the bulwarks of their rights removed; how could we venture to boast of the glories of our Constitution? He would not occupy their time with mentioning any more authorities, though great authorities might be quoted: he might cite Lord Chatham, Mr. Pitt, and Mr. Fox, all of whom had supported the measure of Reform. There was one person, however, for whose writings he should always entertain the greatest respect, and who, although he had taken alarm at the beginning of the French revolution, had deeply felt, and eloquently described, the necessity of rendering the House of Commons a true representation of the people, as well as the evils which sprung from it, when it was not. What the opinions of that great writer might have been, had he lived to this day, he did not know: but he would recal to their recollection what he had said on this subject. (The hon. baronet here read the following extracts from the pamphlet in his hand.) "Whatever alterations time and the necessary accommodations of business may have introduced, this character can never be sustained, unless the House of Commons shall be made to bear some stamp of the actual disposition of the people at large. It would (among public misfortunes) be an evil

more natural and tolerable, that the House of Commons should be infected with every epidemical phrenzy of the people, as this would indicate some consanguinity, some sympathy of nature with their constituents, than that they should in all cases be wholly untouched by the opinions and feelings of the people out of doors. By this want of sympathy they would cease to be a House of Commons; for it is not the derivation of the power of that House from the people which makes it, in a distinct sense, their representative. For the King is the representative of the people; so are the Lords; and so are the Judges. For they are all trustees of the people, as well as the Commons; because no power is given for the sole sake of the holder: and although Government certainly is an institution of divine authority, yet its forms, and the persons who administer it, all originate from the people. A popular origin cannot, therefore, be the characteristic distinction of a popular representative, which belongs equally to all parts of Government, and in all forms. The virtue, spirit and essence of a House of Commons consists in its being the express image of the feelings of the nation. It was not instituted to be a controul upon the people, as of late it has been taught, by a doctrine of the most pernicious tendency, but as a controul for the people. Other institutions have been formed for the purpose of checking popular excesses; and they are, I apprehend, fully adequate to their object. If not, they ought to be made so. But the House of Commons, as it was never intended for the support of peace and subordination, is miserably appointed for that service; having no stronger weapon than its mace, and no better officer than its Serjeant at Arms, which it can command of its own proper authority. A vigilant and jealous eye over executive and judicial magistracy; an anxious care of public money; an openness, approaching towards facility, to public complaint: these seem to be the true characteristics of a House of Commons. But an addressing House of Commons, and a petitioning nation; a House of Commons full of confidence, when the nation is plunged in despair; in the utmost harmony with Ministers, whom the people regard with the utmost abhorrence; who vote thanks, when the public opinion calls upon them for impeachments; who are eager to grant, when the general voice demands reckoning and account; who, in all disputes between the people and administration, presume against the people; who punish their disorders, but refuse even to inquire into the provocations to them; this is an unnatural, a monstrous state of things in this Constitution." Such were the sentiments of Mr. Burke in the active part of his political life, and he would ask, was not this unnatural state, the very condition of the House he was then addressing? He wished the gentlemen of England would keep one fact in mind—that 150 borough proprietors had the property, the liberty, and the lives of this great nation at their

disposal; that by their agents they constituted the executive or domineered over it; that they had become King, Lords, and Commons, and excluded every other power from the Constitution (*hear, hear*); and he asked them if they would allow this state of things to continue? The Roman empire had been set up for sale by the corruption of its legislature; the Athenians were so attentive to the purity of theirs, that it was declared high treason for any one not a citizen to intrude into the legislative assembly. So long as such a House of Commons as that which he had described should continue in the country, neither foreign nor domestic dangers would create alarm. He wished to see no other House of Commons than that which answered to the description by a great man of what a House of Commons ought to be. He called Mr. Burke a great man, because it was an epithet due to his extraordinary abilities, and to those principles which he had so strenuously supported during the greater portion of his life, whatever had been his subsequent departure from them, or whatever had been its cause. Mr. Burke had indeed gone farther, and declared it to be better that the House should partake of every epidemical phrenzy of the people, than that it should shew a perpetual jealousy of their rights. It was not, however, a jealousy of which he now complained; it was an open hostility to popular rights, a want of all common feeling with the country at large, and a cheaply won character of magnanimity, in affecting to despise what was called the clamour of the people. This appeared to him, he confessed, to be hardly decent; but as he did not think it right to take upon himself to point out what particular course it might be most advisable to pursue, he could only entertain hopes, that the House would consent to an inquiry into the facts and allegations contained in the petitions. Most particularly he trusted, that the committee, if appointed, would direct its attention to the alleged nomination of members by peers; a nomination which could not be practised but in defiance of all law, decency, and reason. It was upon these views of the difference between the Constitution as it now existed, and as it was settled at the Revolution, that he invited the House to listen to his proposition. Our present practice had varied from the standard then established in many important points. It had been judged necessary at that period to enact, that every privy-counsellor should subscribe his name to a copy of the advice which he gave his sovereign. Another regulation had for its object the exclusion of persons holding offices under the Crown from seats in Parliament. Every thing, however, which had been interposed as a security against the encroachments of power had been either taken away, or had been suffered to become a dead letter. Nothing could furnish a more decisive proof that the House of Commons had lost its former connection with the people; that they no longer regarded themselves as their stewards or servants, but as

a master uniting in himself all the different springs and species of authority. Whatever might be thought of the wisdom or expediency of annual Parliaments at present, it was not true that they were unknown to the history of the Constitution; in the discussions on the Triennial Act, the contrary was maintained by the most eminent public characters of that day. With regard to the Septennial Act, indeed, he wished to say no more, than to allude to the opinion expressed of it by Dr. Johnson, who, he supposed, if living, would now be considered a Jacobin. (*A laugh.*) Dr. Johnson, when reprobating as unconstitutional the measure by which twelve persons were raised, during the reign of Queen Anne, at one time to the peerage, speaks of it as nothing equal or approaching to the contempt of all human right, and of all human means of asserting it, which was exemplified in passing the septennial act. But the pretence then was, the existence of a Popish faction; another proof of the aversion which had so long prevailed to trust to the sense and wishes of the country. He believed that this pretence was now abandoned, but with very little alteration even in its name. The dread was no longer excited by a Jacobinical, but by a Jacobinical party. Believing, however, as he did, that there was no danger to be apprehended except by the Government continuing to do wrong, and still more to alienate instead of regaining the affections of the people, by restoring to them their undoubted rights, he should conclude by moving, "That a select committee be appointed to inquire into the present state of the representation of the country; and to report their observations to the House."

Mr. Brand seconded the motion, and observed, that the present debate was more likely to serve as an indication of opinions already formed, than as a means of converting many from their former sentiments. It was the present situation of the country that could alone induce him to go farther than to express his general concurrence in all the principles laid down in the able, luminous, and temperate address of the hon. baronet. (*Hear.*) This could alone furnish him with either a reason or a justification for repeating opinions which he had often before stated to the House, and endeavoured to press upon their conviction. But when he considered the circumstances in which they were placed, the extreme distress and suffering that prevailed, and the unprecedented energy with which the public had petitioned for Reform, he thought he saw a material change in the relation subsisting between the House of Commons and the people. He had long since communicated to the House his belief, that this relation should be enlarged by means of timely, moderate, and conciliatory Reform; or that the consequence must inevitably be, that the House would be driven to measures of military coercion in the defence and maintenance of its authority. Deeply as he regretted the immediate cause of it, he might appeal to

those who heard him, whether his prediction had not already been fulfilled. He had wished that the hon. baronet should bring forward this question at an earlier period, for there had not been a single great discussion, nor one comprehensive subject agitated by Parliament, in which its merits were not materially involved. What had long been his persuasion, seemed, by the number of the petitions on their table, to have become the general persuasion of the public mind, that the House of Commons, as at present constituted, did not in any fair sense represent the people. The result of this was, in a time of profound peace, suspensions of their ancient rights, and an enormous military establishment to defend those suspensions—(*Hear, hear.*) In a statesman-like view, it was impossible for him, in such a state of things, to call for a reduction of that establishment; and he could not help feeling some surprise, that those amongst his honourable friends who were unfavourable to the object of this motion, should be of opinion that the establishment might be reduced with safety. He must say, indeed, that when he referred to the weight and respectability which belonged to many of the petitions in question, the whole subject deserved to be considered in a new point of view. He was aware that the country had been excited—(*A loud cry of hear, hear! from the Ministerial side.*)—excited, he was about to say, to a consideration and attention to this question, and had found in it one of the great causes of the public distress. He would certainly not contend, that a Reform of the representation would afford an immediate remedy to existing grievances; but he thought it the best security against the future recurrence of their causes. (*Hear, hear.*) Some of these petitions might contain expressions too energetic and violent to suit the delicacy of individuals; but there were others, to the tone and phraseology of which no objection could be stated. Let the House look at the petition from the county of Cornwall, at once respectable in the names subscribed to it, and the talents displayed in its preparation and support. He agreed with the hon. baronet, that it was better not to recommend any specific measure, or to attempt deciding at once between the Legislature and the petitioners. A case of great grievance had been laid before them, into which it was their duty to inquire. The details brought forward, although far within the limits of the truth, clearly shewed a practice of nominating to seats in that House by Peers and Commoners, as repugnant to every principle of liberty, as it was contrary to the express letter of our ancient Constitution. One single instance of such a practice he should deem a sufficient ground for the appointment of a committee. He knew that this system of nomination was defended, under the pretence of virtual representation, and was said, in its working, to cause a return of almost the same individuals who would be chosen under a different form of election; but even admitting it to be true, that

the same individuals would be returned, he was sure they would return to their seats under a very different influence. (*Hear, hear.*) It would not be under the influence of individual patrons, but of the body of their electors, whose injuries they would be bound to see redressed; and whose rights it would be their interest and duty to support. He believed the right hon. gentleman opposite knew the political bias of every person and party in the House. The due representation of the real property was, to the personal, as four to three, but the system of nomination and influence converted it into the proportion of five to one. This might serve for an argument to shew the practical inutility of that preponderance which would be given to personal property by such a scheme of Reform as that of Universal Suffrage. He desired to allude to this topic but slightly, because it certainly did not now fall under consideration. In the time of Henry VI. when the elective franchise was extended, it belonged only to freeholders and to the King's suitors. All the rest of the community were in a state of villenage, except those who held by burgage tenure. In those boroughs where the right of voting still belonged to all who paid scot and lot, it appeared to him that the suffrage was sufficiently extensive. These, however, were hints which he only threw out casually, and would form the proper subject for inquiry in the committee. To return to the defence set up, that the present system was one of virtual representation—could that be called representation at all which might possibly fall into the hands of a foreigner? When in the hands of a few individuals, instead of the body of the community, by whatever name it was called, it was not what representation ought to be. Sir William Jones had justly remarked, that “as well might a Roman tyrant have urged, that all his vassals were represented in his person: he was augur and high priest, the religious state was, therefore, represented, by him: he was tribune of the people, the popular part of the nation were, therefore, represented; he was consul, dictator, master of the horse, every thing he pleased; the civil and military states were therefore concentrated in him: the next deduction would have been, that the slaves of his empire were free men. There is no end of absurdities deducible from so idle a play upon words.” This, he thought, was a sufficient reply to the flimsy pretext of virtual representation, as an argument against just and incontrovertible claims. When it was urged, during the debate on the American war, that America was as well represented as Manchester and Birmingham, Mr. Burke had asked, “When the people of America look up to you with the eyes of filial love and affection, will you turn to them the shameful parts of the Constitution?” He could anticipate nothing but danger from that loss of confidence and esteem on the part of the people which must follow the refusal of their just petitions. The alarm which he be-

lieved to be at present groundless, would at length become well founded and imminent. There was a limit to the suffering, and a limit to the indignities, which a loyal people would submit to bear. The House had heard the petitions of the people read, and were bound to examine their statements, unless some valid reason could be urged for rejecting the inquiry. He knew none except what was derived from the dread inspired by the French revolution—a revolution which had itself sprung from the obstinate resistance to Reform. If the object was to goad the people to violence, in order to prepare the way for a military government, perhaps no better means could be devised. Let it be remembered, that one powerful cause of the last revolution in this country was related by Bishop Burnet to have been the acts and practices resorted to, in order to enable the King to get a Parliament to his mind. The Earl of Bath, to secure to himself the place of groom of the stole, procured the return of 44 members from Cornwall, and complaints were heard from every corner of the kingdom. “Early Reforms,” as Mr. Burke had observed, “were amicable arrangements with a friend in power: late reformations were terms imposed upon a conquered enemy.” (*Hear.*) If it was wished that the country should be really tranquil, Reform was the only means of providing for that tranquillity: every other resource would be found vain; and whilst he entreated the House not to answer the filial applications of the people, by suspending their best and hereditary rights, it was his sincere persuasion that they would feel the inadequacy of such measures, adopted against the sense of those who were most disinterested in their advice, and repent of them when it was too late. (*Hear, hear.*)

Sir J. Nichol said, notwithstanding what had just been stated by the hon. member, and by the hon. baronet who preceded him, he was still inclined to support the Constitution of the Country. He saw no ground for any alteration, and, therefore, it did not appear necessary to him to go into a committee. The House ought first to consider, what were the real evils we suffered, or rather what were the real blessings we enjoyed under the Constitution in its existing forms? The next inquiry should be, whether we could correct the evil without endangering the good? Few, he believed, would deny, that great practical blessings were bestowed by the Constitution as now administered; and that a greater portion of freedom and happiness was to be found in the society established in this kingdom than under any other Government in the world. (*Hear, hear.*) We ought to pause, then, and reflect on the magnitude of these advantages, before we proceeded to visionary experiments on the frame and character of the Constitution. It was not a simple machine, in which all the springs moved independently; on the contrary, many of them pressed upon and were controlled

by others in invisible operation. A sudden change of any of its parts might possibly suspend the motion of the whole, or accelerate it to its destruction. That which alone we were certain of was, that it worked well at present. (*Hear, hear.*) If there were incongruities between its theory and practice, the same might be said of the trial by jury; and yet what institution could be a greater practical benefit to the country? It was obvious, that no system of elections could secure a uniform coincidence of sentiment between the majority of electors and the majority of representatives. Whilst he cheerfully admitted that all governments were for the benefit of the people, he must deny that the laws were not binding, unless they were sanctioned by them. That which afforded them the greatest happiness, with the least mixture of evil, was in itself a legitimate government; and before he could assent to the proposition before the House, he called upon those who supported it to demonstrate, that it would add any thing to the welfare or security of the country. Our Constitution was essentially that of a limited monarchy, in which it was certainly necessary, that the House of Commons should comprise a representation of all the great interests of the country, and of its wealth, its integrity, its knowledge, and its talents. This object might be, and was in his opinion, as fully accomplished by the representation of narrow places, as by elections of a more popular description. Every class of society, however humble, had its interests considered; and he might ask, in illustration of this, whether the greatest care was not employed in apportioning the burdens of taxation, so as to place its weight as far as was practicable on the higher and middle orders? In the practice of the Constitution, two great parties necessarily arose, one of whom conducted the Government, whilst their measures were diligently watched by the other. The different sorts of representation were distributed pretty equally between them; and it was remarkable, that when the present Earl Grey brought forward his plan of Reform in the year 1793, it was supported by no more than 20 county members, and he did not find that the rest were discharged by their constituents at the next election, because they had voted against it. A variety of theories had been lately advanced on this subject. Some persons were for Universal Suffrage. He believed, however, that no one would be found to make such a proposition in that House—a proposition, which, if adopted, would destroy the balance of the Constitution, by giving too great a preponderance to the democratic part of it, and would lead to all those revolutionary miseries, which, commencing in anarchy, must end in military despotism. The next theory, which was recommended by a much greater number, was representation co-extensive with direct taxation, or, in other words, a vesting of the elective franchise in all householders. To adopt this suggestion

would be to alter the representation of three-fourths of that House; a representation formed by the wisdom and practice of ages; sanctioned by various charters and other solemn proceedings, and interwoven with the habits and manners of the people. How this change in the mode of election was to be carried into effect had not been stated. Whether it was proposed to divide the country, like France, into departments or districts, he did not know. If so, it would inevitably follow, that the metropolis, and the counties in its immediate neighbourhood, would soon acquire an undue preponderance in Parliament, and London would become what Paris had been, the despot of the country. Much had been said of the bribery and corruption attendant on elections. Would such a division of the country tend to diminish those evils? Another question that would arise, would be, whether all classes of persons were to be considered eligible to serve as Representatives? If so, whether such a change in the character of Parliament would be beneficial, he left to the good sense of the House and the public to determine. Some of the petitions complained of extreme taxation, and attributed that and the existing pressure of distress to the defective state of the representation. If by excessive taxation was meant unnecessary taxation, he must deny the charge. It was necessary for the payment of the interest of the national debt; for he did not understand that there had yet been in that House an avowal of a disposition to commit so gross a fraud on the public creditor as to extinguish that debt. It was also necessary for the support of our establishments, which Ministers had reduced to the lowest possible scale. He must implore them, however, not to reduce them so low as to endanger the security of the Government. With respect to the existing distress, he admitted that it proceeded in a great measure from the wars in which we had been engaged. The hon. gentleman who spoke last, had contended, that if the representation were more in unison with the popular feeling, the course of public measures would be considerably changed. Now, he would ask, if the representation had been more in unison with what was called the popular feeling, would those wars have been prevented? (*Hear, hear, from the Opposition benches.*) Did history instruct them that Democratic States, provided they were powerful, were less prone to war than States under any other form of Government? Let them look to the ancient Republics. Let them look to France when she was a Republic. Let them look to America. He wished the House to consider what had been the popular feeling with respect to our wars. He might go back as far as the Revolution in support of his argument, but he would confine himself to later periods. Would any man assert that the war between this country and America was not a war in which the public opinion went with the Government at

its commencement, and during a great part of its progress? A party in Parliament had been hostile to it; but it was not until the latter end of the war that the public made common cause with them. In 1780 there was a general election; but he had never heard that any expression of dissatisfaction was raised at that time against those who supported the war. On the contrary, Mr. Burke was turned out of the city of Bristol, which contained 7 or 8,000 voters, because he opposed the American war. (*Cries of no, no, from the Opposition.*) He admitted that towards the conclusion of that war, when its disasters had greatly increased, an alteration took place in the opinion of the country: and in less than two years from the election to which he had alluded, the Representatives of the people in Parliament, turned out the Administration, and put an end to the war. He would now go to the French war. Would any man assert, that the commencement of that war did not accord with public opinion? Unquestionably a party in that House denied its justice and policy; but without entering into an examination of that question, he would say, without fear of contradiction, that no political party was ever reduced so low in numbers. In the various fluctuations of the war, public opinion remained in its favour; and if any man, looking back at those times, were now to say that he would have preferred making peace with Buonaparte at the price of leaving him at the head of the French Government, to bringing the war to the glorious termination to which it had been brought, even at the price of the pressure with which that effort had been attended, he was convinced that that man would not carry with him the sentiments of the country. If, therefore, the representation had been changed, and had been rendered more democratic, these wars, and their consequences, would not have been averted. Republican Governments were by no means distinguished for economy and prudence. Under the French republic, the expenses amounted to 10,000,000*l.* sterling per month. No man had a higher respect than himself for public opinion: but he trusted that Parliament would never suffer itself to be influenced by popular clamour. He could not agree on this subject with the hon. gentleman who spoke last, and who had quoted Mr. Burke, to shew that there could not be too strict a union between the feelings of the people and those of their representatives. On the contrary, if the representatives of the people were well chosen, there were occasions in which they would shew their wisdom and real attachment to the people, by resisting opinions hastily entertained. Certainly, when the popular opinion was dispassionately formed, that House must, and ought, and always would conform to it. There was no man who knew him, who did not know how much he valued the right of petitioning. It occasioned him, therefore, the utmost grief and pain, when he considered the mode that had been adopted

to procure the petitions now upon the table. They had been obtained by holding out delusions to the people, by telling them that the distress which they endured arose from the defective state of the representation. It was not surprising that those who laboured under distress, should lend a willing ear to persons who suggested a remedy for the evil; but it was impossible that opinions so obtained could have much weight with Parliament. Even if the House were to risk the best blessings of the country, and to sacrifice the public welfare, to gratify the caprice and sooth the insolence—not of the people (for they had a right to command), but of those who affected to advocate their cause, they would neither content the wise part of the community, nor silence the clamours of the disaffected. In 1782, in 1783, and 1785, Mr. Pitt brought forward the subject of Parliamentary Reform; and though his plans were moderate, and very different from what was now called a radical Reform, the good sense of the House put a negative upon his proposals. What, then, should we venture to embark upon these troubled waters at this day? Had not the French revolution taught us a most awful lesson? The storm once raised, no man could direct its course. The experiment could not be made without extreme danger, and the result must be most fatal to the welfare and security of the country. Mr. Pitt himself was so fully convinced of this, that he was not ashamed to retract his opinions. Even if the time were more favourable for the agitation of this question, or for acceding to the motion of the hon. baronet, the slightest change in the happy Constitution under which we lived would be productive of great evil; and, therefore, we had better adhere to the existing forms of Government. In 1780 Lord Chatham proposed to invigorate the representation of the people, to infuse a new portion of blood into the Constitution, as he called it, by adding 100 county members. Well, then, this had been done; it had been completely effected by the Irish Union. (*Hear, hear, and a laugh.*) Would any body say that the management of this measure had not fallen into different hands from those which formerly directed it? In 1782, the cause of Parliamentary Reform was supported by many persons of the highest rank. In 1793, a Society was formed, of which, however he might differ from it in opinion, it was but justice to say, that it consisted of persons of great political character and moral respectability. The object which this Society—the Friends of the People—had in view, was nothing more than Parliamentary Reform: and it disavowed and shook off all connexion with other co-existent societies, whose views were supposed to be not quite so constitutional. But who were the persons without those walls, (for he did not mean to intimate any thing personally disrespectful to the hon. baronet, or to any of the hon. gentlemen in that House who supported his views) that now

sought to govern the public mind? One of them, —the chief framer of the petitions,—the great conductor, missionary, and apostle of the cause out of doors,—had been the subject of panegyric in that House: but it was well known, that during the existence of the Society of the Friends of the People, a secession of the leading members took place, because that individual was suffered to continue in it. (*No, no, from the Opposition benches.*) He believed, notwithstanding this denial, that such had been the case; and that afterwards, on that individual's expressly avowing a correspondence with the Jacobins of Paris, he was excluded from the Society: the letter proposing that exclusion having been signed by the chairman, at that time member for Hertfordshire, the deputy chairman, now a noble duke, and the hon. member for Carlisle. But was this the only difference in the character of those who now called for Reform, and those who were its advocates twenty-five years ago?—By no means. There was no longer a Society of Friends of the People, with high names and characters: but there were other societies of all descriptions co-operating with each other, and many of them evidently prepared to go much greater lengths than the attainment of Parliamentary Reform. Among them were the Spenceans, and others with notions equally absurd and criminal. This was an alarming consideration. The House could not disguise from itself, that means had been industriously adopted to undermine the moral and religious feelings of the people; that every artifice had been practised by designing individuals under the sacred names of Liberty and the Constitution, to tempt the lower orders to the commission of acts that must tend to the destruction of both. He put it to the consideration of the moderate reformers, whether the agitation of the question at this time might not be attended with the most serious consequences. Was our Constitution perfect? By no means: no human institutions could be perfect; but if the remedy extended to boundaries which we could not ascertain, we had better confine ourselves within the present limits. Much had been said, both now and on former occasions, as to suspending the Constitution of the country: but he was fully persuaded that that measure was necessary for protecting the liberties of the people. (*Hear, hear, from the Opposition.*) With regard to the influence of the Crown, he denied that it had increased: on the contrary, it had been considerably abridged; and particularly by rendering the judges independent, by passing the Grenville Act, by excluding contractors from the House, and by preventing revenue officers from interfering at elections. There was not at present in that House one half of the number of persons holding offices that had seats about fifty years ago. There was no circumstance which to him seemed of greater weight in the prevention of an undue exercise of the influence of the Crown, than—if he were not dis-

orderly in mentioning it—the manner in which the debates of the two Houses of Parliament were given to the public. Nothing passed in either House which was not immediately published and circulated throughout the empire, and finally throughout Europe. No individual, or no body of individuals, could feel a just cause for complaint, without having the means of laying it on the table of the House. Did a Minister, or a Magistrate, unduly exercise the power entrusted to him? His conduct became the immediate subject of parliamentary discussion.—Nay, this was carried so far, that respectable persons were frequently deterred from undertaking duties of importance, lest they might be inadvertently betrayed into something which would subject them to the scrutiny of Parliament. With these views of the question, he was decidedly of opinion, that the introduction of any new measure would endanger the safety of the State. The Constitution of England had grown up out of a series of events, either fortuitous or providential, which had secured to us the admiration of all the world: it had enabled us to ride securely through all the storms, the perils, and the dangers of the last twenty-five years; and had at last conducted us, notwithstanding the pressure of temporary distresses, to the highest pitch of glory and prosperity.—Those, then, who should interfere with the Constitution at the present crisis, would involve the country in dangers and difficulties from which it might not be recovered.—(*Here a loud coughing commenced, and was continued for some time.*) The hon. member sat down, with giving his negative to the motion.

Lord Cochrane said, after the speech of the hon. baronet, the mover, and of the hon. seconder of the motion, it might appear presumption in him to offer any observations in elucidation of that which was very properly considered by the people, the most important question which could possibly engage the consideration of the House. The hon. gent., the Dean of Arches, who had just sat down, had shewn them how nearly one side of the House was balanced by the other; but he had forgotten to state to them, that neither the one party nor the other represented the people; and that the interests of the people were the only interests which were not regarded in it. He had stated that the proceedings of the House went out to the public, and that every man in the country was thus enabled to form an opinion on every measure which came before them; but he omitted to state, that the Constitution of the country no longer existed. (*Cries of hear, hear, and order.*) He had a right to say, that the Constitution no longer existed, while the Habeas Corpus Act was suspended. The honourable and learned gentleman had declared, that the people could not be more fairly represented if they got all that they wished, namely, a full, fair, and free representation. He had said, the commer-

cial interest was represented; the agricultural interest was represented, and the manufacturing interest was represented; but he had forgotten to state, that an interest existed in that House, which was above all these interests—the interest of placemen, sinecurists, and pensioners. From the earliest ages of the world, men had always been found accessible to corruption. Were they in that House alone pure? (*A laugh, and hear.*) Were they alone exempted from the operation of that which had in all times influenced mankind, when in their power? Were they alone superior to every thing external? Did not they find that the patron of a borough directed the vote of him whom he returned to that House, and that the member took his side in the House accordingly; or, if he was ever found speaking on this side of the House, that he voted on the other. He had now had a seat in the House upwards of ten years, and he had found that uniformly the practice.—It was to get rid of this abuse that the people called aloud for Reform, and it was the bounden duty of the House to accede to the prayers of the people, and to consent to a Reform. But Reform they must have, whether they would or not; the time would soon come when they could not go on without it. The present state of the country was such, that it was impossible things could exist long under it. It was like a decayed carcase, the maggots ate it up. They were the maggots of the country—(*A laugh!*)—they were the locusts of the land—they were its destroyers. There was nothing wicked, which did not emanate from that House.—(*A laugh!*)—In it originated all knavery, wickedness, perjury, and fraud.—(*Tumultuous cries of hear, hear! Order!*)—They knew well all this, and they all knew that the means by which the great majority of the House were returned, was one great cause of the corruption of the whole country. It had been said, let the people reform themselves; but it was well known, that if sums of money were offered, there would always be found men ready to receive them. It was impossible to imagine that the profuse expenditure of the late war could have taken place, had it not been for that corrupt majority. At least, it would have had a shorter duration, from being carried on in a more effective manner, had it not been the interest of so many to prevent its speedy termination. Had not the glorious peace which we had obtained annihilated the commerce of the country? Were not vessels seen every where with brooms at their mast heads?—Were not the sailors starving? Was not agriculture languishing? Were not our manufacturers in the most distressed state? Some of the greatest landholders in the country were now in the House. He would appeal to them. Did not they know that they could scarcely collect any rents?—that they were merely the stewards of the Government; and that what they received they handed over to the tax-gatherer, to pay the

interest of the funds? Did they not see this? And would they allow themselves to be in this manner really robbed of their estates, from an apprehension of Spenceans, and such fools and idiots? When the Committee, on whose Report the liberties of the country were suspended, was ballotted for, a list of names was put into the ballot box, written by the Treasury. Was not this a mockery and fraud on the public? What could be more base than to attempt such a fraud? And yet they had heard that the mock Committee was to be revived for the purpose of again suspending the Constitution? And for what? Because the Ministers were afraid that the expression of the public voice might arrest them in the progress of their delinquency. He was persuaded that no man wished the subversion of the Constitution; for no man would contend that the bribery and corruption practised in that House were the Constitution of the country. This bribery and corruption might be very convenient to corrupt Ministers. Indeed, the system precluded the possibility of having honest Ministers. Mr. Pitt said, that without a Reform in Parliament no Minister could be honest. He was persuaded, that no man in the country could be more honest and moral than the right hon. gentleman (the Chancellor of the Exchequer), but it was not possible for him to be an honest Minister until measures were taken to purge and purify the House. If this were not done, it was vain to hope for a renewal of successful enterprise in this country. Commerce would never revive—the sun of the country was set. It might, indeed, subsist as a petty military German State, with horsemen parading up and down with long whiskers and large sabres ringing on their horses' backs, and with fantastically shaped caps of fantastical colours on their heads; but that this country should be a great power again was quite impossible. Before they called on the people of the country to reform themselves, it was necessary that every man should take the mote out of his own eye.—(*Hear, hear!*) He was glad to hear the Lords of the Admiralty cheering him on this occasion; they had particular reasons for being aware of the force of his observations. The hon. Dean of Arches had instanced Juries as one of the benefits of the Constitution. With respect to the manner in which Juries were chosen under the present system, he was sure that justice was much better administered—and in a more summary manner—with less expense—and no chicanery—by the Dey of Algiers.—(*Loud laughing.*) He was satisfied; that the present system of bribery and corruption was more detrimental to the country than a despotism, which he hoped the noble lord would have the goodness to favour them in let us have at once a downright open despotism. (*Hear, hear.*) Nothing had been said by the hon. the Dean of Arches against the mo-

tion of his hon. friend. His hon. friend had argued the question generally, and it was complained that nothing specific was brought forward; but had any specific measure been offered, it would have been said it was not the best plan—every one would have started forward with his own plan. The House ought not to refuse to have this important subject investigated in a committee—they always consented to committees when the object was to destroy, at least *pro tempore*, the Constitution of the country. There could be no hope that the suspension of the Habeas Corpus would ever be taken off, at least while the present financial system was continued. To that system he was convinced we owed all our evils—it would be the total extinction of our commerce, navigation, and manufactures. He was convinced, that so long as the Funding System continued, there would be no employment for the lower orders of the people. It was idle to talk of employing them in making roads and canals, and in digging holes one day to be filled up the next. Unless commerce revived there would be no use in having more canals. And as to making and filling up holes, it might be justified as continuing the people in habits of industry; but if there was no prospect of an improvement in the situation of the country, there could be no use in their continuing in the possession of those habits.

Mr. Curwen said, he had wished to have caught the eye of the Speaker sooner, but had he viewed the situation of the country in the same light as the noble lord who had just sat down, he certainly should not have been so anxious to rise. It was because he believed the country possessed the means of recovering from the present difficulties, that he was anxious to see those abuses removed which retarded its prosperity. With respect to the question now before the House, he was anxious, before he delivered his opinions, to set an hon. gentleman opposite (Sir J. Nichol) right upon one point. He had stated, that a motion was made in the Society of the Friends of the People, for the expulsion of an individual, whom he had called the great apostle of the reformers, in consequence of his having carried on a correspondence with the Jacobins of France. It could not be denied that such a motion was made, but the gentleman in question, (Major Cartwright) was not accused of having held such correspondence. He (Mr. C.) had been long of opinion, that a Reform of that House was highly expedient. The reason of enacting the late unconstitutional measures was obvious enough. They had been compelled to abridge the liberties of the people, because they did not possess their confidence. Had the House ever properly inquired into the expenditure of any war? This they had always avoided; and it was this disposition to leave the public purse at the mercy of the Ministers of the day of which he com-

plained. In the present session examples had been given of that undue confidence. They had voted very improperly a great war expenditure; and while such things were done, was it surprising that they had lost the respect of the country? The wish for Reform was general, and he thought it would be wise, as a measure of policy, to give the people some farther degree of political power, not only to induce them to bear the present burdens, but those future difficulties which awaited them. They must appeal to the people again, for they must have more money, and with what face could they apply to them, after the prodigal manner in which they had heretofore executed their trust? Could it be forgotten that an act had been passed, the preamble of which recognized that seats had been sold in that House? The learned gentleman had asked whether a Reform would send other members to Parliament. He did not know that it would alter the individuals who composed that House: but of this he was certain, that if they should be the same men, they would be governed by different motives. He would ask whether there had ever been a time in which the people of England bore their distress with greater fortitude? There had only been some trifling instances of irregularity or violence. With regard to the unfortunate persons accused of treason, they were so poor and destitute of any thing like influence, that their situation was calculated to excite no feeling but that of pity. The majority of the people were attached to the Constitution: but though the country was sound, it was perfectly sensible to abuses: and a constant resistance to Reform was not the best mode of preserving its affection. The example of France had been, as it frequently was on occasions like the present, referred to; but he wished that those who were so fond of directing the attention of the House to that subject, would consider what had been the cause or the French Revolution. In his opinion, it was solely resistance to a timely and prudent Reform. On these grounds he should support the motion of the hon. baronet, and he thought, that the temperate manner in which he had introduced it, ought to recommend it to the House. (*Hear, hear.*)

Mr. J. W. Ward said, he could not disguise from himself that this question had now assumed a more serious appearance than it had borne on former discussions in that House; and there was reason to apprehend that it might, by frequent repetition, be ultimately carried, unless it were vigorously resisted by those who, like him, perceived the mischievous consequences which would result from it. He acquitted the gentlemen opposite of any evil intention; but he confessed that, whenever he heard a motion for Reform proposed, it always struck his mind in the same way as if he heard a motion for democracy, revolution, and the total subversion of that Constitution and order of things which had

raised this country to a pitch of glory and prosperity unknown in the annals of the world. He allowed that the petitions for Reform were numerous signed, but they came under circumstances which ought to render the House little disposed to grant their prayers. The arguments of those who wished to introduce a change, addressed themselves more readily to the understanding, than those which tended to support the Constitution. When men were told they had a right to any thing, it was easy to gain a hearing from them. It was easy to tell a man that he was not represented; but to explain the nature of virtual representation was a task which would be undertaken in vain, in the presence of an irritated and ignorant populace. The petitions proved the existence of two things which certainly could not be cured by Reform—namely, ignorance, and distress. He not only did not think that the number of the petitions which had been addressed to the House was any proof of a desire for Reform, but that they ought, on that account, to cling more closely to the existing form of the Constitution. Two or three years ago nothing was heard of Parliamentary Reform; and if commerce were to revive speedily, he was confident the House would be little troubled with petitions on that subject. Notwithstanding all that had been said on the subject of Annual Parliaments, he believed that all that could be proved from history was, that there had been annual meetings, not annual elections. But what kind of Parliament and Government did these radical Reformers propose to give us? They said, that the King was to retain all his prerogatives, and the Lords their privileges; nothing was to be altered but the House of Commons. The splendid statue of gold was to have earthen feet, which might be broken at will. Every thing, then, was to be right; there would be no taxes, no tyranny, no orators, no heroes, no Pitts, and no Nelsons. It was pretended that a House of Commons formed by radical Reformers could exist with an hereditary monarchy and nobility. So long, indeed, as the King and Lords went along with the popular voice, they would be endured by their inferior masters, but the first popular bill which might be rejected would be the signal for the downfall of the monarchy. Demagogues would then take credit to themselves for the sort of pious fraud by which they had prepared this change. It ought to be recollected, that the National Convention of France was called together on the very principles of the radical Reformers in this country. He did not think it possible that any English assembly could ever be guilty of such iniquities as that Convention: but it was worthy of remark, that a body of men who had committed the most atrocious acts the world ever witnessed were brought together by Universal Suffrage. With regard to radical Reformers, he had a book in his hand which served to illustrate their views. He had not yet read it (*a laugh*), but it was written by the celebrated,

the justly celebrated Mr. Jeremy Bentham, who was the author of many excellent works. In his introduction, he described the excellence of the British Constitution to consist, not in equality, but in the ascendancy of democracy. He did not mean to speak with any disrespect of Mr. Bentham, and he only quoted this to shew what was the opinion of a very able man, who was himself a radical Reformer. There were, he believed, very few radical Reformers in that House, and very few moderate Reformers out of it. The people out of that House were divided into two classes. A majority in numbers, and a great majority of the property of the country, was for the Constitution as it is. (*Hear, hear.*) Another very considerable party was for going all lengths in what was called radical Reform, and establishing a democracy under the forms of a monarchy. Not to repair but to pull down was their object; the only real friends of moderate Reform were in that House. To shew the notions of radical Reformers, he might merely quote some of the titles which Mr. Bentham gave to his chapters, such as "Honourable House incorrigible"—"Moderate Reform inadequate." In describing the classes of persons who, Mr. Bentham thought, must be against Reform, he says, "It must be the work of the Tories to make that portion of the public money spent in waste and corruption as large as possible, (*Hear, hear, from the Opposition,*) and of the Whigs likewise." (*Loud laughter.*) Mr. Bentham had a language of his own; but, to use a favourite term of the author, "it approximated" to ordinary language, and therefore the House could understand him. He said, that public welfare "under moderate Reform would be minimized, under radical Reform would be maximized." With regard to the influence of the Crown, it was obvious that a large establishment in the course of diminution was less favourable than a small one in the course of increase; but moderate Reform would not diminish the influence of the Crown. Radical Reform, he admitted, would diminish that influence, by cutting it down altogether. If the number of electors were increased, applications for favours to Ministers would not be diminished; for members asked little for themselves, compared with what they asked for their constituents. But after moderate Reform should be granted, the next motion would be for radical Reform. Moderate Reform would only be the sharp point of the wedge which, once insinuated, would serve to split the oak. What was called the borough system he regarded as an essential part of the Constitution; and he would as soon part with the representation for Yorkshire as with that of Old Sarum. In looking at the effects of popularity, it should be recollected that Mr. Fox was obliged to be returned for a northern borough of Scotland, for the *ultima Thule*. The case of Mr. Windham might be noticed, and that of a living nobleman, for whom he had a high respect (Earl Grey.) Such circumstan-

ers went a great way to mend the existing system. In what was called a reformed Parliament, only two classes would get admittance—those who had great local influence, and those who contrived to please the people. A constant system of canvassing was not best calculated to promote the objects of legislation. Many of those who had risen to usefulness and distinction could not have done so, by merely trying to obtain influence in particular places. No country existed in the world wherein talents of all sorts, and particularly public talents, could rise so early, and by such honourable means, as in England. Some persons drew unfavourable pictures of the representation, but these furnished no real arguments for alterations. They proved no necessity of Reform. The circumstances of our ancestors did not apply to our situation, coupled as it was with our various foreign connections. We were not in the ancient state of natural tranquillity. We had witnessed the long continued and awful convulsions of the political and moral world, which had forced its new principles on the public mind, and which took away almost, in the passing dangers, the memory of past events. Such were the effects of the French revolution, which operated so strongly on the mind of Europe, and put our Constitution upon its trial; but it proved itself alone to be adapted to varying circumstances. England and her Constitution were alone victorious, for she had never drunk the cup of bitterness to the dregs. She had known no day of humiliation or disgrace, one that she could wish to be blotted out of her annals, or one which could impair or tarnish the bright inheritance which had been bequeathed to her from early ages. She had maintained her glory by the valour of her armies, by the courage and skill of her navies, by the conduct of her sovereigns, by the policy of her Ministers, and by the wisdom and patriotism of her Parliaments. (*Hear.*) He was quite ready to allow that the existing distresses were great. Members of that House might be, in a great degree, exempt from them; yet it did not follow that they should support corruption. There was a great distinction to be made as to the causes of public sufferings, between what were occasioned by the errors or crimes of a Government, and by the inevitable operations of Providence. The petitioners represented taxation as the cause of distress; but that could not be the only cause. At all events, how could the Parliamentary Reform proposed have prevented it? The whole of the argument on that part of the subject was this—that we should have had two things—we should have adopted a different system of policy, and such policy would have been successful. Now there never was a war which was more a war of the people than the last, whether it was right or wrong; and that even to the end of it. There was certainly at one time, from the force of circumstances, a hesitation; but was that affected by a corrupt Parlia-

ment? No. We made peace, which appeared afterwards more in the light of a hollow truce; and then we were forced to make war again by our enemy, and once more to unfurl the standard of resistance. (*Hear, hear.*) The hon. baronet, he believed, had spoken of the war as a war of jobbers. If he (Mr. Ward) were a jobber, he should accept the compliment. It reminded him of a person in Roman story, who was charged with being concerned in the assassination of Julius Cæsar. He said he was not, but he had no objection to its being believed that he was. It was the foresight, and devotion, and magnanimity of the Legislature that had crowned the people of England with honour and glory in the conclusion of the late great and arduous contest. The systems of republican and revolutionary France were ever varying. Fraternization and equality of rights and all sorts of specious notions, were held out; and the history of them was explained amply in the condition of degraded Switzerland, of neutral Prussia, of enslaved and oppressed Holland, and of obedient Spain. (*Hear.*) It was only by English efforts, and under English auspices, that the nations recovered their independence and honour. Arguments for Reform were drawn from the experience of 25 years, which were some of the most glorious in our annals; but the English people at large would not pass this censure on those proceedings. They would not wish that no triumphs had been gained, or regret that they had not followed the low and mistaken policy of other nations who had suffered under the lash of their jacobin task-masters. They were not to be easily made ashamed of the victories and triumphs which they had so gloriously obtained. If the case were different, he might be disposed to agree to a proposition, under auspices which tended to what he thought at present the subversion and destruction of the Constitution. But would England feel this, after her experience of the wisdom of her councils, and the valour of her warriors? Some might lament that England did not bow to republican or imperial France, and they might regret the fall of a despot. Some persons were avowed enemies to all sorts of innovation, and would therefore object to this motion. Some again were disposed to pull down the whole fabric of the Constitution. He acquitted them, and he hoped they would acquit him, of the charge of being against all innovations. He opposed the Reform, because he found no reasonable chance of remedy proposed. If he lived under a despotic Government, like those of many European States, (he should not particularize any), he should object to arguments against innovation. He might in such countries be told, that he was friendly to dangerous experiments; but if he looked to the reign of Philip II. or any other despot, he should think that such despotism was worse than any other experiment, and more degrading to humanity. (*Hear.*) The people placed in such situations ought to make every

effort to gain valuable objects. The prize to be obtained was great, and could only be won by arduous labours and struggles. Our Constitution, planted by our ancestors, had been cultivated by their exertions and their blood; and our liberties existed, and we retained an organ of legislation, that had never failed in its intended purposes. We were the first in the race of freedom, and could look back with satisfaction, pride, and delight at those things which others might look forward to with apprehension and terror. (*Hear.*) To maintain that we were not now free was a libel on our ancestors, who paid the price of our liberty with their patriotism, and the shedding of their blood, and who had transmitted that freedom to us, their successors. (*Hear.*)

Sir S. Romilly said, it was evident from the eloquent and elaborate speech of the hon. gentleman, that he had expected the debate would have taken a different course. (*Hear, hear.*) As to his remarks upon the war, the speeches of that day were the best answer that could be given to them, and his quotations from the book, which was written by a man of great ability and spotless integrity, were unfairly levelled against the advocates of Reform in that House. For his own part he sincerely lamented, as a friend, that Mr. Bentham should ever have published such a work. His hon. friend had thrown out reflections against the whigs and tories, which no man was more qualified to do, having at one time supported the whigs against the tories, and being now an advocate of the tories against the whigs. (*Hear.*) He would give his vote for the motion of the hon. Baronet, because it was merely for a Committee to inquire into the present state of the representation, without pledging them to adopt any specific regulations. He would do so upon the grounds that there existed the strongest necessity for inquiry, and he was also satisfied that a Reform ought to be the result of that inquiry. At the same time he should be ashamed not to say, that he was not a friend to Universal Suffrage, Annual Parliaments, or the other visionary benefits supposed by some to be the symbols of a true return to the ancient system and scale of the Constitution. Upon such subjects his mind had been long made up. One of the strongest impressions he had ever received, was from the lips of Mr. Pitt, who having in his early life, with all the ardour of youth, applied himself to a knowledge of the Constitution of England, insisted upon the necessity of Reform. The ability and sincerity with which his arguments were supported, had raised the character of that statesman to the elevated rank which it attained. In this stage of his life there was, indeed, much to admire. The conduct which he afterwards adopted had not confirmed the opinion at that period so generally entertained of him. As he advanced in life, the system of his politics changed; but the change had not altered the

impression made by his efforts in the cause of Reform. At least they had not produced any effect upon his (Sir S. Romilly's) mind, who, the older he grew, saw with a keener eye the increasing necessity for a very material change in the representation of the people in that House. His vote was the more cordial, at that necessity was at the present moment stronger than at any former time. Never was the sense of the people so decidedly in favour of the measure, as might be ascertained from the hundreds of petitions presented from all parts, upon a subject in which their interests were so vitally concerned; and though some of them might speak of radical Reform, yet there were many others, such as that of the City of London, which called their attention, not to annual, but to triennial Parliaments. (*Hear, hear.*) The hon. gentleman had stated, that there never was a man in Parliament who was a friend to Universal Suffrage. What danger then did he apprehend from the appointment of a Committee? What possible injury could result from throwing a few rotten boroughs into the popular scale? (*Hear.*) Even if the Committee should go no further than to remove two or three of those eyesores to the Constitution, an object would be gained, and the people would see that their united prayers were no longer disregarded; that they were considered as having some concern in the Government under which they lived; and that when the whole nation spoke, the House shewed some sensibility at the call. (*Hear.*) By lopping off some of the rotten boroughs, the greatest advantages would be felt. How often did it happen, that a question was maintained with exact equality on both sides of the House, until three or four rotten boroughs sent their members to decide it against the interests of the people? But the hon. gentleman had advised them to beware of the French revolution. Could any one, who contemplated for a moment the principles of the Constitution—her sometimes gradual and sometimes violent departure from her natural strength, could any one, with the history of the country and of the nations of the Continent before his eyes, for an instant, conceive any thing so monstrous as that the application of such a remedy as Reform to her degenerate condition, would produce revolution? (*Hear.*) The fact was, the hon. gentleman's caution would be best applied to himself. It should be his care to beware of the French revolution. (*Hear, hear.*) It should be remembered, that that event had not been accelerated by granting Reform; on the contrary, it was by refusing all Reform, that the evils of the revolution arrived at such a head as to burst upon that nation with accumulated terrors. (*Hear.*) And yet the hon. gent., who was perfectly aware of this fact, had recommended the House to pursue a similar course; and asserted that a timely acquiescence with the desires of the people was more dangerous than obstinate resistance to their demands. He had spoken of the blessed

ings we at present enjoyed, as a proof that we ought not to attempt to effect any change. But what were those blessings? a ruined trade, a starving population, insupportable taxes. (*Hear, hear.*) But even these blessings were not deemed sufficient. It was found necessary to add that of suspending the Constitution, in order to complete the picture of the national prosperity. (*Hear, hear.*) So that the loss of the trial by jury was to be considered the great end of the efforts of the friends of the Constitution. The hon. gentleman admitted, that the petitions for Reform were numerously signed, but had drawn a distinction between that mode of seeking redress and the public voice. In cases of this kind, how admirably the hon. gentleman applied objections to his own advantage! Whenever it was his interest to speak of petitions, as calculated to influence any question, he never failed to use those arguments which were unanswerable; but when petitions were in opposition to his favourite feelings, the voice of the people was the word with which he attacked this constitutional right. He could, for instance, make the cry of "No Popery!" answer his purposes. (*Hear, hear.*) But the House had been told that, notwithstanding the voice of the people was in favour of Reform, the inquiry ought not to be granted. Should it not be recollected that the people had petitioned the Regent to assemble Parliament, from a persuasion that their grievances were capable of being redressed by the Legislature alone? And under such circumstances was the House to be deaf to their entreaties, which proceeded, not as had been stated, from the influence of interested persons, but from the general distress of the country? The people, aware of the sentiments of many eminent men, particularly of Mr. Pitt and Mr. Fox, naturally looked to reform as a remedy. As to Mr. Pitt, it was a calumny to assert that he retracted the opinions of his early life, and atoned for the errors into which he had been hurried by the adour of youth, by a recantation of his politics. The public well understood the nature of a change dictated by interest. They knew what a person meant by abandoning the line of conduct, adopted at an early age, upon fixing himself in a place. They were not to be deluded by the story of the operation of years, in rendering opinions that were notoriously founded upon sound constitutional principles alterable upon the ground of a matured understanding. (*Hear, hear.*) But the hon. gentleman had also slandered the Constitution, which was not of such a tender nature as to mortify upon receiving a scratch, or to fall to pieces upon the destruction of a few rotten boroughs—injuries which it was represented as incapable of sustaining. The Constitution was much more robust; it had stood many shocks. What could be a greater change in the Constitution than the Irish Union, which, indeed, might be called a violent convulsion?—

What did it suffer from the inroad of the Septennial Act? To Annual Parliaments, he could by no means, and under no circumstances, agree; but the Septennial Act was fraught with such pernicious evils, that the substitution of any other measure would be preferable. The repeal of that Act would, indeed, cause a change in the present system that would soon produce most enviable advantages to the nation, and a proposal for that change would, he trusted, be soon brought forward by the hon. Baronet, or some other who was qualified to make a deep impression upon the House and the Country. Was it not true that members always acted differently (those he meant who acted palpably for their own interest to the exclusion of every thing else) at the commencement of a Parliament from what they did as it approached its termination? Would the odious Property Tax have been repealed in a first or second session?—(*Hear, hear, and cries of "Yes."*)—The petitions of the people would not be mentioned as the cause of the repeal. If they produced that effect, why did they not succeed upon the Corn Laws, or upon the expedition to Walcheren? But it was also said, that the people were always considered in the formation of the taxes. They certainly were in one way, but was it with a view to their interests? If it was answered in the affirmative, what could the hon. gentleman say to the Salt Duties? Did he believe, that if the people were fairly represented in that house, those duties would still be continued? (*Hear, hear.*) He (Sir S. R.) had no fanciful notions about Reform, nor any eager desire for popularity: he wished to see something effected for the public advantage. He would mention one point, in which he differed very materially from the hon. Baronet (Sir F. Burdett), namely, that the borough-monger system was calculated to destroy the influence of the Crown. So far from operating in that manner, the Crown looked to it as a corrupt support, by which its patronage might be extended. It was true, many boroughs were purchased by honourable men, who were anxious to return persons of talent and integrity, but they were generally made use of for the most corrupt purposes, and their annihilation should form the groundwork of a Reform in the representation of the people. (*Hear, hear.*)

Mr. Lamb said, he wished to offer a few words upon a question which had not been of frequent occurrence, and which he trusted would not soon be again brought under the notice of Parliament. An hon. gentleman (Mr. Brand) had referred to the authority of Mr. Burke in support of the motion. Certainly, at one time of his life, that great man had entertained those opinions; but it was equally certain, that at the close of the American war he had distinctly declared, that the House of Commons fairly represented the people, and was fully competent to the discharge of all its duties. Although it might

be allowed that some imperfections had crept into the Constitution, it did not follow that a Committee ought to be appointed to remedy them; and was it no argument against Reform, that of the wise and learned men who had at different times advocated the cause, none had yet agreed upon any distinct and feasible plan? If he felt in favour of communicating the right of voting to copyholders, or of remedying the abuses with regard to out-voters, he could not consent to a Committee generally, merely for the consideration of those questions, without misleading and deluding the people, and taking credit for a popularity which he did not deserve. Much had been said regarding the petitions with which the table had been crowded; but who could imagine that they contained the sense of the people, when the manner in which they were obtained was considered; namely, by pilgrimages made by zealous devotees to the shrine of popular applause. He did not forget the measures which the House had unwillingly, but unavoidably, adopted; but no man of understanding would argue that they were proofs of the necessity of Reform, from which no benefit, but great evils, might proceed. Those who thought as he did, that things were best as they are, required, before they consented to a change, that the course which they were asked to pursue should be clearly defined. In attempting to do this, the hon. baronet (Sir F. Burdett) had referred to history: he had noticed the time of the Anglo-Saxons, of the Normans, and of the English Parliaments which began with Henry III. and continued till the reign of Henry VIII.; he had complained, that the late wars had sprung from ambition and the desire of aggrandizement; but he had forgotten those of Edward III. and Henry V. to whose times he had drawn the attention of the House, and had neglected, among his precedents, the civil dissensions of Richard II.—The hon. member then entered into an inquiry, how far, in early times, Parliaments had been subject to the influence of the nobles, quoting passages from various public documents, from the reign of Queen Mary to that of George I. and insisting that there was sufficient evidence to shew, that even in the good old times, at least as many undue practices, with regard to the election of members, prevailed as at the present moment. He called the attention of the House to the petition presented by Earl Grey in 1793, inserted in the Appendix to a pamphlet recently published by Mr. Evans, controverting particularly its arguments against the complicated rights of voters, and the influence used by noblemen in county elections. He insisted that the power obtained over freeholders, by a faithful discharge of public duties, and a strict attention to private interests, was beneficial to the people themselves, and led to the nomination of the most able, upright, and virtuous men. He then enumerated various distinguished persons who, having come into Parliament for small boroughs,

had attained high and deserved popularity, and had afterwards represented numerous bodies of constituents; among these was the hon. baronet himself, who, having first sat for Boroughbridge, had displayed such talent and fidelity as to lead to his contest for Middlesex, and his seat for Westminster.

Mr. Tierney said, he had often heard this question discussed, and he had early stated his own sentiments upon it; from that time to the present, he had never altered his opinion as to the expediency of a Reform. He had come down that night intending to give a silent vote in favour of a motion which pledged the House to no plan, and only required that the subject should be investigated and the principle recognized. Having when young supported the cause, he was now happy, at an advanced period of life, to be found in the rank where he had first enlisted. No man could look back five and twenty years without perceiving that his feelings and opinions had undergone some alteration. He must have been a wise man, indeed, who could say with truth, that he foresaw all the events that had within that period occurred, and had been prepared for the consequences. Five and twenty years had elapsed since the date of the petition, to which reference had been made; but without having recently read more of it than parts he had seen extracted, he could venture to say, that he still concurred in it in the main—he might, perhaps, even go so far as to declare, that he abided by it in the whole. Without vanity he might say, that he thought highly of that petition, because, in point of fact, it was not his production, as had been supposed; it was the work of a Committee, of which, it was true, he had been one of the most active members; it was a compound of the talents and knowledge of a number of individuals; and in this respect, though in no other, it bore a strong resemblance to the speech of the hon. gentleman (Mr. Wad), which, from the style of its eloquence, and the nature of its arguments, betrayed its origin to be in a sort of Committee, formed by the leading members of the Ministerial Bench. (*Hear, hear, and laughter.*) In 1793, as at the present moment, the same State phrases were used, of “let well alone,” and “things are just as they should be:” and it was thought that the best mode of beginning a Reform was to point out the irregularities (to call them by no harder name) that had crept into the representation, to shew that the people were not fairly represented; for how could they be fairly represented, when it was undeniable that the majority of the House was returned by an insignificant minority of the people of England? He could say positively from recollection, that greater pains could not have been taken to state the facts correctly in the petition, although an hon. gentleman (Mr. Lamb) had objected to some parts of it. First, he had asserted, that the variety of rights of voting was a great benefit; but

the petition did not complain that different interests, landed or mercantile, were represented; but that the numerous distinctions and modifications in the right of voting had been the occasion of great confusion and litigation. Another direct attack upon the petition was, that it complained that noblemen used their influence at elections; and the hon. gentleman had asked, if it would not be monstrous to abolish that honourable influence which was obtained by the good conduct and good offices of a nobleman towards the electors of his neighbourhood? Upon this point the petition might answer for itself, for it contained this sentence—"Your petitioners entreat your hon. House to believe, that in complaining of this species of influence, it is not their intention or desire to decry or condemn that just and natural attachment which they who are enabled by their fortune, and inclined by their disposition, to apply great means to honourable and benevolent ends, will always ensure to themselves." It was clear, therefore, that this last complaint was unfounded, and the hon. member needed not thus to have gone out of his way gratuitously to cast imputations. Those who resisted the motion, and particularly the hon. member over the way (Mr. Ward), had maintained that all things were in so happy a state, that it was impossible to improve them; not a tittle could be altered for the better—time had made no inroads that required repair; the Constitution was at present, and always would continue to be, an imperishable model of perfection for the world to wonder at; and that the representation of Old Sarum was just as good as that of the county of York. (*Hear, hear.*) This was certainly all very pleasant, and came most appropriately from an hon. gentleman who, having been kicked out of the county of Worcester, had slipped into a close borough, and there taken shelter from his pursuers. (*Continued cheers and laughter.*) Whether that part of his speech had been dictated by the Ministerial Committee to which he had before alluded, was not so clear: it did not appear very consistent with the conduct of a right hon. gentleman, (Mr. Canning) who no doubt was a member of it, and who, having long sat for a close borough, had abandoned it at last, and successfully stood a candidate for the populous town of Liverpool. At least one of the Ministers, therefore, could be no very strong friend to the corrupted system. (*Hear, hear.*) Would he not, on the contrary, avow, that he now felt he stood higher in the rank of representatives than when he occupied a seat for a paltry borough of a few servile electors? The hon. member who spoke last had produced an Act of William and Mary, the object of which was to prevent the Warden of the Cinque-Ports from nominating seven members as he had done; yet he was a warm advocate for things as they are; and had he lived in the days when that measure was brought forward, would he not have denounced it as an

innovation—as an infringement upon the rights of one of the most ancient offices known to the country, and an encroachment upon the revered and hallowed Constitution, as by law established? (*Hear, hear.*) Yet was it not notorious, that the very abuse which that act was intended to remedy, at this moment existed in a degree as flagrant as ever; and was it not the duty of the House to pass a new act to enforce that which had been so grossly evaded? If the Committee were appointed, he (Mr. Tierney) would undertake to prove that the Lord Warden of the Cinque-Ports still procured the return of seven representatives. In the course of the debate, the House had heard of nothing but rights; the rights of members of parliament; the rights of close boroughs; and the rights of those who were in the possession of the good things of this world, to keep them as long as they could. In short, every sort of rights had been talked about, but the most important of all—the right to amend. (*Continued cheers.*) His hon. friend objected, that certain places would be shut up by which men of talent could be introduced into the House. This might be true, but a known evil ought not to continue merely that good might come out of it. There was another class of rotten boroughs of a different description, and to the alteration of which no reasonable objection could be made. He alluded to those boroughs, the voters of which consisted of from 70 or 80 persons, up to 170 or 200. They sent to the Treasury what they called blank bugesses, and were chiefly in the hands of mercenary attorneys, who merely sought to make money by their traffic in them. When a member was to be brought into Parliament, they never inquired whether he was a man of talent and ability, likely to be an ornament to that House, and a benefit to the public: all they asked was, who was his banker? They did not care about his being a young and promising man; on the contrary, they would rather have him decrepid and old, because then there was a chance of his dying soon, and an opportunity of bargaining for another. (*Hear, and a laugh.*) Would any one presume to say that much good might not be effected by a change in that part of the system? What he wanted was, something that might remove the strong objections which existed against the present mode of returning members to that House. He had no hesitation in saying, that he had altered his opinion, in one respect, with regard to the question of Parliamentary Reform. He did not now think, as he once thought, that it would be desirable to recommend any sudden and sweeping alteration. The experiment, he was convinced, would be too dangerous, especially at the present moment. (*Hear.*) But great and salutary ameliorations might be made from time to time, if the House would only agree to go into a Committee for the purpose of inquiring into the matter. Even his hon. friend (Mr. Lamb) ought to agree to the motion for a Committee, because

he had a proposition to make, which deserved attention. His hon. friend had said, that he should have no objection to extend the right of voting to copyholders as well as to freeholders. Let him bring forward that proposition in a Committee, and it should have his (Mr. Tierney's) support, if he happened to have the honour of being a member of it. In the same manner many other hon. members might suggest alterations, which, if equally moderate, it would be judicious to adopt. With respect to what were called close boroughs and towns, it would be very possible so to enlarge the right of voting, as to make that a real election, which was now only nominal, with the additional advantage, that candidates would not have to expend 20 or 30,000*l.* in order to obtain a seat. He had himself, on many occasions, brought under the consideration of the House, the heavy charges incurred in obtaining out-voters. Would there be any difficulty in so qualifying the exercise of that privilege as to make it less onerous to the candidates? There was another point of great importance, the short duration of Parliaments. He did not mean to go into any elaborate inquiry about what was the practice of our remote ancestors, nor to ascertain how those things were managed by the Picts, the Danes, or the Anglo-Saxons. (*A laugh.*) He owned he was deficient in research for such matters, and should not argue, therefore, whether it would be an innovation or a restoration. All he wanted was, honestly and conscientiously to endeavour to adapt the change of representation to the times in which we lived. If he saw the monied interest acquiring too great an ascendancy; if he saw the country gentleman, whose family had resided perhaps for years in a particular borough or town, outbid by some opulent adventurer, who had grown wealthy by a lucky speculation in the Stocks, or an opportune contract with Government, he was justified in wishing that a check should be put to that ascendancy. And where was the danger that could truly be apprehended from shortening the duration of Parliaments? Had any one, in fact, attempted to answer the assertion of his hon. and learned friend, an assertion, the truth of which every day's experience confirmed, that the members of that House were sure to conduct themselves with some respect towards their constituents, when they knew that the day of reckoning with them was near at hand? Would any one venture to say, if it were morally certain the present Parliament was to be dissolved in the course of the present year, more would not vote that night in favour of Parliamentary Reform, than would probably be found to vote for it? The influence, then, which a shorter duration of Parliament would have over the conduct of members would be very beneficial, because it would make them anxious to preserve and merit the esteem and respect of their constituents. It could not be denied that they had fallen greatly in the respect

of the country. Aye, but said his hon. friend, only reflect upon the glorious issue of the war, and the splendid consequences of that policy which has been pursued for the last five and twenty years. All that is to be attributed to the House of Commons, which, by granting the means for carrying on the war, was, in fact, the real cause of its wonderful and triumphant termination; and yet you would quarrel with such a House of Commons, and wish to have it altered! Why, to be sure, that was a very ingenious and fascinating way of putting the argument. But suppose Buonaparte, during his career of glory, which was no very short one, had taken the other side of it—Suppose he had said to the French nation, I will give to you the name and outward form of a representative system; you shall have the shadow, but not the substance; you shall enjoy the symbol, but not the reality; and suppose he had then added, when at the height of his dominion and authority, there—you see what mighty effects you have produced; it is to you I owe all my glories; it is to you I am indebted for this conquest and subjugation of Europe, though you know you could not say nor do any thing but what I bade you.—(*Hear, hear!*)—That was precisely the logic of the hon. gentleman, who endeavoured to shew that our successes in the late contest were attributable to the free and independent functions of a House of Commons, which had always been, and notoriously continued to be, under the direction of Ministers. The fact was, however, and he was ready to prove it, that they might have carried on the war, if they had been in due awe of the people, at one-half of the expense.—(*Hear, hear!*)—Night after night he had sat there, endeavouring to impress that truth upon them, when they were voting away millions, without accurately and jealously inquiring whether it was necessary so to lavish them. Now, however, the country began to feel the effects of such improvidence, and was it wonderful that the people looked towards them as the authors of their sufferings and distresses? It was not the King, it was not the other House of Parliament that could justly be reproached. They were the guardians of the public purse, and if they had refused to open its strings, such calamitous consequences could not have ensued. In one part of England, the inhabitants had nothing to eat; in another, they had no work; go to a third, and there were no rents to receive. Did not those things clearly prove that there was something “Rotten in the State of Denmark?” And if so, ought not the part which was rotten to be probed, and a remedy applied? He wished for no vague and dangerous innovations. He was a determined enemy, as determined an enemy as any in that House, to Annual Parliaments and Universal Suffrage. But did it follow, because those theories were not adopted, nothing could be done to satisfy the people, by improving the Repre-

sentation? Did it follow, if they went into a Committee, that they must do harm, and could not do any good? Would it be no satisfaction to a distressed and suffering country, to see the Legislature at least anxious and willing to take its grievances into consideration? Would it be no consolation, if they saw the House of Commons seriously and earnestly disposed to investigate the causes of their complaints, and willing to apply whatever remedy they were susceptible of receiving? He entreated the House not to be alarmed by any bugbears about a Reform which would endanger the Constitution. He would venture to say, they would not find any Committee of twenty-one members, who would agree to report upon the expediency and necessity of Annual Parliaments or Universal Suffrage.—(*Hear, hear!*)—But they would find many twenty-ones ready and willing to propose some alterations in the present system.—The right hon. gent. then alluded to the early opinions of Mr. Pitt, (under whom, he said, he first studied the principles of Parliamentary Reform,) and to his subsequent conduct. But he contended, that what that Minister had done at the Union between Ireland and England was, in one respect, well worthy of their consideration. He then had, what few reformers ever had, an opportunity of acting largely and wisely upon his own notions. There was a Parliament to be destroyed, and a Parliament to be created. The old Parliament, too, of Ireland, was reproached with many of those unceremonious epithets about corruption, selling of seats, &c. which were applied to the Parliament of Great Britain, but which he would not be so uncivil as to repeat. What did Mr. Pitt do? He provided, that out of the hundred representatives to be returned by Ireland, sixty-four should be county members. Was that no guide for them? Was that no polar star by which they might steer their course? Could they not do something of the same kind? Could they not destroy the close boroughs and towns, at least, and throw the votes open to the population of such places, which would be one great step towards attaining an efficient representation? All he contended for was, such a state of the representation, taken as a whole, as would prevent the county members, the county gentlemen of England, from being a minority in the House, which they were at present. His hon. friend (Mr. Ward) had begged gentlemen on his side to forgive some observations that dropped from him. He could assure his hon. friend that he was of a very placable disposition. His hon. friend once sat on that side of the House, and said many hard things against the other; if his new friends would as easily forgive him for his past offences to them, as he (Mr. T.) pardoned him whatever he had said that night, it would be all very well.—(*Hear, hear!*)—He had thus expressed his opinion upon the subject then before the House. When he rose, he promised them that he would

not long occupy their attention, and he would conclude with adverting to only one more point. It had been the fate of Parliamentary Reform to suffer deeply from the madness and insolence of some of the advocates who had lately espoused its cause. They foolishly and presumptuously imagined that they could carry that great question exclusively of all persons of rank and influence in the country. He hoped their eyes were now opened to the mischief they had done, and that they would not in future attempt to generate a distrust of the conduct of those who were alone able effectually to serve them.—(*Hear, hear, hear!*)

Lord Milton rose, amidst cries of question, and said, that he had heard nothing which had shaken his opinions on this subject. No sufficient case had been made against the existing system; and he should not vote for any alteration. The question being again loudly called for, the gallery was cleared for a division.

While strangers were excluded, Mr. Brougham (who had not been in his place during the debate) rose, under evident marks of illness, and shortly addressed the House, to express his approbation of the motion, and his regret that he had been prevented from developing his opinion more in detail, by an indisposition, in consequence of which he had applied to have the question put off for a day, an arrangement which had been prevented by an accident. He observed, that he had felt extremely desirous of mentioning the grounds on which he supported the motion, because he stood pledged to declare his sentiments on the subject explicitly. He added, that he should be glad to see the question again brought forward in any shape which should give him the opportunity he desired: in the meantime he could only state, which he did most conscientiously, his unalterable adherence to his former opinions upon this very important question.

Mr. Plunkett said, that he felt much regret in having to differ on this occasion from those friends with whom he always acted. He could not, however, vote to go into a Committee, because he felt that already the people were virtually, truly, and fully represented; and after stating that it would only delude the people were they to be told that their distress was owing to the present mode of representation in Parliament, he concluded by saying, that notwithstanding his unwillingness to go into a Committee, he reserved to himself the right of voting in favour of such minor points as had been mentioned by Mr. Lamb, the lessening of expenses at elections, &c. whenever such subjects should be separately discussed.

The House then divided, and the numbers were—

For the motion 77

Against it 265

Majority —188

Adjourned at two o'clock.

LIST OF THE MINORITY.

Atherley, Arthur	Reader, Wm.
Aubrey, Sir John	Letevre, C. S.
Baillie, J. F.	Leimon, Sir W.
Barchay, Charles	Lyttelton, Hon. W. H.
Barnett, James	Madocks, W. A.
Bennet Hon. H. G.	Martin, John
Birch, Jos.	Mathew, Hon. M.
Boughley, Sir J. F.	Moore, Peter
Brand, Hon. T.	Nevill, Hon. R.
Brougham, H.	Newman, R. W.
Burroughs, Sir W.	North, Dudley
Brown, Dom.	Ossulton, Lord
Butterworth, Jos.	Parrell, Sir H.
Byus, Geo.	Penne, Henry
Calcraft John	Phillips, G.
Calvert, Charles	Pittie, Hon. F. A.
Calvert, Nic.	Ranchiffe, Lord
Carter, John	Rashleigh, Wm.
Cochrane Lord	Ridley, Sir M.
Curwen, J. C.	Romilly, Sir S.
Dundas, Charles	Powley, Sir W.
Du'lay, Hon. L.	Sonlamore R. P.
Ebrington, Viscount	Solbrignt, Sir J.
Fellowes Hon. N.	Seflow, Earl of
Fergusson, Sir R. C.	Sharp, Richard
Fitzgerald, Rt. Hon. M.	Smith, J.
Gaskell R.	Smyth, J. H.
Gordon, Robert	Spicer, Arch.
Gustan, Rt. Hon. H.	Stanley Lord
Guise, Sir W. P.	Talbot, L. W.
Hamilton, Lord A.	Tavistock Marq. G.
Hathcote, Sir G.	Teed, John
Heron, Sir R.	Trevelyan Rt. Hon. G.
Hornby, T.	Waldgrave, Hon. W.
Howarth, H.	Webb, Edward
Hughes, W. L.	Webster, Sir G.
Jervoise, G. P.	Wharfedale, John
Lambton, J. G.	TELLERS.
Langton, W. Gore	Burdett, Sir T.
Latouch, Robert	Smith, W.

PAIRED OFF.

Martin Henry	Plumer, Wm.
Mack, S. C.	Pigott, Sir A.
Mackintosh Sir J.	Symonds, T. P.
Newport, Sir J.	Western, C. P.
Oshorne, Lord F.	

* * * Mr Ponsonby was prevented from attending, by illness.

HOUSE OF LORDS.

Wednesday, May 21.

No public business of any importance occurred. Several bills were forwarded in their different stages without any discussion.

Lord Melville had leave to attend the Commons, to be examined before the Committee on Public Income and Expenditure, if he should think fit.

HOUSE OF COMMONS.

Wednesday, May 21.

POOR LAWS.] The message from the Lords, which was brought up yesterday, requesting the attendance of Mr. Hall, in order to his being examined before the Committee on the Poor

Laws, was further considered; and Mr. Hall being present, and having consented to attend their lordships, the House gave him leave to attend, if he should think fit.—On another message from the Lords, similar leave was given to Sir J. B. Riddell.

PARLIAMENTARY REFORM.] Mr. Brougham gave notice of his intention to move, on the 10th of June, for leave to bring in a bill for the repeal of the Septennial Act. (*Loud cries of hear, on the Opposition benches.*)

IRISH INSURRECTION ACT.] Mr. Peel moved for leave to bring in a bill "to continue an Act made in the 54th year of his present Majesty's reign, intituled, An Act to provide for the preserving and restoring of peace in such parts of Ireland as may at any time be disturbed by seditious persons, or by persons entering into unlawful combinations or conspiracies." This Act, he observed, was familiar to the House, and though passed as a general measure, was only intended for limited operation. It was unnecessary to discuss its general character: all that he felt it necessary to state was, that there were some districts in that country where the enforcement of the measure was demanded, by that protection which the State owed to the lives and property of the subject. He asked for the continuance of this confessedly rigorous act, for one year only, and was convinced that no objection could arise to the claim, from the manner in which it had been formerly exercised.—Leave being granted, the bill was brought in and read a first time.

INFORMERS.] Sir J. Mackintosh moved, "that there be laid before this House, Copies of all communications between his Majesty's Principal Secretary of State for the Home Department, or either of the two Under Secretaries for that department, or any person acting under or employed by him or them, and one John Edliston Poole, touching the conduct of the said Poole in Informations against three persons named Parkinson, Fletcher, and Deacon, who were charged with certain offences before Edward Powis, Clerk, a Justice of Peace of the county of Stafford, on or about the 5th day of April last."—The hon. and learned gentleman said, that it was not his intention, in the few observations he should make, to advert to the conduct of Mr. Powis. That subject was about to be submitted to judicial consideration, and therefore he should abstain from any comment upon it. He begged to state, that he himself knew nothing of the parties, and that his motives in originating the motion arose from a communication he had received from a gentleman of high honour and undoubted veracity. It appeared, that early in the month of April last, Poole had been actively engaged in procuring information against the three persons before named; and that his zeal had carried him beyond the bounds of law or prudence. When his conduct had excited public notice, when the legality of his proceedings became generally questioned, and he found

that he had exposed himself to untoward consequences, he took alarm, and entered into correspondence with the Home Department. Either he himself, or some person acting for him, had procured a letter from that department, which he considered as a security for his past conduct, and exhibited as an assurance of protection against any penalties. No doubt, a most mischievous impression must have gone abroad in that neighbourhood, on hearing that the King's Minister, instead of aiding in the enforcement of the law, had declared his intention of protecting a man who had violated it. The House would feel, that at a time when it was called upon to renew the granting of extraordinary powers to the Ministers of the Crown, it became its duty in a tenfold degree to increase its constitutional vigilance over the prosecution of State offences. The occurrences to which he had alluded were manifestly attributable to the Circular to the Magistracy, which he had no doubt was issued with the purest intentions. But it was the natural tendency of all such extraordinary interferences on the part of authority to exasperate the passions of the favoured, and therefore the triumphant party; they taught the people to believe, that an action changed its character as it changed its side; and that immoralities became meritorious by being enlisted on a right side, and performed in a right cause. (*Hear, hear.*) Not only were the common people liable to this error, but men of education, and even magistrates. He would not then enter into the Circular, but he would say, that whether it contained legal doctrine or not, it had given powers which were before unknown, or not enforced; and had goaded on to the exercise of rigour those who would otherwise have been beneficially inactive. He hoped that the circumstances connected with this subject would be fully explained, and added, that a satisfactory statement would afford him great pleasure.

Mr. H. Addington said, that in the beginning of April last, a letter had been received from a person of the name of Poole, (who was employed under the Commissioners of Hawkers and Pedlars,) at the Secretary of State's office for the Home department. A common answer of acknowledgment, according to a set form in the office, was returned under the signature of Mr. Becket. Two other letters passed, and on the 21st of April another was received, which remained unanswered. With respect to the contents of the answers, he should have no objection to have them read at Charing-cross. But the hon. and learned gentleman must know, that as a prosecution was pending, an improper and unseasonable publication of the letters might prejudice the parties one way or other. No letter had been written by the noble Secretary of State, or under his direction, either to Poole, or to Mr. Powis. The lord lieutenant of the county of Stafford (Earl Talbot) had called for the purpose of obtaining the opinion of his noble relation on

certain queries transmitted by Mr. Powis; but his noble relation answered, that it was not his province to put constructions on Acts of Parliament (*hear, hear*). Nor indeed, in reference to other applications from magistrates, did the noble viscount feel it to be his duty to give any opinion on publications which they might consider seditious or blasphemous. They were told, that in all such cases they must act on their own responsibility. The present motion implied charges against Government which should have been made out by a strong *prima facie* case; but the hon. and learned gentleman had not made out such a case, and, therefore, he should object to the motion.

Sir S. Romilly could not see in what manner the production of the correspondence could affect the prosecution in the Court of King's Bench; he should therefore support the motion.

Sir J. Mackintosh said, the right honourable gentleman had admitted that a correspondence existed, and he, in moving for its production, had not intended to make it matter of charge against any one, but merely to institute an inquiry into it. It was impossible to see in what manner it could influence any law proceedings. The House might deal with his motion as they pleased, but he could not consent to withdraw it.

Sir W. Burroughs wished to know whether Poole had been told that he would be protected by Government?

Mr. B. Bathurst said, this question was irregular, and no answer could be given to it. The correspondence could not be produced, because the Magistrate, by acting on the authority of the informer, had made himself equally responsible, and therefore the case of both was the same.

The House then divided.

For the motion 19—Against it 47—Majority 34.

CATHOLICS.] Mr. Blake moved, that the House should resolve itself into a Committee of the whole House, "with a view to explain and amend the law in Ireland, so as to remove certain disabilities, and to restore the right of admission to their Freedom of Corporations in Ireland, to such Roman Catholics and others as would, if they had been seven years Protestants, have an inchoate right to such admission."—The hon. member said, his object was merely to give effect to the intentions of the Irish Legislature, which had been frustrated from the ambiguous manner in which the act of 1793 was worded.

Lord Castlereagh suggested that it would be better, if the hon. member were to bring forward some specific proposition, in the shape of a bill, rather than to move for a previous Committee.

The Speaker observed, that it was competent for the hon. member to move for a Committee, if he had a distinct object to propound. If not, it would be useless to go into one.

Mr. Blake said, he was not then prepared to submit any specific proposition, and should therefore beg leave to withdraw the motion.

POOR EMPLOYMENT BILL.] The Chancellor

of the *Exchequer* moved that the House should go into a Committee on this bill.

Lord *Milton* expressed his doubts as to the probable efficacy of the measure in affording any substantial relief, particularly in populous places like Manchester and Sheffield, where the distress was greatest, and the habits of the unemployed least adapted to the labour incident to the execution of public works. That part of the bill which contemplated the re-payment of the money borrowed on the security of parish funds within the term of three years, he regarded as perfectly nugatory.

Mr. *L. Wellesley* felt considerable objections in common, he believed, with all other landed proprietors, to the general principle of the Executive Government advancing the public money on private security. If not an unconstitutional it was at least a dangerous practice. He was at the same time satisfied that the measure under consideration would be perfectly useless. There was sufficient capital already in the country for carrying on every profitable and useful public undertaking. The only permanent benefit that could, in his opinion, be conferred upon the labouring poor must arise from an attentive examination of the effects of the poor laws upon their condition, and the adoption of some gradual system that might operate to restore their original principle, and rescue the lower orders from their present degradation of moral feeling.

Mr. *W. Smith* said, there were two objects that ought to be kept in view: the one, such means of extending immediate relief; the other, the adoption of a better system of legislation on this subject for the future. However doubtful he might be with regard to the extent of benefit which was likely to result from the operation of this measure, he believed it had been dictated by a humane intention to ameliorate the situation of the poorer classes. In distinguishing between the different modes of applying the money which it was proposed to advance, it appeared to him matter of regret that the break-water at Plymouth should have been in a great degree abandoned, and only 30,000*l.* instead of 60,000*l.* voted towards its completion. The wretched situation of the Cornish miners, whose habits of labour were congenial to such an employment, would have induced him to vote for doubling the original estimate rather than for reducing it.

Sir *W. Burroughs* observed, that although, under the peculiar circumstances of the times, he should not oppose the measure, he would give no credit to his Majesty's Ministers for bringing it forward. If expedient, why had it been so long delayed? He hoped it would tend to alleviate public distress; but he thought there was some ground for suspecting it to be connected with objects of favour and patronage, especially if it was to take place at the critical moment of a dissolution of Parliament. This indeed might be a reason for its having been studiously delayed.

Mr. *Thompson* was of opinion, that the money might prove of great advantage to persons engaged in public works, but who had not the means of completing them. He believed the motives of Ministers in this transaction to be pure, and their intention merely that of affording general relief.

Mr. *Rose* expressed his astonishment at the insinuation, that this measure was proposed for the sake of obtaining undue influence; and referred to the names of the Commissioners as a complete answer to that suspicion. No expectations were entertained that any extensive benefit would be derived from the measure; but it might do good, and could not be at all prejudicial.

Mr. *Lyttleton* contended, that it proceeded upon false grounds, and was not calculated to have a permanent good effect. In his opinion, its principles were unsound and hollow, and he should raise his voice against going into a Committee.

The House then went into a Committee.

Lord *Milton* moved the omission of that part of the bill which gave the commissioners power to advance loans to parishes.

The *Chancellor of the Exchequer* defended the clause: observing, that the commissioners would not feel themselves called upon to advance any sum, except in particular cases of extreme pressure.

Mr. *B. Bathurst* was persuaded, that if the amendment were carried, the advantages expected to be derived from the bill would in a great measure be lost.

Mr. *L. Wellesley* opposed the clause.

Mr. *Western* objected to the measure altogether, as in his opinion it tended to unsettle the minds of people, and raise expectations of relief, when none in that way could be obtained.

Sir *M. W. Ridley* was convinced, that if the bill passed, in many parishes in which its provisions would be taken advantage of, the occupiers would leave the farms with the view of making the burden fall on their successors; and that the loss would ultimately devolve on the landlord.

Lord *Milton* asked whether the surveyors of highways were permitted to borrow for the purpose of employing the poor in repairing the roads?

The *Chancellor of the Exchequer* replied, that parishes might apply part of the money in that way.

After a few words from Mr. *N. Calvert* and Mr. *Lyttleton*, who spoke for the amendment, the House divided on the question of retaining the clause.

Ayes 23—Noes 15—Majority 8.

The remaining clauses were then gone through, and it was ordered that the report should be received to-morrow.

MUTINY BILL.] Lord *Palmerston* brought up a Bill "for preventing mutiny and desertion, and for the better payment of the Army and their Quarters," which was read a first time.

The *Exchequer Offices' Regulation Bill*, the *Exchequer Courts' Bill*, the *Offices' (Ireland)*

Abolition Bill, and the Board of Trade Bill were reported, and ordered to be read a third time to-morrow.—The third reading of the Justice in Eyre Bill was deferred.

HOUSE OF LORDS.

Thursday, May 22.

TITHES.] Earl Bathurst laid on the table "an Act relative to the right of Tithes within the province of Upper Canada, passed by the Legislature of that Province on the 16th March 1816." By the 31st of the King, it was directed that when any change was made in the state of the established church in Canada, the circumstance should be communicated to the British Parliament. It had been provided, that when grants of land were made, a 7th should be reserved for the clergyman of the parish; and a doubt had arisen whether this was in lieu of, or in addition to, tithes. By this act it was declared, that the reserved 7th was in lieu of tithes. The bishop of the diocese had been consulted, and was satisfied.

The Lottery Bill was read a third time, and passed.

HOUSE OF COMMONS.

Thursday, May 22.

BRITISH MUSEUM.] Mr. Rose presented a petition from the Trustees of the British Museum, praying pecuniary aid, which petition being recommended by the Crown, was referred to a Committee.—An Account was then ordered, and afterwards presented, "Of the charge of the expenses of the British Museum in 1817, and of the sum necessary to discharge the same;" also "of the number of persons admitted to a view of the British Museum for the last seven years." The number of persons admitted were (from May, 1810, to May, 1811), 29,152—(1812), 27,479—(1815), 81,309—(1814), 25,090—(1815), 33,074—(1816), 36,581—(1817), 40,500.

BANKRUPT LAWS.] Mr. J. Smith presented the following petition of Merchants, Bankers, and Traders in London, complaining of the Bankrupt Laws:—"That, from long experience, the petitioners have found that the Bankrupt Laws, as they are at present executed, are very much evaded and abused, and that the justice intended to be thereby administered to the just and *bona fide* creditors of the bankrupts is in many cases defeated; from the number of commissions of bankrupt issued to the same list of commissioners in London, and from several lists of commissioners sitting at the same time, and crowded together in one room totally inadequate to their accommodation and that of the numerous creditors attending them, the various subjects calling for the attention of the commissioners are very inadequately discussed and considered, and in many instances, for want of proper investigation, debts are proved which are either fraudulent or totally unfounded, or

are otherwise objectionable; the same want of accommodation has a tendency either to prevent, or to render ineffectual, a proper investigation into the concerns of the bankrupt upon his last examination, and in many cases the assignees and their solicitor are friendly to the bankrupt, and are desirous of preventing any inquiry into his conduct or into the causes of his bankruptcy, or the deficiency in, or the appropriation made by him of his effects, and where individual creditors are desirous of investigating the conduct of the bankrupt, they are prevented from doing it with effect, as his books, accounts, and other papers, are in the hands of his friendly assignees, and if a production thereof is compelled, and an investigation entered into, the creditors who undertake it must be at the expense of employing solicitors and counsel to conduct the inquiry, and the bankrupt is frequently assisted and protected by solicitors and counsel at the expense of his estate, and every practicable opposition given to the inquiries made into his conduct, and the expense and difficulty attending such investigations most generally deter creditors from undertaking or pursuing them with effect; that a great many commissions of bankrupt are issued against persons in very inferior situations in trade, and in many instances against persons who have only colourably been concerned in trade, with a view to obtain a discharge from their debts by a certificate, and in these, and many other cases, commissions of bankrupt are issued against persons who have very little, if any property, where the bankrupt's certificate is the principal object, and, when that is obtained, no further proceedings take place under the commission, as the bankrupt's effects are frequently insufficient to pay the expense of the commission; in many cases the bankrupt is permitted to remain in possession not only of his house and furniture, but also of all his stock in trade, or other visible property, and after obtaining his certificate carries on business as before, relieved from his debts, and employing, by way of capital, the property which ought to have been distributed amongst his creditors, and if his conduct is inquired into, which seldom happens, a pretended purchase of the property from the assignees at a nominal price is set up in answer to such inquiry, and the expense of investigating the transaction, and obtaining redress, deters the creditors from calling it in question; that there are many other cases in which the Bankrupt Laws, as at present administered, are found incompetent to do justice to fair and honest creditors, whilst those who collude with the bankrupt, and prove fraudulent or unfounded debts, participate in the distribution of his property, if any, and promote his discharge by signing his certificate; that, in order to provide adequate remedies for all the injustice and inconveniences experienced, a complete revision and correction of the Bankrupt Laws will be requisite; and the petitioners humbly submit, that the mode of administering those laws should be

inquired into and improved, and such a system adopted as will enable those who administer them to do complete justice to the fair creditor, by detecting and rejecting fraudulent and illegal claims, by a full investigation into the conduct of the Bankrupt, and ascertaining the cause and extent of his insolvency, and how far his conduct has been culpable or negligent, by inquiring into the conduct of assignees in the collection, disposal, and management of the bankrupt's estate, and by promoting a fair, equal, and speedy distribution thereof amongst his creditors, without waste, mismanagement, or unnecessary expense; the petitioners therefore most humbly pray, that the House will be pleased to take their representation and complaint into consideration, the petitioners being ready and willing to establish the truth of the foregoing allegations, either by a Bill, or before a Committee of the House, and that the House will be pleased to administer such relief as the nature of the case may appear to require." The honorable member then stated, that it was his intention on another day to move for a Committee to revise the Bankrupt Laws.

Mr. S. Amell said, he was desirous of expressing his opinions with respect to the objects of the petition. In the statement referring to the proposed amendment of the Bankrupt Laws in London, undoubtedly deserved consideration. But the main object of the petition is, relative to the moral character and consequences of the Bankrupt Laws, which is much more important. He was glad that this subject had been brought before the House from such a respectable quarter, and he trusted it would excite the degree of attention which it so justly demanded. The system of the Bankrupt Laws was radically defective, and he was persuaded that nothing would serve to correct the abuses complained of but a very material alteration. It was notorious that the grossest frauds were practised under the existing laws—that fictitious debts very often superseded *bona fide* claims—that indeed many persons entirely subsisted in this town by the fraudulent management of bankrupt concerns—and were guilty of perjury and subornation of perjury. The system which gave birth to such crimes surely called for the consideration of the Legislature: and he was firmly convinced, from a most impartial examination of the subject, that those crimes arose principally out of the heavy penalties of the law; for this was one of the many cases in which excessive severity of punishment defeated the object of the law. By the 5th of George II. any bankrupt who did not appear to his commission, or who withheld any property of the value of 20*l.* was pronounced guilty of a capital crime. Yet how few were the convictions under this Act, and yet how many might be supposed guilty of the latter offence. But the fact was, men were unwilling to prosecute while the punishment was so dreadful, at least for withholding the property. It was,

indeed, contrary to every principle of common justice and common sense, that a trader should be punished as a capital felon for withholding 20*l.* from his creditors, while such an act on the part of a gentleman would scarcely be deemed any offence at all. No one, therefore, of any consideration or feeling, could repose in peace if he had prosecuted a bankrupt to conviction and death for an act of this nature; and hence there had been so few prosecutions for a breach of this law, while there had been no executions under it. But he was satisfied, that if the punishment were less severe, the number of those who committed such frauds would be considerably diminished. There were, however, other alterations which this system required. It ought to be made a substantive crime for any fictitious creditor to sign a bankrupt's certificate. Such a person might, no doubt, be prosecuted for a conspiracy, a mode of proceeding sometimes adopted, but it was always attended with great difficulty and expense. It was therefore desirable to make such an act a crime in itself. What further changes might be necessary, according to his view of this important question, he should take occasion to suggest to his honorable friend, or to the Committee for which he proposed to move, to which he should be happy to afford any information and assistance in his power. At the same time he must say, that he was afraid nothing conclusive could be done within the present Session on a subject involving such a variety of interests, and requiring so much deliberate investigation.—Advocating the bill before the House respecting the Bankrupt Law, he expressed his disapprobation of that measure, which he did not think likely to effect any good, while it was calculated to produce considerable oppression. The idea of authorizing a minute examination of the whole life of a bankrupt, and of proposing, that if any exceptionable act on his part were detected, his certificate should not be granted, was inconsistent with every principle of sound policy, justice, and humanity. The main object of that bill was quite impracticable, and he hoped the honorable member who framed it would not press its adoption. Still he was that such a measure would not be agreed to by the other House. He had himself brought in a bill upon the subject in a former Session in which there was a clause to invest the Lord Chancellor with the power of signing a bankrupt's certificate. But for this clause another was substituted in the Lords, of which he by no means approved, namely, that of authorizing three-fifths of the creditors to sign a certificate, and this was deemed an important concession, because four-fifths were previously required. That arrangement, however, did not at all answer the end he had in view, which was, to protect the honest debtor from the oppression of calous or inconsiderate creditors. (Hear, Hear.)

Mr. Lockhart expressed the highest respect for the authority of the learned gentleman who

had just sat down, with whose opinions upon this subject, especially as to the propriety of reducing the severity of the punishment under the existing law, he fully concurred. The object of the bill which he had introduced to the notice of the House, and of which the learned gentleman had disapproved, was solely to distinguish between honest and fraudulent bankrupts, and to guard against fictitious claimants. As to the latter, he was sorry to understand, and he stated it without prejudice, that in London, at least, they consisted principally of the Hebrew nation, who, as he was assured, dealt largely in false oaths. For example, a case had lately come to his knowledge, in which a Jew had sworn himself the creditor of a bankrupt to the amount of 5,000*l.* but, upon examination before the commissioners, it appeared that not one shilling was due to him. But as he was informed, and he had no doubt of the fact, those Jews, however they might be influenced by the penalty which the law annexed to perjury, had really no religious reverence for any oath not taken before one of their own Rabbies, while such was their impression with regard to the latter, that a Jew happening to die some time ago, shortly after he had violated an oath taken before a Rabbi, his nation universally attributed his fate to that violation. The Rabbies should therefore be called upon to enlighten and instruct their disciples upon the subject of oaths taken in the administration of our law. The call, no doubt, would be attended to, and he hoped the exhortation would be effective in preventing such crimes. Reverting to his bill, the hon. gentleman said, that in consideration of the proposed Committee, and of some advice which he had received from the Chamber of Commerce in Dublin, he should not proceed farther with it at present.

Mr. *Abercrombie* supported the views of his learned friend (Sir S. Romilly,) adding, that commissioners of bankruptcy should be authorized to adjourn the final examination of any bankrupt, until he should be prepared to make a satisfactory disclosure of his effects. Such a provision, he was induced to think, would operate materially to check fraudulent bankruptcies.

Sir J. *Newport* said, that some amendment in the Bankrupt Law was peculiarly desirable in Ireland, where the creditors usually compromised for a proportion of their claims, rather than risk the expense and perplexity of a commission.

The petition was ordered to lie on the table.

NON-ATTENDANCE OF A MEMBER.] Mr. *Brougham* presented a petition of burgesses of Barnstaple, respecting the non-attendance of one of their members (Sir Eyre Coote) in Parliament; also, of the Mayor, Aldermen, and Burgesses of the said borough, stating that they were satisfied with the conduct of the said member.—Ordered to lie on the table.

TITHES.] An Act relative to Tithes within the province of Upper Canada (see the Lords) was presented, and ordered to lie on the table.

EDUCATION OF THE POOR.] Mr. *Brougham* moved the revival of the Committee which sat last session "to inquire into the Education of the Lower Orders in the Metropolis." He wished very shortly to state the object of the motion, as its publicity would the better enable him to attain it. A great deal of evidence had been taken before the former Committee, and a considerable portion of it was necessarily *ex parte*. It appeared to him, therefore, that it was susceptible of correction, and it was in order to afford an opportunity of obtaining it by another investigation, that he now moved the revival of the Committee.—The motion was agreed to, and Mr. *Abel Smith* was added to the former members.

The Annual Report of the Commissioners of Education in Ireland (presented 15th May) was ordered to be printed.

WINDOW TAX AND CARRIAGE TAX (IRELAND).] Mr. *Shaw*, of Dublin, moved, "that a Committee be appointed to take into consideration certain petitions from the city of Dublin, and other parts of Ireland, against the Window Tax and Carriage Tax.

The *Chancellor of the Exchequer* moved an amendment, that the petitions be referred to the Committee on Public Income and Expenditure.

After some discussion, it was agreed that the amendment and motion should be withdrawn, in consequence of an intimation by the right honourable gentleman, that he intended to visit Ireland after the recess. A plan had lately been before him for remodelling the whole system of the collection of the Assessed Taxes in Ireland, but he had suspended his decision until he could avail himself of an investigation on the spot. (*Hear, hear!*)

IRISH CONVICTS.] Mr. *Bennet* advertising to a Commission of Inquiry which had been recently instituted at Cork, in consequence of frauds committed upon the convicts, stated the circumstances of the case as they were communicated to him.—Representation having been made to Admiral Hallowell, who commanded at Cork, that about one half of the sum allowed by Government for the maintenance of each convict while at Cork, had been for years appropriated to the private profit of the Sheriffs and Gaolers, that gallant officer transmitted his information to the Government, by whom a Commission of Inquiry was appointed. Now, he wished to know, whether there was any objection to lay before the House the Report of the Commission, with regard to the double fraud upon the Government and the unfortunate convicts?

Mr. *Peel* said, he had no objection to communicate any information which the hon. gentleman desired upon this subject.

Mr. *Bennet* then moved for a copy "of the

Report of Commissioners appointed by the Crown to investigate certain alleged abuses in the Convict Department in Cork, together with the evidence taken before them."—Ordered accordingly.

LINEN TRADE.] Lord *Yarmouth* presented a petition from the manufacturers of, and dealers in linen at Ballymena, in Ireland, against a proposition which they understood was about to be submitted to the House for the repeal of the transit duties, the petitioners conceiving that the adoption of such a measure would be fatal to the staple manufacture of their country.

Mr. *Brougham* expressed his conviction, that if the House should accede to a motion, which an honourable friend of his (Mr. Finlay) was about to submit, those who put their names to this petition would find their alarm for the Irish linen trade to be totally groundless. It was stated, that if the transit duties were repealed, German linens would, instead of those of Ireland, be exported to the West Indies and the Spanish Main; but it seemed to be quite unknown to those well-informed petitioners, that not one ell of Irish linen found its way to the Spanish Main at present, whereas if the transit duties were repealed, Irish linens were among the assortment of other articles likely to be exported to any part of the commercial world.

Mr. *D. Brown* deprecated any attempt to interfere with the linen trade of Ireland, upon which all orders of people in that country so materially depended, especially in its present condition; and it would, he thought, be rather difficult to prove, that if the German linens were relieved from the transit duties, the linens of Ireland could not suffer any reduction of demand from such a competition. He would ask, why any experiment should be made upon the staple trade of Ireland, while the woollen and cotton trade, while the hardware and potteries of this part of the empire, retained all the advantage of protecting duties? But no one, he ventured to say, would attempt to make any proposition that should affect the interest of those manufacturers, for this plain reason, that he would not be listened to. He hoped that Parliament would evince a similar solicitude for the protection of the trade of Ireland, whatever exertions might be made by the factors of foreign merchants to extend the commerce of Greenock, or any other northern port, with the merchants of Hamburgh.

Mr. *Brougham* assured the House, that the hon. member was under a great mistake, if he supposed that the merchants of Greenock or of any other commercial port could produce any sinister influence upon his conduct.

The petition was ordered to lie on the table.

Mr. *Finlay* moved for a copy of the "Memorial of the Merchants engaged in the Import and Export Trade of the City of London to the right hon. the Lords Commissioners of his Majesty's Treasury, respecting the Transit Duty on Foreign Linen, presented the 7th May 1817."

—Also for a copy of the "Memorial from the Governor and Court of the Russia Company to the Board of Trade, respecting the Transit Duty on Foreign Linen, presented in May 1817."

The hon. member said, that foreign linens imported into this country for the purpose of re-exportation, now paid a transit duty of 5½ per cent. It was strange that a duty of this kind, so injurious to commerce, and so unproductive to the revenue, should be attached to any foreign commodity imported into this country, not for home consumption, but for exportation to foreign markets. The cotton manufacturers, in order to procure a monopoly of the home-market, had exerted themselves to have heavy duties imposed on the entrance of India cotton goods. They meant those duties to apply only to cottons for home consumption, and never were so irrational as to propose that they should be extended to those which were destined to a foreign market. Even the linen manufacturers, though they were now anxious to continue this system, could not have demanded it in the present circumstances of the world. It was introduced for the encouragement of our manufactures, at a time when we had the commerce of the world in our hands, when not a flag could appear on the sea without our permission, and when, consequently, we could render our regulations effectual. Had these circumstances continued, he should have wished the duty to continue along with them; because then it would protect our own commodities, promote our trade, and benefit our revenue; but while the state of the commercial world was altered, while we were deprived of the monopoly we enjoyed, and while the ports of America were open to vessels coming from quarters where the linen was manufactured, by continuing the present high transit duty, we did not tax foreigners, but prevented the introduction of the commodity into this country altogether. Foreigners would not receive a taxed article from us while they could receive it free of taxes from others. Nor could the duty operate as a bounty to Irish linen. This could only happen when we could prevent foreigners from being supplied with any other linen without duty. The removal of the duty would have the effect, therefore, of improving our general commerce, and particularly of encouraging the linen trade. He knew that prejudices existed against this measure; but he recommended to Government, in so clear a matter, to step in and rescue the people from the consequences of their own misconceptions. This was only a branch of a system of impolitic regulations, which required revision and change; and he was sure there was every disposition to institute inquiry, and to adopt improvement, in the right hon. gentleman at the head of the Board of Trade, who displayed so much ability on every subject that came under his official review, and so much attention to recommendations or suggestions that deserved notice. He (Mr. Finlay) would not press any

proposition at present, but leave the subject in the hands of Government.

Mr. Knox said, he had no objection to the motion, but was not disposed to subscribe to the views of the hon. mover. The question was within a very narrow compass. South America and the West Indies constituted two of the greatest markets for our linen manufactures. A prejudice existed there against Irish linens, as strong as it was groundless. It prevented the introduction of our own manufactures without some deception, by which they might pass for foreign. The mark of German linen was on this account frequently affixed to Irish, and the deception succeeded. Our merchants, perceiving the prejudice in these markets against Irish linen, were averse to export it, and would cease to do so if they were allowed to supply their customers with the foreign commodity, duty free. The duty, however, operated against the export of foreign linen, and was so far a bounty on Irish. He allowed that, ultimately, Irish linen might contend with foreign, when this prejudice was removed; but in the mean time the manufacturer might be ruined. We thus might give some advantage to our trade at the expense of our manufactures, and encourage foreign industry instead of promoting our own. The hon. gentleman (Mr. Finlay) had allowed that we derived great advantage from the imposition of transit duties during the war; and he would add, that by these duties the Irish linen manufactures had succeeded beyond example. They had been useful also after the peace, and Government should pause, before they altered a system by which we had exported in 1812, 35,000,000 yards; in 1813, 37,000,000; in 1814, 40,000,000. It was no wonder that the manufacturers had a predilection for a system by which export was so much promoted.

Mr. F. Robinson said, he was as sensible as any man of the impolicy of continuing those duties. He had represented the matter to the Linen Board of Ireland, and found that a proposition for abolishing them was unfavourably received. The whole argument in favour of their continuance was fallacious. It proceeded on the supposition that by taxing foreign linen, upon its introduction to this country for exportation, we could prevent it from reaching the foreign market without a tax; and that if the foreign consumer did not receive the commodity through us, he could not receive it more directly from the manufacturer. In 1810, when these heavy duties were imposed, this reasoning was conclusive, because we had the command of the sea, and the monopoly of commerce in our hands; but now, when every flag was free, and when the foreign consumer could receive the article he wanted from the country in which it was manufactured, it was vain to expect that he would apply to us, except upon terms as advantageous as those offered him by others. But it was said, that linen would be im-

ported into this country for the purpose of making up assortments of cargoes with other articles which we could supply, and that thus, though a whole cargo would not be imported for re-exportation, a certain quantity would necessarily pass through England. This likewise was an unfounded supposition. Quantities of linen might arrive here from Germany on their way to America, but the duty prevented them from being unshipped; and, accordingly, many vessels with this article had sailed, after receiving the other commodities required, without breaking bulk. The duties had become, in consequence, quite nugatory. They produced at one time 67,000*l.* (it had been mentioned so high as 200,000*l.*); the year before last they amounted to 27,000*l.*; and last year only to 4,000*l.* This sufficiently proved that the linen which was exported did not come here on its way, which it would have done, had the duty not existed. He had heard that cargoes of German linen were shipped at Hamburg directly for America. An hon. gentleman had mentioned, that a sort of innocent deception was practised (*a laugh*) to make foreigners buy our linen for German, by giving the former the mark of the latter; and he was of opinion, that that trick would succeed better by allowing a quantity to be introduced here duty free, for the purpose of mixing them together. If the tax was inoperative for the purpose of revenue, or to the effect of protecting Irish linen, why continue it to the injury of trade? He knew that strong prejudices existed in Ireland on this subject, but he hoped they would be removed.

Mr. Peel desired, in this stage of the debate, to intimate his intention of moving for another production from the Board of linen trade of Ireland. He laid claim, on the part of that country, to all that favour which could belong to, or be deserved by, local interests. If ever local interests were binding upon a Legislature, the engagements of the English Parliament to the Irish were obligatory and imperative. Manufacturers might safely be left to the calculation of their own profits, but it was an object of national policy to decide between their contending claims. That this was a fair subject for political consideration was manifest, from the total and separate amount of the different exports from Ireland during the last year. The total amount of these exports was 6,400,000*l.*, of which, the one half was of linen manufactures; whilst that of her raw commodities did not exceed 1,500,000*l.* The House also was bound to recollect the origin of the linen trade in Ireland in the year 1696, and by what means that country was induced to sacrifice to it her woollen manufacture. This was done in conformity with the earnest wishes and solemn engagements of the English Government. The Lords had in that year petitioned his Majesty (William III.) to declare to Ireland, that the increase of her woollen goods had excited great jealousy, and the House of Commons

had done the same, to which the King replied, that "he should do all that lay in his power to discourage the woollen, and encourage the linen trade." On that promise it became the House to act with fairness, justice, and candour both to themselves and Ireland. That the success of this manufacture was still progressive would appear from a statement of the accounts for the last five years, which amounted successively to 2,310,000*l.*, 2,519,000*l.*, 2,864,000*l.*, 2,882,000*l.*, and, notwithstanding the last year of extraordinary difficulty and embarrassment, to upwards of 3,000,000*l.* He had good reason to believe that the manufacture was still extending itself; and was the more convinced from the present circumstances of the flax trade, that this was a most unfortunate period for commencing any experiments upon it.

Mr. *Marryat* supported the motion, on considerations derived from an intimate knowledge of the transit trade in this article, and on the general ground that much of what was called Irish linen was in fact of foreign manufacture. He had no doubt that it was for the interest both of Great Britain and Ireland that these distinctions should be done away.

Mr. *V. Fitzgerald* referred to the policy of foreign powers, and particularly to that of the Prussian Government, in defence of the prevailing system.

Mr. *Curwen* declared his sincere opinion, that a greater injustice had never been practised by one country to another than by England towards Ireland, by the extinction of her woollen trade. He observed, that he had been for the last few days attending to a measure which would certainly be of much benefit to Ireland. He alluded to some improvements which were proposed to be made in the working of flax, by which the linens of Ireland would be rendered as durable and as excellent in every point of view as those of any other country.

Mr. *D. Browne* said, the duty had increased the export by the protection it afforded. He could not be supposed to speak from interested motives, but merely from a regard to his country. If we took off the duty, the trade would be ruined.

Sir *W. Douglas* assented to the motion.

Sir *J. Newport* decidedly concurred with the Chief Secretary of Ireland, and felt it unnecessary to add any thing to what he had stated. He hoped that the subject would be brought on early in next Session, that thus the people of Ireland, interested in the linen trade, might see the House were disposed to do them justice, and to defend their interests. This he was the more anxious should be the case, because while Great Britain returned 558 members, Ireland had only 100, and it was therefore proper to shew her that her interests were not forgotten, but, on the contrary, would be carefully attended to.

Mr. *Finkay* replied.—He contended that his only motive was the good of the country: as an

individual, he had no interest whatever in the motion.—The papers were ordered.

Mr. *Peel* then moved for a copy of "A letter from the Linnen Board of Ireland, with respect to the transit duty on foreign linens, addressed to the Chief Secretary to the Lord Lieutenant, in the year 1814."—Ordered.

EXTENTS IN AID.] The *Chancellor of the Exchequer* rose, to ask leave to bring in a bill to regulate the issue of Extents in Aid. The right hon. gentleman observed, that the uses to which this remedy had been for some time applied, were quite foreign to their original intention, and were such as could no longer meet with the countenance either of Parliament or of the Courts of Justice. The old statute of Hen. VIII. under which the present system had gradually grown up, required some alteration. The principle of the bill which he intended to submit was, that no extent should be issued for a sum greater than that for which the debtor was accountable to the Crown, and that the sum obtained by virtue of that extent should be applicable to the Crown debt, and to no other purpose. If the House gave him leave to bring in the bill, he should move that it be printed, and taken into consideration on any day that might suit their convenience.

Mr. *Abercromby* said, the House and the public were much obliged to the right hon. gentleman for bringing this subject under the consideration of Parliament. In any observations which he was about to make, he begged not to be understood as desirous of opposing the motion; but he was rather inclined to think, that this matter might have been more satisfactorily adjusted by reverting to the ancient law. Until the last twenty years there had been no instance of any extent, except in cases of bond debts to the Crown. The only other alteration necessary might, in his opinion, have been produced by additional regulations on the part of the Barons of the Exchequer, in order to enforce a more strict definition of the nature of the application, before any extent were allowed to be issued. This he thought might be effected without any interference on the part of the Legislature.

The *Attorney-General* was persuaded, that if his hon. and learned friend who had just spoken, were to consider the subject a little more, he would be of opinion that it would not be practicable for the Barons of the Exchequer, by any rule of Court, to remove the existing grievances. One of the great evils which the bill intended to remedy, was, that a debt to the Crown, through the medium of an extent in aid, frequently, and sometimes necessarily, procured to the debtor to the Crown, at the expense of the other creditors of his debtor, a considerable benefit, of which the Crown did not partake. For instance, if a debtor owed the Crown 500*l.* and had a debt owing to him on bond of 5000*l.* he obtained an extent in aid, by which he seized the whole of that latter sum from his creditor, to

the injury of any other creditors which that individual might have. Now one object of the bill was, to prevent the debtor of the Crown from doing this, and to confine the operation of the extent in aid to the precise sum in which he was indebted to the Crown. It was also to be proposed, that the money obtained by extents should not pass into the pocket of the debtor, but should be paid at once to the Crown itself. These regulations would materially diminish the inducement to sue out extents in aid. His hon. and learned friend was not correct in stating, that until late years extents in aid did not issue, except on bond debts. From the earliest times they had issued on simple contract debts.

Mr. Lockhart observed, that the outline of the measure, as described by the Chancellor of the Exchequer, was by no means sufficient to remove the evil complained of. The practice of suing out extents in aid was grounded on a fiction; but according to the measure which the right hon. gent. intended to introduce, that fiction would be made a reality. He thought it a question which deserved serious consideration, whether the kind of extents proposed to be maintained should be allowed to exist. The evil arising from issuing for a larger sum than was due to the Crown, he understood, was to be removed; but he hoped the right hon. gentleman would not stop there, and that the accumulation of excessive costs would be prevented. He knew an instance of an extent having been issued for 80*l.* the costs on which amounted to 100*l.* The great trouble and embarrassment to which the parties were exposed was another most grievous evil.

Mr. Sergeant Onslow was aware that the circumstances of the country had rendered great vigilance necessary in the recovery of debts due to the Crown; but still the abuses which existed with respect to extents in aid ought to be done away. The proposed bill, he hoped, would tend to accomplish that object. As to the question of costs, that was certainly one which deserved to be promptly examined, either in that House, or in the Court of Exchequer. He could not sit down without expressing that tribute which he thought due to the conduct of his honourable and learned friend, (the Attorney-General) who, as the House well knew, had abandoned an extensive and profitable practice in his profession, in order that he might give the public service the full benefit of his attention, as he had done in the present case, and every other to which his mind was required to be directed. His friends had advised him not to relinquish his practice; but his hon. and learned friend had thought no sacrifice too great, if it enabled him to perform his public duties with greater dignity and efficiency. Such instances of zeal in the public service were rare.

Mr. Thompson hoped that extents in aid would

be confined to debtors in chief. It would be a great evil if every surety were allowed to issue them. Something ought to be done to prevent the enormous amount of expenses. He knew a county in which the sheriffs had in one year received 10,000*l.* as costs.

After a few words from Mr. Gurney, and another hon. member, leave was given to bring in the bill.

CLERGY RESIDENCE BILL.] The House resolved itself into a Committee on this bill, when an amendment was proposed by Mr. C. W. Wynn, to leave out the Chaplain-General of his Majesty's forces by sea and land, from the clause containing the exemptions from non-residence.

The amendment was supported by Mr. Wilberforce and Mr. Gordon, and opposed by Mr. B. Bathurst, Mr. M. Sutton, and Sir W. Scott.

Mr. Wynn, after some conversation, withdrew his amendment, but proposed another, to omit from the list of exemptions, the Chaplain of the dock-yards. On which the House divided—

For the amendment	9
Against it	32

Majority 25

The Master of the Charter-House, the Principal of the East India College, and several others, were then excepted from the necessity of obtaining a bishop's licence for non-residence.

Upon the clause for exempting the Dignitaries of any Cathedral from residence for four months in the year,

Mr. Gordon expressed a wish to know, how this exemption was to be construed with respect to a clergyman who held dignified situations in different cathedrals. For instance, a case had come to his knowledge, in which a clergyman held such situations in no less than six different cathedrals, while he had also two benefices. With such pluralities how was it possible, he asked, to provide for that residence which was the professed object of the bill?

After some conversation on this point, in which Messrs. M. Sutton, Wilberforce, Bathurst, Sir J. Nicholl and Dr. Phillimore participated, the clause was agreed to, and the Chairman was directed to report progress, and ask leave to sit again. The bill was ordered to be recommitted on Monday, the 2d of June.

POOR EMPLOYMENT BILL.] Mr. Brogden brought up the report of the bill for the employment of the poor, which was agreed to; and the bill was ordered to be read a third time to-morrow.

SAVINGS BANKS.] The Irish Savings Banks Bill was read a second time.

MUTINY BILL.] This bill was read a second time.

OFFICE REGULATION BILL.] Mr. Brogden brought in a bill "To regulate certain offices, and abolish others, in his Majesty's Mints in

England and Scotland, respectively," which was read a first time.

The Justices in Eyre Abolition Bill, the Offices (Ireland) Abolition Bill, the Exchequer Offices (England and Ireland) Regulation Bill, the Board of Trade Bill, and the Exchequer Courts Bill, were severally read a third time, and passed.

HOUSE OF LORDS.

Friday, May 23.

The Royal assent was given by commission to the Lottery Bill, the Window tax Exemption Bill, the New Street Bill, the Metropolis Gas Light Bill, and several other public and private bills. Commissioners, Lords Eldon, Shaftesbury, and Melville.

OFFICE ABOLITION BILLS.] The Justices in Eyre Abolition Bill, the Offices (Ireland) Abolition Bill, the Exchequer Offices (England and Ireland) Regulation Bill, the Board of Trade Bill, and the Exchequer Courts Bill, were brought up from the Commons, and read a first time.

The Earl of *Lauderdale* asked, first, whether it was not intended that these bills should be printed; secondly, what was the proposed course of proceeding with respect to them.—He thought some explanation was necessary, considering the decisions of the House on former bills of the same nature. How was it that these measures were considered as proper at the present moment, when bills which appeared to him to have been founded on the same principle, had been deemed improper by their lordships at a former period? These bills, it was well known, were founded on a report of a Committee of the other House; and very possibly, upon examining that report, some weighty reasons might be discovered for passing them: but it was at least proper that the report in question should be laid on the table. Considering what their lordships formerly had done, he thought it would be proper to institute some inquiry of their own on the subject; for he must say, that this House stood in a delicate situation with respect to the opinion which the public might entertain of it, if, after rejecting bills of the same nature on former occasions, it should pass these bills without any explanation, which would shew a substantial distinction.

The Earl of *Liverpool* did not intend now to enter into any discussion on the subject of the bills, as that would come more properly at another opportunity. As to the course of proceeding, after the bills should have been printed, and another bill now in progress in the other House, which formed a material part of the system, should have come up, he intended to move that the whole of them should be read a second time. He would take that opportunity of giving an explanation, which he trusted would shew that there was a substantial distinction between them

and the bills to which the noble earl had alluded. With respect to the report of the Committee of the other House, he believed his noble friend (Earl of Shaftesbury) was about to move for it.

The Earl of *Shaftesbury* moved, that a message be sent to the Commons, requesting them to communicate to the Lords, the grounds upon which they had passed these bills.

The Earl of *Lauderdale* said, that motion would only bring up the last report; but there had been several other reports on the same subject which it might be proper to have before them.

The Earl of *Liverpool* admitted that this motion would only bring up the last report, which was that upon which these bills were founded: but if the noble earl thought it right to call for the other reports, it was in his power to move for them.

The motion was agreed to, and the report was afterwards sent up from the Commons.

LIBEL LAW.] Lord *Erskine*, pursuant to notice, moved an address to the Prince Regent, praying that he would command to be laid on the table of the House, an account of all the recognizances for libel taken before justices of the peace, returned to the Quarter Sessions and King's Bench, with the indictments and informations prosecuted in those cases, since the year 1640.

STATE OF THE COUNTRY.] The Earl of *Liverpool* moved, that the House should adjourn till this day sen'night, and stated that he should probably on that day bring down a communication from the Prince Regent respecting the state of the country, in which case he should on the same day move for the revival of the Committee which sat in the early part of the session.

Earl *Grey* said, he did not mean to oppose the adjournment, but he heard with regret, he might say with a feeling almost amounting to despair, what the noble earl had stated with regard to the intended communication from the Prince Regent, and the revival of the Committee. Considering that since the Suspension of the Habeas Corpus Act, the utmost tranquillity had prevailed amongst the people, notwithstanding the distress that still existed, and which he was very sorry to say appeared to be rather increasing than diminishing; that notwithstanding all the privations to which they were unhappily subjected, they had evinced an unexampled patience under their sufferings; considering also that the persons arrested under the powers given by the Suspension Bill, had proved to be persons in the lower ranks of life, with little or no influence, with no means at their command, to render them dangerous to the Government, without any character or station that could render them at all formidable; he had hoped that the people of England might now be trusted with the blessings of their Constitution, and that

it would not be thought necessary again to suspend the exercise of their privileges. It was, therefore, with poignant regret that he had now heard from the noble earl, an intimation of the intention which he had announced, the more so, as it was known that if the noble earl proposed the revival of the Committee, it would be received, and that if he afterwards proposed the renewal of the Suspension of the Habeas Corpus, it would be agreed to. Contrary also to the constant practice of the House, the noble earl had given notice, that on the same day on which he brought down the intended message, he should move the revival of the Committee. Could not one day be given for the consideration of the message before the revival of the Committee was proposed? Could not the proposition for the revival of the Committee be postponed, merely till the next sitting of the House, to give a short interval for the consideration of the message? He did not now mean to enter into a discussion upon the subject, but he could not help observing that the renewal of the Suspension of the Habeas Corpus, instead of alleviating, would only greatly aggravate the evil. Let the people have the full enjoyment of the privileges of the Constitution, and they would know how to feel and appreciate their independence. Those privileges had hitherto borne them triumphantly through every difficulty, and would again raise them above the distresses of their present situation, by giving them that feeling of freedom which was the best safeguard of the Constitution. These privileges were indeed the best support of the Government, when fully enjoyed by the country, leading it, as they always had done, to the path of honour and glory. He should now merely express a hope that the Committee would very cautiously sift and weigh the evidence which came before them, in order that their Report might not, as in the former instance, be impeached on the ground of an erroneous statement, the fallacy of which was offered to be proved at the Bar.

The Earl of *Liverpool* said, he did not wish to prolong the discussion; but the course of proceeding having been adverted to, he must beg to observe, that although the usual practice was, when a message was brought down, to appoint a day for its consideration, yet it should be recollected, that in the present instance he had departed from the usual custom, in giving notice of the probability of a communication from the Prince Regent; and therefore, in point of fact, there had been a week's notice of the intended discussion. Without entering now into the question, he could not, however, allow the Report of the Committee to be falsified, without declaring, that in all the material points, it was completely borne out by facts, and the more strongly by information that had subsequently come to light.

Earl *Grey* said, he had not falsified the

Report of the Committee. What he had stated was, and he repeated it, that the Report was impeached with regard to material facts, and this not only in the petition respecting the London Union Society, the allegations of which were offered to be proved at the Bar, but which was refused; but also in the Resolutions of the Grand Jury at Norwich, which distinctly negatived the existence of seditious societies in that city, as asserted in the Report. The noble earl had talked of a week's notice, but how was it a notice?—Merely that a message would be brought down, but of the contents of that message no notice whatever was given. This, therefore, came exactly to the same point he had before urged, that no time was to be allowed for the consideration of the message itself.

The motion for adjournment was then agreed to.

HOUSE OF COMMONS.

Friday, May 23.

CATHOLICS.] A petition of Protestant freeholders of the county of Cavan, in favor of the claims of the Roman Catholics, was presented, and ordered to lie on the table.

MANUFACTURE OF FLAX.] The Manufacture of Flax Committee presented their Report, which was ordered to lie on the table, and to be printed.

BANKRUPT LAWS.] Mr. Sheriff *Brydges* presented a petition of the Lord Mayor, Aldermen, and Commons of the City of London, complaining of the Bankrupt Laws, and of the manner in which they are at present administered: ordered to lie on the table.

ATTORNEYS.] A petition was presented of several Attornies and Solicitors, complaining of persons not of the profession, drawing conveyances. Laid on the table.

TITHES.] A petition of the Chancellor, Masters and Scholars of Oxford, against the Tithes Leasing Bill, was presented, and laid on the table.

SAVINGS BANKS BILL.] Mr. *Rose* moved the third reading of this bill.

Mr. *Western* proposed an amendment, to leave out the clause respecting parochial relief. After some discussion, the question was put, "That the clause stand part of the bill."—The House divided:—

Ayes, 60 | Noes, 27 | Majority, 33.

The bill was then passed.

CALL OF THE HOUSE.] The Call of the House was deferred from Monday the 2d of June, till Monday the 9th of June.

COTTON TWIST.] Lord *Stanley* presented a petition of Master Cotton Spinners, &c. of Great and Little Bolton, in Lancashire, against the exportation of Cotton Twist. His lordship said, he had understood that an hon. baronet, a friend of his, intended to bring the subject before the House, and he had dissuaded him on account of the lateness of the season; but the

subject required the most mature consideration, which he trusted it would obtain, not from any individual, but from that House, and especially from his Majesty's Ministers. The petition was signed by ten thousand persons, being more than one half of the people employed in the manufacture of cotton yarn in Great and Little Bolton. It was said that a weaver's wages did not exceed 4s. in the week. He could not state how this was, but he believed all the allegations of the petition to be founded in fact. The meeting was most numerously attended, and quite unanimous. They prayed to have their petition referred to the Committee on the Poor Laws, and had requested him to support that prayer. He believed the Committee had already enough business on hand, and perhaps more than they could accomplish. He should therefore move that the petition be brought up, and he hoped a bill would be brought in on the subject next session.

Mr. Curwen said, he was instructed to give every opposition to the object which the noble lord seemed to have in view.

Mr. Finlay did not think that the export trade should be restricted, but he would cheerfully assent to an inquiry into the subject.

Mr. Phillips considered, that if the House were to grant the prayer of the petitioners, it would only aggravate the distress from which they prayed to be relieved. His noble friend was mistaken in supposing that the exportation of cotton yarn had injured the manufacturer.

Lord Stanley explained. He gave no opinion on the subject referred to by his hon. friend (Mr. Phillips); he merely stated the views of the petitioners.

Mr. Blackburn presented a similar petition from Manchester.—Ordered to lie on the table.

POOR RATES.] Upon the question of the second reading of the Bill for rendering the proprietors of Lead Mines liable to the payment of Poor Rates,

Sir C. Monck rose to oppose it, on the ground that the occupiers of the mines, and not the proprietors, should be liable.

Lord Lascelles said, the rent of lead mines was at present paid in three ways—in a certain proportion of the ore, in a quantity of merchantable lead, or in money. By a decision in the Court of King's Bench it was declared, that the proprietor was only liable to rate for the lead ore. The consequence was, that no more ore was accepted for rent by the proprietors. If they were not made liable, therefore, to pay for the profits they received in money, or otherwise, no rates could be paid, as the adventurers must be exempted from the hazards they incurred, and the losses to which they were liable in so uncertain a speculation as a mining concern. If they were not to be taxed for their clear profits, they might open mines and bring a great number of persons to a particular spot, who

would afterwards become a burden on the neighbourhood.

Sir J. Graham objected, generally, to the making of landlords liable to pay rate, as frequently they did not reside in parishes where their property was situated, and had no control over the assessments. If the occupier were allowed to tax the proprietor, the right of property of the latter would in many cases become nothing else than a liability to bear burdens. With regard to the noble lord's argument for making the proprietors of mines liable, namely, that if they were not so, the farmers would be burdened by the people they would introduce to work the mines, he did not think it well founded. The farmers would be benefited by the increased price which an additional population would confer on their produce, more than they could be injured by the poor, who in consequence would be thrown upon their support. He objected to the bill, and proposed that it be read a second time this day six months.

Lord Milton, Mr. Curwen, and Mr. Morritt supported the bill.

Sir M. W. Ridley did not object to make lead mines liable to the payment of Poor Rates, but wished that the principle of the bill, which rendered proprietors liable, should be altered.

Lord Lascelles said, that if the tenant was to pay the rate, all previous leases must be cancelled. He had said elsewhere, and he would now repeat it in the House, that he would rather relinquish the measure altogether than change the principle on which he had introduced it.

After a few words from Mr. D. Gilbert in support of the bill, the House divided on the question of the second reading.

Ayes 29 | Noes 22 | Majority 7.

The bill was then read a second time.

IRISH INSURRECTION BILL.] Mr. Peel moved the second reading of this bill.

Sir S. Romilly objected to its farther progress under the present circumstances of the country. He could not think that the House did its duty to the people of Ireland, in passing a measure of such extraordinary rigour and severity, without some inquiry into the actual condition of that country, and some authentic information to guide the exercise of its authority. He did not think it enough to say that the law should be such that the executive or magistracy, in their discretion, might determine on its application; whilst it contradicted every principle of our free Constitution. By this bill, it would be in the power of the magistrates to declare any particular district to be disturbed, and arrest any individual who should be found out of his dwelling-house one hour before sun-rise, or one hour after sun-set. Every person so acting was pronounced by this bill to be a disorderly person, and subjected to the punishment of transportation without a trial by jury, and by the judgment merely of the magistrates in sessions.

(*Hear, hear.*) It moreover empowered the magistrate personally to enter any house in the middle of the night, and to discover by that means whether an individual ought to be considered as a disorderly or suspicious character, by being present or absent from his habitation. (*Hear.*) He did not assert that the unhappy state of that country might not require those harsh measures of legislation—measures which were unknown in this part of the kingdom, except as history communicated what was imposed under the iron yoke of William the Conqueror: but he was convinced that the House, as the representative of Irish as well as other interests, would not discharge its duty faithfully in granting such powers, without perfect information of the circumstances to which they were intended to apply. The right hon. gentleman (Mr. Peel) on another occasion had said, that he should be sorry to exchange the substantial happiness enjoyed by Ireland at present, for the visionary benefits of what was called Catholic emancipation. Here then the House witnessed a token of that substantial happiness. (*Hear, hear.*) Much had been said as to the moderation which had been shewn in the enforcement of this bill on former occasions. He believed, however, that no fewer than 60 or 70 persons had been transported to the colonies under the last act. But he would ask, were they to be satisfied with the declaration of Government itself, that it had not made a tyrannical use of unmeasured and arbitrary authority? Was a British House of Commons to be told that despotic powers had been leniently applied? If this principle were once admitted, why did they not surrender at once to the discretion of the King's Government every security established by the Constitution? If severe and rigorous measures could alone preserve tranquillity and peace in Ireland, it would have become the right hon. gentleman at this period to submit some new proceeding, on clear and distinct grounds, instead of simply reviving the former act. He (Sir S. R.) knew it to be the continuation of a measure first brought forward in the year 1807, and after the time at which he quitted the office that he had had the honour to hold. He had voted against it at that period, and would have done so had he continued to be a member of the Government. He then protested in the Committee against that odious and detestable clause which authorized the entrance of officers at midnight into the chambers even of women. He had moved that this power should at least be confined to the person of the magistrate. The right hon. gentleman who proposed this bill had not thought it proper or necessary to enter into any explanation or detail concerning it; but to his mind it appeared, that if we could not place our brethren of Ireland precisely in the same state of freedom and enjoyment with ourselves, we ought at least to put them forward in the course, and give them some intermediate gradation between oppression and

liberty. He felt himself as much the representative of that country as of any other part of the empire, and he felt that he had a right to call for more exact and copious information before he proceeded to legislate to this extent. He required, as he felt it to be the duty of the House to require, some certain knowledge whether the necessity, if such necessity existed, for these proceedings originated in the ignorance, in the distress, or in the unfortunate dissensions of that country. Nor was it possible for him to allude to this subject without expressing his surprise at the continuance of an administration which was divided in opinion upon this momentous and interesting subject; and at the extraordinary spectacle of the Cabinet Ministers being left in a minority upon a question which they themselves contended was one of vital importance to the peace of Ireland and the security of the empire. (*Hear, hear.*) Was it to be doubted, that whilst such a system continued, the occasion, or the necessity as it was called, for these unconstitutional proceedings would also continue? The state of Ireland, he feared, would remain unaltered in these circumstances, and he apprehended that it would still be the work of political wisdom, after having united the two countries, to unite Ireland within herself. (*Hear.*) He should not now go into the discussion of the claims of the Catholics, but was convinced, that they involved a principal, though a remote cause of the unhappy circumstances which led to the present proposition.—With these views, it was his intention to move that the bill be read a second time this day six months, unless the right hon. gentleman should consent to some previous inquiry.

Mr. Peel observed, that the hon. and learned gentleman had proceeded in his objections to this measure on the supposition that the state of Ireland was very different from what it actually was. It was not merely a question whether Ireland should be subjected to this or to that restraining or prohibitory statute, but whether there existed any other means of preserving public peace and private security. The object of the bill was nothing more than to give protection to the lives and property of unoffending people. He had not entered into any detailed statement of the facts upon which the continuance of this measure had been deemed necessary, because he was not aware, till he had heard the hon. and learned gentleman, that any objections would be advanced. He should certainly have felt it to be his duty to make that statement, had he been apprised of the existence of such objections, or of the incorrect description which had been given of the bill by the hon. and learned gentleman. It was not fair or proper in the learned and hon. gentleman to represent those parts in which the provisions appeared most rigorous and severe, whilst he concealed all the mitigatory clauses, and the narrow limits within which its application had been restrained. The

lord-lieutenant was required to appoint a King's sergeant, or person fully qualified, to attend every trial of offence under this act, and it was no proof that the hon. gentleman had examined the whole of this measure when he described it as investing the ordinary magistrates with this jurisdiction. If the King's sergeant differed in opinion with the justices, the case was to be referred to the Executive Government. It was not enough to consider the remedy, the House ought to direct its attention to the nature and urgency of the evil. The hon. gentleman had not adverted, in the course of his observations, to the state of the county of Louth, or to the dreadful atrocity which had been recently perpetrated in that district. He desired him to consider these circumstances, and then declare whether the trial by jury was a process applicable to them? and whether the ends of justice could be attained at present, amidst the discord and prejudices that prevailed, by the regular course of legal administration? It was not possible to suppose that any other object was contemplated than the protection of person and property in that country. The trial by jury, whilst such atrocious outrages were committed, would operate, not as a blessing, but as a curse. The provisions of this act had never been enforced except at the unanimous application of the magistracy uniting for that purpose, whatever differences upon political subjects might exist among them. With regard to its future continuance, he must observe, that national circumstances were perpetually changing, but that the actual circumstances of that country called imperiously for some temporary law like the present. The reluctance of Government to apply it had been manifested in the resistance which was made to his own application for that purpose, founded as it was upon local knowledge and personal observation. Sorry as he was that the bill had met the disapprobation of the hon. gentleman, he felt great satisfaction in the reflection that it was deemed necessary by all who were best acquainted with the real condition of that country.

Sir J. Newport observed, that it was with great reluctance he felt himself bound to give his assent to the measure. It was a painful necessity to which he must submit, but he ascribed it entirely to that lamentable system of policy, of which, in his opinion, it was the necessary result, and which was, he feared, calculated to produce still worse effects. Whilst, however, he thought the procrastination of a full inquiry into the state of Ireland—an inquiry for which he had himself moved on a former occasion, was a mighty evil, he must conscientiously declare that the former act had been administered with singular moderation. Still he had some doubt whether he was justified in assenting to the continuance of this measure without some general previous investigation. He thought it should have been suggested by the right hon. gentleman himself; but in the diffi-

culty of the case, and the urgency of existing circumstances, he could not conscientiously oppose the bill.

Mr. F. Fitzgerald was satisfied that he might appeal to all who were acquainted with the state of Ireland for a decision respecting the necessity of the measure. The mode and purposes of applying it constituted the material question; and the fact was, that it never had been put in force, except upon the unanimous opinions and representations of the magistrates. He hoped that credit would be given to him for a sincere adherence to the principle of making farther concessions to the Catholics, but he could not allow that question to be identified with the outrages and enormities that had been recently committed; neither could he consent to a general inquiry at a moment when the preservation of the peace of Ireland was immediately at stake. He would ask whether there was any other man in the House, except the hon. gentleman, who would say that the object of this measure was to govern Ireland by terror, and merely by a large military force? The hon. gentleman formerly voted on this question in a minority of nine; in what minority he would vote that night he (Mr. F.) could not say: but certain he was, that if the hon. gentleman lived in the county of Louth, he would feel it his duty to support this bill, instead of urging any objections to it.

Sir H. Parnell said, he should support the amendment of his honourable friend. Strong proceedings might be sometimes necessary for the preservation of the public tranquillity; but he would never give his consent to this bill, without being fully informed of the state of Ireland. The House should have all the facts before them. He thought the ordinary powers of the law sufficient to secure the public peace; and observed, that this was the first time when outrages not of a political nature had been urged for the adoption of this extraordinary measure.

Mr. L. Foster lamented the necessity of investing Government with these powers; but the tranquillity of Ireland could not be preserved without them. In that country, the people framed a code of their own, and proscribed certain offences, which put down that inestimable privilege and safeguard of the subject, the trial by jury. Witnesses were murdered for giving evidence, and prosecutors either destroyed or plundered. In every district, however, where the Insurrection Act, that best ally of the Constitution, had been put in force, peace and order had been restored. It had invariably operated *in terrorem*, and restrained the excesses of all classes. In assenting to this measure, the House were not trusting to the *ipse dixit* of his right hon. friend: They had had all the papers before them which were originally transmitted to Government. He positively denied that the disturbances which had so unhappily broken out, and which in some parts of the country still existed, had any foundation in religious disputes. In the three counties in which it had

been put into operation, both the aggressors and victims were Roman Catholics. (*Hear, hear.*)

Lord Jocelyn assured the House, that for the last three or four years there had been a system of intimidation in some parts of Ireland, which prevented the due execution of justice. He was perfectly convinced that Government had made every exertion to put down the disturbances by the ordinary law of the land, before they applied for any extraordinary powers. The outrages in that part of the country in which he resided, had been of the most alarming kind, but they were not at all occasioned by religious animosities, as the Roman Catholics had been equally the sufferers and the aggressors. The law was intended to protect both Catholics and Protestants, and he must enter his protest against the declarations of hon. members, who, whenever disturbances in Ireland were mentioned, ascribed them to the evil of not granting what was called emancipation. (*Hear, hear.*) Every day's experience taught him, that the calamities of that country were to be attributed to a very different cause. They arose, principally, from the absence of those gentlemen who ought to reside on their estates, and who, whilst they diffused happiness around them, should set a good example to the inferior orders of the community. (*Hear.*) This was the source of all the evils of that unhappy country; and unless the gentlemen of Ireland would return to their native land, and live among their tenants, neither the commutation of tithes nor any other measure would be of any avail. This, and this only, could afford security to the peace and welfare of Ireland.

Sir J. Newport explained. He had not attributed the disturbed state of Ireland generally to that animosity which prevailed between Catholics and Protestants; but he felt convinced, that the disabilities under which the former laboured, had produced great discontent in many parts of the country.

General Mathew acknowledged that Ireland had suffered much from the absence of her great landholders and worthy gentlemen; but who had occasioned their absence? It was brought about by the act of union; and how that act had been effected was so well known, that it was unnecessary for him to repeat it. With respect to the county of Tipperary, he denied that the Insurrection Act had at all operated to effect the apprehension of the murderers of Mr. Baker. The fact was, that the whole of Ireland was to be put under the proposed system, because the county of Louth, one of the smallest counties, the Rutlandshire of Ireland, required it. He contended that the Government of Ireland acted most partially. They regarded one side with jealousy and the other with favour. Nothing beneficial in Ireland could be effected, until an equal distribution of justice should be established. He would never vote any Seditious or Insurrection Bill, to deprive the fine and generous people of Ireland of their rights and liberties. They were enslaved, ruined every

way: their finances impoverished, their agricultural culture destroyed, themselves almost driven to the alternative of open rebellion or submission to the yoke of tyranny.

Mr. D. Browne was convinced that the Roman Catholic question had nothing to do with these disturbances. He thought this measure necessary for preserving the public tranquillity.

Mr. W. Quinn said, that if the House refused the continuance of these powers, they would act against the local information of those who were best able to ascertain the real situation of Ireland.

Sir F. Flood said, this was not a bill of war (*a laugh*), but a bill to secure the peace of the country. It was one of the many beneficial measures that had been matured for Ireland by the right hon. the Chief Secretary, to whom that country was materially indebted for his exertions; and he hoped the strangers in the gallery would notice that. (*Order, order.*) He had the pleasure to announce, that he had received letters from Ireland, stating that the Catholics were perfectly satisfied with the recent decision of Parliament, that they relied on their wisdom for ultimate success, and that they were very grateful to the respectable English, Scotch, and Welch (*a laugh*) who supported their cause. Certainly their hopes had some foundation, for the majority against them had sunk from 51 to 24; and they looked with confidence to some future decision of Parliament, by which all the subjects of the Empire should be united in one common interest. He was happy to say that the present bill was not founded on any immediate necessity whatever, (*a laugh*) but he should certainly give his vote for it.

Sir W. Burroughs could see no just ground for continuing this confessedly rigorous law. Ministers had induced the House to vote 25,000 troops for Ireland, for the sole purpose of keeping the peace of that country, for preserving, as had been stated, merely the internal civil peace, and not with the view of keeping down treason or sedition. The hon. secretary for Ireland, indeed, acknowledged that there was nothing to fear from treason, and yet he proposed the renewal of this bill, which was originally introduced to guard against treason and sedition. It was first introduced by Lord Chancellor Clare, a person not the most remarkable for the mildness of his temper. He must repeat, that he saw no ground for the introduction of this bill; and he hoped the House would consider an inquiry necessary, before they agreed to pass it. One of his great objections to it was, that it created new offences. If a man was from home an hour after sunset, he was liable to be punished as a felon. ["Not if he can account for his absence," was remarked from the Treasury bench.] It was true, he would be allowed to account for his absence, but to whom was the account to be given? Not to a jury of his countrymen; but to an arbitrary authority, by which he might be transported for seven years. He believed there never was an instance in any country of a

more severe proceeding. If the state of Ireland was really such as to require a law to prevent men from going abroad after sunset, what was the difficulty of bringing the persons accused of that offence to trial before a jury? He would not throw any imputation on the magistrates of the counties in which this bill was to be enforced, but he must remark, that the representations of persons in their situation ought to be maturely considered; for men who had once possessed great powers were generally unwilling to surrender their extraordinary authority. The circumstances under which the Irish martial law bill had been passed, and the manner in which it had been given up by that great minister, Mr. Pitt, proved how carefully the House ought to guard against the disposition to enact measures of this sort. He hoped the right hon. gentleman opposite would, upon consideration, abandon this bill, and bring in one containing less severe penal clauses, and providing for a more constitutional mode of trial. It had been said, that the power given by the bill had never been abused, and never would be; but it ought to be recollected to what extent this argument might be carried. Why not introduce a similar bill for this country? Why not apply the same rule to the counties in England in which the Luddites prevailed? It was pretended, that witnesses could not be protected in Ireland, if this bill did not pass. Now how was this bill to protect witnesses? Did the Government mean to do without witnesses altogether? They had 25,000 men, and all the magistracy and police of the country at their disposal: if that force was not sufficient to protect witnesses, this bill never would.

Mr. D. Broome regretted that he felt himself bound, from what he knew to be the state of the country, to give his vote in support of the bill.

Mr. Macnaghten also stated, that it was with much reluctance he voted for the measure.

Mr. Peel, referring to the observations of the gallant general (Mathew), stated for the information of those who, unacquainted with the county which that hon. member represented, might be influenced by such observations, that seventy-six magistrates of the county of Tipperary had addressed a letter to the Lord Lieutenant, expressive of their thanks for the benefit derived from the enforcement of the law, and from the efficiency of the police acting under it, as well as of their resolution to persevere in their exertions to execute the law, notwithstanding the murder of Mr. Baker.

General Mathew repeated, that when he was in Tipperary, he found this law and the police acting under it had created universal disgust, especially from the expense to which it gave rise; adding, that the murderers of Mr. Baker were not apprehended through the Government police or magistrates, but through the activity of Lord Glengall.

Colonel Bagwell observed, that if the hon. general had been in the country during last summer, he would have been of a different opinion respecting the utility of the police; but he had

been residing at the Papal see, and therefore could not be sufficiently acquainted with the feelings and sentiments of the people of Ireland, to state their opinion on this bill. The hon. general must have known that the persons who seized the atrocious murderers of Mr. Baker were the police, as the magistrates had not only voted thanks to them for their activity, but a reward of 500*l.* was given to one individual.

General Mathew persevered in his former statement; adding, that the 500*l.* alluded to by the last speaker was given to one of the greatest vagabonds that ever existed, notoriously a common informer, whose trade was to entrap others into guilt in order to profit by their detection.

Colonel Bagwell assured his hon. friend that he was mistaken; the reward was not given to the person whom he supposed had received it.

The bill was then read a second time.

POOR EMPLOYMENT BILL.] This bill was read a third time and passed, after a few words from Mr. Western, who observed, that if this was all that was intended for the relief of the public distress, the suffering people would feel themselves grievously disappointed, while the land-owners would be affected in a very material degree through the system of securities which the bill enacted. For, should the calamity among the manufacturers continue, which was but too probable, in Birmingham, for instance, the owners of the land and houses, which were to form the security to Government for the repayment of the Exchequer Bills, must ultimately suffer.

EXTENTS IN AID.] The Chancellor of the Exchequer brought in a bill "to regulate the issuing of Extents in Aid," which was read a first time.

SHERIFFS AND RECOGNIZANCES (IRELAND) BILLS.] These bills were severally read a second time and ordered to be committed.

MINT OFFICE REGULATION BILL.] This bill was read a second time.

BENEFICES.] An address was ordered to be presented to the Prince Regent, for "Abstracts of the number of Benefices on which there is no Clerical Residence on account of the want or unfitness of the parsonage house; distinguishing those of the annual value of from 10*l.* to 20*l.* from 20*l.* to 30*l.*, from 30*l.* to 40*l.*, and so on to the annual value of 150*l.*, and also distinguishing those of the annual value of 150*l.* and upwards;" also, "of the number of Benefices of the annual value of 150*l.* or upwards respectively, which are held by spiritual persons holding at the same time other benefices of the annual value of 150*l.* or upwards respectively, or holding dignities; distinguishing those held with such other benefices from those held with dignities."

ADJOURNMENT OF THE HOUSE.] The Chancellor of the Exchequer moved, that the House should adjourn (for the Whitsun Holidays) till Friday next, which was agreed to.

HOUSE OF LORDS.

Friday, May 30.

The Earl of Liverpool, adverting to the notice he had given as to the probability of his bringing down a communication this day from the Prince Regent, stated, that circumstances had intervened to prevent the communication from being made, and he should therefore merely move that the House do adjourn till Monday. For the convenience, however, of noble lords, he now gave notice, that on Tuesday he should probably have to bring down a message from the Prince Regent upon the subject he had before alluded to.

HOUSE OF COMMONS.

Friday, May 30.

RESIGNATION OF MR. SPEAKER.] About 4 o'clock the House was unusually crowded, there being above 300 members present. Mr. Dyson, the Deputy Clerk, stated, that he had received a letter from Mr. Speaker, which, with the leave of the House, he would read. (*Cries of hear, hear.*) Mr. Dyson then read the following:—

"Palace-yard, May 30, 1817.

"Sir—It is with the sincerest concern and regret that I feel myself obliged to request, that you will inform the House of Commons at their meeting this day, of my inability, from continued illness, to attend any longer upon their service.

"After holding the high office to which I have been raised by their favour in five successive Parliaments, it is impossible that I should resign so honourable and distinguished a situation, without feeling the deepest gratitude for the constant kindness with which they have been pleased to accept and assist my humble endeavours to discharge its various and arduous duties.

"It was my earnest wish and hope to have continued longer in the service of the House, if such were their pleasure. But the interruption of public business which has been already occasioned by my state of health, and the apprehension of the same cause recurring, which might again expose the House to the like inconvenience, have made me deem it necessary that I should retire at this time, and have left me now no further duty to perform than to return my heartfelt acknowledgments to the House for all the favours they have bestowed upon me, and to express my fervent wishes for the perpetual maintenance and preservation of its Rights, its Privileges, and its Independence.—

I am, Sir,

"Always most truly yours,

"CHAS. ABBOT."

"To JEREMIAH DYSON, Esq.
Deputy Clerk, House of Commons."

Lord Castlereagh then rose and said, that after the communication which the House had just heard, combined with the recollection of the uniform conduct of their Speaker, there could not be, he apprehended, any difference of opinion as to his great merits, or as to the propriety of accepting his resignation. (*Hear, hear, hear.*) From the able, dignified, and conciliatory manner in which he had discharged the arduous duties of his office, at once reflecting the highest credit upon his character, and affording the utmost satisfaction to the House, all who heard him must regret the resignation of that highly respected and universally esteemed individual. (*Loud cries of hear, hear, from all parts of the House.*) The loss, indeed, of such an officer, it would be extremely difficult, if not impossible, adequately to supply. (*Hear, hear, hear.*) From the situation in which the House was now placed, he should propose an adjournment until Monday, when probably he should be authorized to make a communication to them, which would mark the estimation in which the Speaker was held by the illustrious Personage at the head of the Government, and which would enable them to proceed at once to the election of another Speaker.

The motion of adjournment was agreed to.

HOUSE OF LORDS.

Monday, June 2.

Several bills both public and private, were forwarded in their different stages, after which the House adjourned.

HOUSE OF COMMONS.

Monday, June 2.

NEW SPEAKER ELECTED.] At 4 o'clock, Lord Castlereagh appeared in his place, and addressed the House as follows:—

"I have it in command from his Royal Highness the Prince Regent to acquaint the House, that their late Speaker, having communicated to his Royal Highness his inability, from indisposition, longer to fill the Chair, and informed him of his resignation, his Royal Highness, desirous that public business should suffer as short an interruption as possible, has been pleased to take the earliest opportunity of communicating this event, and of conveying his pleasure that the House do immediately proceed to the election of a new Speaker."

Sir J. Nicholl rose and said, he hoped the House would do him the justice to believe, that he felt the sincerest regret at the event which had just been mentioned, and a proportional reluctance to offer himself to their notice. His reluctance arose not only from a knowledge of the high estimation in which the talents, the character, and conduct of their late Speaker were held, and his inability to do justice to his

merits, but from a fear that he might not be able to bring forward in a sufficiently prominent point of view, the merits of one qualified to succeed him. He felt no reluctance, however, in proposing the right hon. gentleman whom he meant to recommend to their choice: for, divesting himself of the feelings to which he had referred, he would assure them, that if one better qualified had presented himself to his mind, he should have thought it his duty to name him. If they were then at the commencement of a new Parliament, in which many members took their seats for the first time, it might have been requisite to state the qualities and conduct necessary for filling the chair, in order to direct their attention to a proper person: but in addressing the House in this its fifth Session, in which every member had witnessed its proceedings for a longer or a shorter period, it would be superfluous to enlarge upon them. To an assembly so composed he might execute his duty in a single sentence, by merely recalling to their recollection the numerous and distinguished qualities that were concentrated in their late excellent Speaker, and which shone with such lustre from the chair. (*Hear.*) To lament the resignation of that distinguished individual was not then his business; to pass a sufficient panegyric on his merits was not within his power; and to attempt the task in a place where they were so universally known, and so warmly acknowledged, would be a useless waste of time and labour. If his successor had a difficult task to discharge, in aspiring to emulate his merits, and to acquire his distinction, he would likewise have the benefit of being directed by the light of his example. For a long time past the business of Parliament had assumed a character that rendered it expedient to select a person of professional education to fill the chair: and if, in mentioning the name of the right hon. Manners Sutton, he was not departing from the usual course, he felt that he was stating what would be in his favour. The right hon. gentleman was brought up to the Bar, and practised at it for some time with great distinction. It was thought by some, though he did not entirely concur in the observation, that the habits of a lawyer, if strongly fixed, were not the most favourable recommendations for fulfilling the duties of Parliament, or executing the offices of the State. If such a prejudice existed, it could not operate to the disadvantage of his right hon. friend, as he had not continued so long in the profession as to allow the character of his mind to be exclusively formed upon its habits. He had since filled an office more nearly allied to that of the chair, and tending in a high degree to prepare him for it—an office that required great assiduity and labour, profound research, extensive knowledge of business, and promptitude of judgment. As Judge-Advocate-General the right hon. gentleman was known to have been distinguished for firmness and strength of mind, for the endow that graced his con-

duct, and the impartiality that marked his decisions. He had also sat for some time in the House, and although he had not taken a prominent part in questions of order, or offered his opinion frequently about modes of procedure, yet the laws and the privileges of the House had not been inattentively observed by him, nor had he failed to make them an object of study. (*Hear, hear.*) It was unnecessary to detain the House with describing the other qualifications of his right hon. friend, though he might enlarge upon them without being misled by the partialities of friendship, or transgressing the bounds of truth. He would only say, that if dignity of birth, elevation of rank, urbanity of manners, integrity of conduct, quickness of apprehension, promptitude of judgment, firmness of character, and impartiality of decision, joined with mildness of temper and conciliatory dispositions, were qualities that fitted a gentleman for filling the chair, and prepared him for presiding over the debates and executing the orders of the House, with honour to himself and satisfaction to Parliament, these were all combined in his right hon. friend. (*Hear, hear, hear.*) Having said this much, he could have wished to stop here, and satisfy himself with the motion which he meant to conclude; but he could not disguise from himself, nor conceal from the House, that a rumour had gone abroad, or rather that there was a general understanding, that another hon. gentleman, and one for whose character and qualifications he entertained the highest respect, was to be put in nomination against his right hon. friend. (*Hear, hear, hear.*) The House would do him the justice to allow that he had studiously avoided any allusion to this circumstance, and had abstained from any observations which might lead to a comparison. (*Hear, hear.*) The House, he had no doubt, from the talents and the respectability of its members, contained several gentlemen capable of discharging the arduous duties and maintaining the dignified elevation of Speaker; and the great difficulty was, to make the most proper choice among many who were worthy of it—*inter bonos optimum decernere*. He should conclude by recommending such a person to them, and therefore moved, That the right hon. Manners Sutton do take the chair of this House. (*Hear, hear.*)

Mr. LITTLETON seconded the motion. He should not have obtruded himself on the attention of the House, had he not been deeply impressed with the propriety of the nomination, and the eminent qualifications of his right hon. friend to discharge the duties of the chair. The only reluctance he felt to enforce the claim of his right hon. friend, arose from an understanding that a considerable part of the House had fixed their choice on an hon. member whose character he highly respected, and whose qualifications he was as willing as them to allow. (*Hear, hear, from the Opposition benches.*) Whoever should be called to the chair would have an arduous

duty to fulfil, in succeeding so distinguished a predecessor, whose loss was so universally regretted. Their late Speaker had retired too soon for the wishes of the House, whose honour and dignity he never failed to consult and support; but he had not retired too soon for his own reputation, which he could not have exalted by a longer service; and it was to be hoped, that he had not remained too long for his health, which was exposed to danger by his great exertions and his assiduous attention to business; or for the future display of his talents in the civil service of his country, to which he might be called. (*Hear, hear.*) It was a common and a useful practice, while electing a new Speaker, to mention the services and to describe the merits of his predecessor, that the reward of praise might operate as a motive to exertion, or a guide to choice. The House should recollect, in estimating the merits of their late Speaker, how long, and in what circumstances he filled the chair. The conduct of parties had never been more violent, nor their opposition more decided; and yet in all their heats, his decisions were so candid and just as to give general satisfaction, and to exempt him from even the suspicion of bias or partiality. (*Hear, hear, hear.*) During the period when he presided, there were in the House men of the most transcendent talents, as well as the most violent party spirit; and yet his knowledge was never doubted, nor his judgment questioned, while he vindicated by his abilities and integrity, the wisdom of the successive elections by which he had been honoured. It would be fortunate for his successors if they should retire with the unanimous applause and regret which were now testified towards him. The same period had been distinguished by great naval and military exertions, and by the eminent success of our arms under our immortal commanders. It was in that House, and in the thanks which the Speaker was appointed to convey to those officers, that the most splendid and precious reward of their services was found, and he need not put to those officers whether this reward had not been much enhanced by the manner in which the eloquence of the Speaker had conferred it; whether they did not see new brilliancy in their own exploits when described by him, and connected with great results, and whether they were not animated by his voice to new exertions in the cause of Europe and humanity. (*Hear.*) Such were the merits of the late Speaker, who was to be held up as an example to his right hon. friend (Mr. Sutton,) whose qualifications to succeed him had been so justly stated, and whose praises had been so well enlarged upon by the right hon. gentleman (Sir J. Nicholl.) The House regretted the retirement of the former, and were sensible of his merits; to the latter he would say—

Presenti tibi maturos largimur honores.

Conciliating, as he did, the good-will of all

parties; retaining, privately, the respect and regard of those from whom he publicly felt himself bound to differ; he was well fitted to enjoy the confidence of all. The House would witness his firmness and impartiality, as well as his knowledge and integrity, if its choice should place him in the situation of presiding over its debates. He therefore felt great pleasure in seconding the motion of his right hon. friend, that the right hon. Manners Sutton be called to the chair. (*Hear, hear.*)

Mr. Dickinson said, he should occupy the attention of the House but a very short time, while he recommended another hon. gentleman to the office of Speaker. He would propose for their choice Mr. Charles Watkin Williams Wynn, a gentleman whose talents and qualifications peculiarly fitted him for the chair, and whose merits no one could deny. (*Hear, hear.*) He would pass over all that had been said in favour of another right hon. member: he would follow the example so properly set him by the hon. gentleman opposite, and would not enter into the comparative merits of the two members. He proposed Mr. Wynn, not for any demerit in Mr. Manners Sutton, but from the peculiar merits of his hon. friend. (*Hear, hear.*) In what had been said in praise of the former he cordially joined; but if that eulogium was deserved by him, in what respect was his hon. friend inferior or less deserving? (*Hear, hear, from all parts of the House.*) Nay, he would even go farther, and say, that, in some respects, his claim was superior, as being founded in the experience of talents displayed in the debates of the House, and a perfect acquaintance with its forms and history. In the knowledge of the orders of Parliament, and in questions of division, that were particularly important from the state of parties, his hon. friend had displayed peculiar aptitude for the chair. It was not many days ago that he set the House right on a question of this kind, when even the late Speaker, eminently qualified as he was for all parts of his duty, had acted on his suggestion, and bowed to his authority. It was this intimate acquaintance with the forms and precedents of Parliament, and promptitude in applying them to regulate its proceedings, that constituted the best qualification for the chair; and for those qualities his hon. friend was eminently distinguished. This praise did not depend upon report—it did not spring from the partiality of friends—the House had been a witness of the fact. His hon. friend might say, like a great ancient to another assembly, and in another competition—

"Nec memoranda vobis mea facta, Pelasgi,

"Esse reor; vidistis enim—"

We lived in times of great difficulty—in times when the dangers of the country were probably greater than at any former period; we lived likewise in times when parties ran high—when they were numerous and subdivided. The safety of the country depended on the wisdom and

deliberations of the House, and the dignity and impartiality with which its proceedings were conducted. What, then, could be of greater importance than to place in the chair a man whose superior knowledge might be relied on in cases of difficulty, and to whose ascendancy in this respect all parties would bow? (*Hear, hear.*) It was not unworthy of attention, too, in times when popular elections were so much talked of, that his hon. friend was so acceptable out of doors as to be sent into the House by a large and respectable county without opposition. In addition to this, he would recommend him from long and intimate habits of friendship. It might be asked, what this had to do with his qualifications for the chair? He would answer that it had much to do with them. The qualifications for such a high and distinguished situation must be laid in private worth, integrity, and honour, as well as public talents and Parliamentary service; and he was enabled, from the intimacy to which he had alluded, to say of his hon. friend, that, in every sense of the term, and in the broadest acceptance in which it could be used, he was a high-bred English gentleman. (*Hear, hear, from all parts of the House.*) Both private and public character were necessary for a Speaker: without personal dignity, some of the duties imposed upon him could not be performed. How could he assert the privileges of the Commons in his intercourse with the other House? How could he demand freedom of speech from the Crown, and lay claim to respect in all cases where the House required the maintenance of its dignity, without personal respectability? Knowing that his hon. friend possessed this, and every other qualification for the chair, he should conclude by proposing Mr. C. W. W. Wynn to be their Speaker; and he was confident that, if that hon. gentleman should meet with their choice, he would retire from the high office with that unanimous praise which had been so justly bestowed upon his predecessor. (*Hear, hear.*)

Sir M. W. Ridley seconded the motion. He would not enter into any consideration of the merits of Mr. Manners Sutton, but would press the peculiar fitness of his hon. and learned friend, Mr. C. W. W. Wynn, to fill the chair. In times like the present, it was necessary to place in the presidency of the House a person whose knowledge of Parliamentary forms was universally acknowledged, and whose firmness, impartiality, and temper, would confer dignity on its proceedings and preserve regularity in its discussions. (*Hear, hear.*) He called upon all the members of the House to discharge from their minds, as he had himself done, all political prejudices and party feelings. He supported his hon. friend from no political bias whatever. He had lately differed with him on a very important question—the Suspension of the Habeas Corpus Act; but claiming for himself a conscientious regard to the dictates of his own mind, and the decisions of his own

judgment, he could not refuse the same privilege to others; and, therefore, believing that his hon. friend had shewn as much integrity in the vote which he had given as that to which he himself had come, he did not allow this difference of opinion for a moment to interrupt their mutual confidence, or to reduce the respect which he entertained for his character. Neither did he now support his hon. friend from a regard to the intimacy that subsisted between them, though he could say, from a long acquaintance with him, begun at school, and extending through their subsequent life in various situations, that he found him as estimable in private intercourse, and as much beloved by his private friends, as he was serviceable to the public, and honourable in his public capacity; but this union of private and public virtue, joined to his great knowledge of Parliamentary history and proceedings, peculiarly fitted him for the chair: and he was convinced that the House would, by electing him, suffer as little as possible from the lamented loss of its late Speaker, which he regretted as much as any one could do. He concluded by seconding the motion, that Mr. C. W. W. Wynn be called to the chair. (*Hear, hear.*)

Mr. M. Sutton next rose, and with some emotion in his voice and manner, addressed the House to the following effect:—It would be absurd in him to pretend to lay claim by any peculiar merit to a situation which he felt to be the proudest and most dignified that any member of that House could aspire to. He was well aware of the difficulties of that high office; he was well aware of the many qualifications necessary for an efficient discharge of its duties; and he was perfectly conscious of his own inferiority to the honourable gentleman proposed by the other side. He was also well aware of the difficulty of succeeding to the noble lord who had lately filled that chair, which personal indisposition had compelled him to leave too soon for the service of that House. When he contemplated these things, he felt himself utterly inadequate to the dignity to which his friends proposed to raise him. At the same time he hoped he might say, that it had been to him, as it must be to every man in that House, the first object of his ambition. His attention and studies had been directed to that point; and if he should be honoured with the choice of the House, his whole faculties should be devoted to their service, and he would make every exertion in his power to perform the duties of the office in a manner suitable to its high importance. If, however, another individual should be chosen, he was not so blinded by self-love or ambition, as to doubt that the selection would be more proper; and he should, in that case, with perfect acquiescence submit to the decision of the House. (*Cheering.*)

Mr. C. W. W. Wynn said, he had been highly gratified at the handsome though too partial manner in which his hon. friends had expressed

themselves respecting him. Indeed, he felt it to be impossible for him to describe how much the partiality of their friendship had over-rated his abilities, and how unworthy he was of that high situation to which their kindness wished to raise him. He entirely concurred in all that had been said as to the high importance to the House and country, that the chair should be well filled; and he felt that the weight of responsibility had been extremely increased by the manner in which its duties had been discharged by the last Speaker. He should always think with pleasure on what had passed that day. The kind eulogiums of his hon. friends, and the manner in which those eulogiums had been received by other parts of the House, would create such recollections as he should cherish and dwell upon with satisfaction during the rest of his life. They would be to him more than an adequate reward for any services which he might have rendered. He felt that there was only one qualification which he possessed that could at all entitle him to the vacant dignity, and that was his ardent zeal for the privileges of the House—privileges which our forefathers had handed down to us, and which the House should be anxious to maintain, not so much for themselves as for their constituents, and for the general good of the Commons of England. (*Hear, hear.*) He had always considered, that not that House only, but every branch of the Legislature, the happiness of the people, and the dignity of the Crown, might frequently be involved in the character and conduct of the person who filled that chair. (*Hear.*) For this reason he had always, as far as was in his power, watched over the rights and privileges of the Commons; and whether he were raised to that chair or should continue in his present situation (the only situation which he could anticipate that he should fill), he should always exercise the same watchfulness, and afford such assistance as he was able to the maintenance of their dignity. (*Hear, hear.*) He had long seen the talents and industry of the right hon. gentleman (Mr. M. Sutton), and was aware of the exemplary propriety with which he had discharged the duties of the important office which he had for a long time held; and he had no doubt that the same qualities would enable him to fulfil the duties of Speaker with equal reputation. (*Hear, hear.*) He had known him some years ago, and had witnessed the amenity of his temper, the suavity of his manners, and the integrity of his principles: and he was convinced that he would, in the high station to which he was about to be raised, conduct himself equally to his own credit and to the dignity of the House. (*Much cheering.*)

Sir G. Duggall rose, amidst loud cries of *with-draw, with-draw*, and made a few observations in favour of the nomination of Mr. Wynn. He said, that he was induced to support his hon. friend because he had had early and long opportunities of seeing the fidelity and attention with which he had fitted himself, by his studies and

conduct, for the situation of Speaker. There were reasons also connected with his private character which, if known, would operate greatly on the House. He could not forbear mentioning one instance of private munificence: it was the case of a distressed schoolfellow, whom his hon. friend had liberally supported out of his purse.

Mr. Sergeant Onslow rose, amidst repeated cries of *question*. He said, he must be allowed to trespass so far as to affirm, that the attention which the hon. and learned gentleman (Mr. Wynn) had on all occasions shewn to the business of the House, and the zeal with which he had always maintained its dignity, peculiarly fitted him for the high office of Speaker.

Mr. Wilberforce then rose, but the cry of *question* was so loud, general, and incessant, that for a few seconds he could not be heard. The House, however, at length being silent, he said, that the office of Speaker required the greatest talents. The various occasions on which questions of property came before him, in a great measure depending on his judgment and integrity, made it essential that his character should be of that eminent class, that the individuals interested, and the country at large, should rest satisfied with his decisions: and the estimation in which he would be held would depend on the just principles which would be known to guide his private conduct. He felt the question now before the House to be one of some difficulty. It was impossible for any man not to acknowledge the great ability and private worth of the right hon. gentleman opposite (Mr. M. Sutton); and, indeed, his conduct that day was sufficient to give a high notion of the character both of his understanding and his heart. At the same time it was impossible not to have observed the zeal and knowledge displayed by the hon. and learned gentleman (Mr. Wynn) on all questions of order and privilege. It was impossible for any man in that House not to allow that his ability and learning, and the peculiar success with which on many occasions both had been applied, justly qualified him for that high situation to which his friends proposed to raise him. The office of Speaker was one that, from its peculiar line of service, required peculiar studies: much reading, much knowledge of the law, and of parliamentary customs, were necessary. There was something very laborious and even distasteful to many minds in this species of application, and it was therefore requisite that some compensation should be given to one who had evidently paid so much attention to these subjects. (*Hear, hear.*) It was important also, that the hon. and learned gentleman had shewn, that he could, on questions of great moment, break through the trammels of party, as he had done on a late interesting occasion, when he had boldly and manfully avowed, that even the liberties of the people might sometimes be better secured by temporary restraint. Such impartiality peculiarly fitted him for a situation for

which independence of mind was one of the most essential qualifications. Under these impressions, while he felt the highest esteem for the character of his right hon. friend (Mr. M. Sutton), he must, though with some pain, give his assent to the nomination of the hon. and learned gentleman. (*Cries of hear.*)

The House then divided, when there appeared

For Mr. Manners Sutton . . . 312

Mr. W. W. Wynn . . . 152

Majority . . . —160

When the House resumed its sitting, Mr. Manners Sutton was conducted to the chair by the mover and seconder. He seemed greatly affected, and shewed that he was so overcome by the honour conferred upon him that he could not express his gratitude in the way which he desired, and which became him. He could merely say, that he returned his most heartfelt thanks for this distinguished mark of their approbation, and could assure them of his anxious wish to discharge the duties of the high office to which he had been raised by their favour, to their entire satisfaction. He was aware of the inadequacy of his own abilities for this purpose, and could hope for success through no other means than the exercise of their accustomed indulgence. He once more, with much emotion, begged pardon for his inability to utter half what he felt.

Lord Castlereagh then rose, and after congratulating the right hon. gentleman on his election, moved an adjournment, which was immediately carried.

LIST OF THE MINORITY

ON THE ELECTION OF A SPEAKER.

Abercromby, Hon. J.	Cavendish, C. C.
Abercromby, Robt.	Cotes, J.
Aubrey, Sir John	Coke, T. W.
Acland, Sir Thos.	Curwen, J. C.
Althorpe, Visct.	Carter, J.
Atherley, Arthur	Cocks, Hon. J. S.
Barnett, James	Cocks, James
Baillie, J. E.	Dundas, C.
Bennet, Hon. H. G.	Dundas, Hon. L.
Birch, J.	Davenport, D.
Blackburne, J.	Dickinson, Wm.
Browne, Dominick	Duncannon, Viscount
Brand, Hon. Thos.	Douglas, Hon. F.
Barham, F.	Dashwood, Sir H. W.
Burrows, Sir W.	Elliot, Rt. Hon. W.
Burrell, Hon. P.	Ebrington, Visct.
Burrell, Sir C.	Frankland, R.
Burrell, Walter	Fitzgerald, Rt. Hon. M.
Byng, George	Freemantle, W. H.
Broderick, Wm.	Fazakerly, N.
Brougham, Henry	Fitzroy, Lord J.
Calcraft, J.	Fellowes, Hon. N.
Calvert, N.	Fitzgerald, Lord W.
Caulfield, H.	Foley, A.
Campbell, Hon. J.	Grenville, Rt. Hon. T.
Campbell, Lord J. E.	Grenfell, P.
Campbell, Gen. D.	Grosvenor, Gen.
Cavendish, Lord G.	Guise, Sir Wm.
Cavendish, Hon. C.	Gaskell, Betj.

Hamilton, Lord A.	Piggot, Sir A.
Howard, M. H.	Phillips, Geo.
Howard, Hon. W.	Ponsonby, Rt. Hon. G.
Hanbury, Wm.	Ponsonby, Hon. F.
Hornby, E.	Philimore, Dr.
Hughes, W. L.	Palmer, Col.
Hill, Lord A.	Plummer, W.
Howorth, H.	Preston, R.
Jones, J.	Pollington, Visct.
King, Sir J. D.	Proby, Hon. G.
Kirkwall, Visct.	Protheroe, Edw.
Knox, J.	Pym, Francis
Lamb, Hon. W.	Powell, W. E.
Lefevre, Shaw	Raine, Jonathan
Lewis, Frankland	Russell, Lord William
Lyttleton, Hon. W.	Russell, Lord G. W.
Lyster, R.	Russell, Greenhill
Lloyd, J. M.	Romilly, Sir Samuel
Latouche, R.	Ramsden, J.
Latouche, R. Jun.	Riddell, Sir J. B.
Leigh, J. H.	Rowley, Sir W.
Leigh, Thos.	Saville, A.
Markham, Admiral	Sharp, W.
Martin, John	Smith, Wm.
Martin, H.	Smith, S.
Mathew, Montagus	Smith, J.
Milton, Visct.	Sutton, C. M.
Moore, P.	Shelly, Sir J.
Mostyn, Sir T.	Scudamore, C.
Morland, S. B.	Symonds, T. P.
Majoribanks, Sir J.	Spencer, Lord R.
Morpeth, Visct.	Tavistock, Marquis
Monck, Sir C.	Tierney, Right Hon. G.
Madocks, W. A.	Tremayne, J. H.
Macdonald, James	Townsend, Lord C.
Mackintosh, Sir J.	Tudway, Clement
Neville, Hon. R.	Teed, John
Newport, Sir John	Vyse, W. H.
North, D.	Vaughan, Sir R. W.
Northey, W.	Warre, J. A.
Nugent, Lord	Williams, O.
Ossulston, Visct.	Williams, Sir R.
Orde, Wm.	Wrottesley, H.
Onslow, Serjeant	Wynn, Sir W. W.
Owen, Sir J.	Wharton, R.
Osbaldeston, W.	Wilberforce, W.
Parnell, Sir H.	Webb, E.
Pelham, Hon. G.	

TELLER.—Sir M. W. Ridley.

SHUT OUT.—R. Hurst, Abel Smith, and George Smith.

Lord J. Townshend was obliged to quit the House from indisposition.

HOUSE OF LORDS.

Tuesday, June 3.

THE NEW SPEAKER APPROVED.] At half-past three o'clock the Commons came up, with the Right Hon. Charles Manners Sutton, their Speaker, to be presented for the Royal approbation.

The new Speaker advanced close to the bar, and the Royal approbation was notified as follows:—

The Lord Chancellor.—It not being convenient for his Royal Highness the Prince Regent to be personally present on this occasion, his Royal Highness has caused a commission, under

the Great Seal, to be made out; and has thereby commanded us, and the other noble lords therein mentioned, (Earls Shaftesbury, Liverpool, Bathurst, and Marquis of Cholmondeley), to declare and notify his Royal Highness's approbation of the choice by his faithful Commons of the Right Hon. Charles Manners Sutton to be their Speaker.

(The commission was then read.)

The Right Hon. G. M. Sutton.—In obedience to the commands of his Royal Highness the Prince Regent, acting in the name and on the behalf of his Majesty, his Majesty's faithful Commons have proceeded to make choice of a Speaker; and it is now my duty to inform your lordships that their choice has fallen upon me. When I contemplate the many and arduous duties which are necessarily attached to this high and distinguished situation, it is impossible for me not to feel my own inadequacy to the proper discharge of them. If, however, it should please his Royal Highness the Prince Regent to approve the choice of his faithful Commons, it may give cause of gratitude: but the Commons can have no difficulty in selecting from their body a person much better qualified than I am to discharge the important duties of their Speaker.

The Lord Chancellor then said, "Mr. Manners Sutton, We have received the commands of his Royal Highness the Prince Regent, to declare and state, that he is so entirely satisfied of your perfect qualifications, and full sufficiency for the proper discharge of the arduous and important duties of the high and distinguished situation to which you have been elected, that he has caused his Royal Commission, under the Great Seal, which you have just heard read, to authorize us to declare the same; by virtue of which, and in obedience to the commands of his Royal Highness the Prince Regent, acting in the name and on the behalf of his Majesty, we now communicate to you his Royal Highness's approbation of the choice of his Majesty's faithful Commons in electing you to be their Speaker."

The Speaker answered—"My Lords, I submit with all due deference and humility to his Royal Highness's most gracious pleasure; and I beg leave to express my own deep sense of gratitude for this high and distinguished mark of his Royal Highness's approbation. If, my lords, in the discharge of the various and important duties of the high and arduous situation to which I have been appointed; or if, in my endeavours towards the maintenance of the ancient and undoubted rights and privileges of the Commons House of Parliament, I should be involuntarily led into the commission of any error, I have humbly to request, that such may be attributed to me alone, and not to his Majesty's faithful and loyal Commons."

The Commons, with their Speaker, then retired.

THE LATE SPEAKER CREATED A BARON.]
—The Earl of *Liverpool* presented a mes-

sage from his Royal Highness the Prince Regent, which was read by the Lord Chancellor, as follows:—

"G. P. R.

"His Royal Highness the Prince Regent, acting in the name and on the behalf of his Majesty, thinks it proper to inform the House of Lords, that having taken into his consideration the eminent and distinguished services of the Right Hon. Charles Abbot, during the long and eventful period in which he has filled the situation of Speaker of the House of Commons, has conferred upon him the dignity of a Baron of the United Kingdom, by the title of Baron Colchester, of Colchester, in the county of Essex; and the Prince Regent recommends to the House of Lords to enable him to make such provision for Charles Lord Colchester, and for the heir male of his body who may next succeed to the title, as shall under all the circumstances be judged just and reasonable."

On the motion of the Earl of *Liverpool*, the message was ordered to be taken into consideration on Thursday.

STATE OF THE COUNTRY.—[SUSPENSION OF THE HABEAS CORPUS ACT.] Lord *Sidmouth* delivered the following message from the Prince Regent:—

"G. P. R.

"His Royal Highness the Prince Regent, acting in the name and on the behalf of his Majesty, has given orders to lay before the House of Lords Papers containing information respecting the continuance of Practices, Meetings, and Combinations, in different parts of the kingdom, to which, at the commencement of the present session of Parliament, his Royal Highness called the attention of the House, and which are still carried on in such a manner and to such an extent as are calculated to disturb the public tranquillity, and to endanger the security of the established Constitution of these realms.—His Royal Highness recommends to the House of Lords to take these papers into their immediate and serious consideration."

The noble lord then rose and proposed an Address to the Prince Regent, thanking him for his gracious message, and assuring him that the House would not fail to take the information contained in the papers which he had ordered to be laid on their table into its immediate and serious consideration.—When this information should be examined, it would be for the House to consider whether any, or what, farther proceedings ought to be adopted. He would propose to their lordships to follow the same course, or at least a course similar in its object, to that which had been pursued when a communication of the same nature was made at the beginning of the session; that was, to refer the papers to a Committee of Secrecy. So far the course was the same as that before adopted: but he now submitted that, instead of choosing a Committee by ballot, the papers should be referred to the same noble lords who had consti-

tuted the former Committee. He would therefore propose the same individuals, with the exception of a noble duke (Bedford), who, from ill health, had not attended the former Committee, and who had requested that his name might not be inserted on the present occasion. When the papers had been examined, and the report of the Committee should be before their lordships, they would then have to consider and decide whether any thing farther should be done, or what measures ought to be adopted for the protection of the public tranquillity, and the interests and safety of the State. He concluded by moving the address.

Earl Grey asked, where there was any instance in which the House had voted an address *instantly* on receiving a message from the Crown?

Lord Sidmouth replied, that there were numerous instances of that nature, when the address did not pledge the House to any ulterior measure.

Earl Grey observed, that, with this understanding, that he was not pledged to any measure to be founded upon the message, he should not oppose the address.—It was then agreed to and ordered accordingly.

Lord Sidmouth then rose for the purpose of moving, that the papers accompanying the message be referred to a Committee of Secrecy. He said, that he was not sufficiently acquainted with forms to be able to state, whether any precedent existed for submitting papers to a Committee on the same day that the message was brought down; but he appealed to noble lords, whether the House ought to be restrained from establishing such a precedent under the peculiar circumstances of the present question. The only object of allowing an interval between the message and the reference was, to protect the House from being taken by surprise; but how could that object apply to this subject, of which ten days' notice had been given by his noble friend; who stated, that he should propose the revival of the Committee, and the submitting of the important documents to it, on the same day that he brought down the message? The House had been, therefore, in possession of the intention of Government for some time; and it should be recollected, that the proposition now to be made was not to declare or pledge any opinion as to ulterior measures, but merely, in the words of the address, to take the subject into serious and immediate consideration. Until some other and preferable mode of proceeding were stated, and established, he should move that the documents this day laid before the House by command of his Royal Highness the Prince Regent, be referred to a Committee of Secrecy.

Earl Grey said, that the words "immediate consideration," used in the address, ought not to be understood as pledging him or any other member to more than such an immediate consideration as was consistent with the known forms of Parliament. The noble Secretary had confessed that there were no precedents in his fa-

vor, at least he had stated none; and had any existed, it would have been his duty to have referred to their authority. This disregard of precedent seemed at least a little extraordinary. The noble Secretary had asked what was to preclude the House from establishing a precedent? Certainly nothing, provided it were convenient or necessary; but he was confident he should meet the sentiment of the noble Secretary when he said, that in a most important measure, which was ultimately to affect the rights and liberties of the whole people of England, it was impossible to proceed with too much caution and deliberation. If one question more than another required a strict observance of all forms, it was that now under the view of the House; the *answer*, therefore, did not lie upon him to prove the inconvenience of this needless dispatch, but the noble Secretary was bound to shew that there was some urgent and uncontrollable necessity, requiring the abandonment of the ordinary practice. It was true that the noble earl (Liverpool) had intimated his intention of bringing down a message upon this subject; that notice he (Earl Grey) had heard with deep regret, and it would not be lessened if he found that Ministers were disposed to hasten through the Legislature a measure requiring the gravest and most mature consideration. He had hoped, but vainly, that it would not again be resorted to; and as far as his knowledge extended of the real state of the country, he would boldly assert that no necessity for it existed. The message, indeed, and the address, pledged the House to nothing; but they gave the country but too much reason to apprehend, that a measure would be once more resorted to which was not the true remedy for its difficulties, and its distresses. He agreed, however, that it would not be proper to anticipate the debate upon the question; he was willing to wait for the decision of the Committee, hoping, as he had said on its first appointment, that it would proceed seriously and anxiously to make the most minute inquiries into the real state of the country; and hoping, too, that with the warning it had already received, it would not be satisfied upon any point, without the best evidence that the nature of the case admitted of the truth of the allegations. He trusted, that the members would attend more strictly than heretofore to the characters and conduct of those who supplied information; that they would not forget that they came forward in support of the measures of Government, and to propagate rumours, hazardous not merely to individuals, but to the State. If it should be found, on this new inquiry, that any part of the intelligence which influenced the former report had been given under any peculiar or disqualifying bias, he hoped it would now be rejected, and that the motives and situations of all the witnesses would not be left out of the account. The noble Secretary had appeared at a loss what to say in favour of the re-appointment of the Committee; he seemed at a loss for a reason; but he (Earl Grey) would

read to the House a paper: then, which nothing more dangerous or inflammatory, nothing more calculated to excite passions and commotion, had been laid before the various Committees: it was the copy of a letter, circulated in the city of Norwich during the late election, and in favour of the candidates (Mr. Wedeburne) who professed principles corresponding with those of His Majesty's Government. It began thus:—

“Q. Englishmen, what has caused the high price of bread in A. The corn bill.”

“Q. Who aided that unjust and cruel measure which grinds the poor industrious man to the earth, and entails misery and starvation upon his helpless family?—A. The man (meaning Mr. Cobden) who takes the freeholders of Norfolk by the nose, and leads them where he pleases.”

“Q. Who oppressed the industrious little farmer, that virtuous and independent member of the community, and incorporated his land with his own for the purpose of swelling his already bulky estate?—A. The proud and unfeeling despot of Norfolk, who is a tool of others.”

“Q. Who is it that, by the enormously extensive use of machinery, not only in agriculture but in manufactures, has reduced thousands to a state of pauperism, madness, and despair, which has led to the commission of crimes at which humanity shudders?—A. He who takes upon himself the name and style of patriot.”

“Q. Shall this system have no end, or shall the feelings of mankind be still farther outraged and trampled upon?—A. No! Rise and do your duty.”

His lordship appealed to the House, whether any of the papers submitted to the last Committee had been framed in a more wicked and diabolical spirit? Did it not touch upon all the topics of discontent, did it not address itself to the lowest and worst passions by which the species was degraded? (*Hear, hear.*) Did it not call upon the deluded people to make those attempts which had in fact been made? No man could be so short-sighted as to imagine that it would stop here—that popular indignation against an individual, not only of a most honourable mind, but one of the greatest improvers of the system of agriculture and of the situation of the poor, would be all that would be felt. The corn bill, a measure of Government, was attacked; the employment of machinery was used as a handle for popular discontent; and the influence of such an offensive document could not be confined either to the county of Norfolk or to the period of the election. It had unquestionably the most dangerous tendency; and its effect had already been he did not know, but of this he was sure, that he had seen the document more imperiously demanding the interference of the Attorney-General. He would not name individuals; but he was informed that it could be proved, beyond doubt, that this notorious publication had pro-

ceeded from a person with whom the noble Secretary had recently held a correspondence; who was at the head of a society called the Knights of Brunswick—one of those political associations to which Ministers had no objection, and which professed about the same principles in England that were promulgated by the Orange societies in Ireland, a spice of which was contained in the hand-bill he had just read. (*Hear, hear.*)—principles, he would say, wholly incompatible with those established at that Revolution which had seated the present family on the throne of these kingdoms. His lordship hoped that the Committee, if re-appointed, would not fail to investigate all these matters; and that the imprudent and inflammatory productions of the supporters of the present system would not be forgotten, while every endeavour was used to detect the errors of those who had been active on the opposite side of the question. He made this remark, because at the present moment Government was holding out lures and incitements to informers of all descriptions, to bring forward budgets of falsehoods agreeable to their employers; because, at the present moment, the manners of the people of England were undergoing a complete change; because the confidence that formerly existed between man and man was destroyed; because all were taught to look upon their neighbours with suspicion and distrust; and because Ministers seemed using their utmost exertions to assimilate as much as possible the state of England to the unhappy condition of Ireland. (*Hear, hear.*) What necessity had been shewn for this irregular rapidity? The Habeas Corpus Suspension Act did not expire until next month, and the other side of the House had not been extremely active in introducing the subject. Why had so long a notice been given of the intended message, that not one day more could be spared before the Committee was to be appointed? Why could not this question have been deferred until the pending trials were concluded? These were questions to which no satisfactory answer could be given; and until they were answered, it would become the House to pause before it deserted its ancient and wholesome precedents. He was glad to find that the noble Secretary did not mean to re-appoint the Committee by bal-

* Here the noble earl alluded to the case of James Watson, the elder, Thomas Preston, Richard Hooper, and Arthur Thistlewood, who had been indicted by the King's Attorney-General, (Sir J. Stephen), for High Treason. The indictment contained four counts, charging them with divers overt acts, originating at the meetings in Spa-fields, on the 1st of Nov. and 2d of Dec. The trial of Watson, (who was first put on his defence) commenced in the King's Bench, on Monday, the 9th of June, before Lord Chief Justice Ellenborough, and the other Judges of that court. It lasted till Monday, the 16th of June, when the Jury returned a verdict of Not Guilty. On the following morning, the trial of the other prisoners was abandoned.

lot; he (Earl Grey) detested any thing like hypocrisy; and to pretend to name a Committee by ballot, as if the choice were free from the influence of the Crown, was a fraud and an insult upon the people of England. A ballot was, in truth, the most convenient mode by which Ministers could select the friends they wished to be nominated. It was understood that a noble duke, who had attended the deliberations of the former Committee, intended to decline the duty in future; and therefore, at the proper time, he should propose a noble peer to fill his place. He concluded by moving the previous question.

The Earl of *Liverpool* was desirous of saying a few words upon each of the topics adverted to by the noble lord. In the first place, his noble friend, the Secretary of State, had not asserted that no precedent existed for the step he proposed, but that he was not at that moment prepared to produce one exactly analogous. It could not be alleged that the House was now taken by surprise, because even notice of the message (a course not usually adopted) had been given; and though an interval was commonly allowed, yet at this period of the Session it was expedient that as little delay as possible should occur. At the time the Royal message was mentioned, it had been also stated, that the re-appointment of the Committee would be moved on the same day. Strictly speaking, the practice of giving notice of motions was of modern date; and though a most salutary regulation, in order that the House might not be taken by surprise, it might be dispensed with, more especially when, as in the present instance, a previous understanding had taken place. The House had not been called upon to consider the message on Friday last, the day at first fixed, in consequence of an event which had not been foreseen, (alluding to the resignation of the Speaker,) and thus the notice had been extended from a week to ten days; so that, in truth, there was still less reason to complain of extraordinary and undue celerity. The very appearance of the House, the fulness of the benches, was an evidence that more than formal business was expected. The postponement of this motion for even a day or two, at this late period of the Session, might be attended with great, he would not say insurmountable, inconvenience, and the date of the expiration of the act had been altered from the 25th July, or the 1st August, to the 1st July, upon the suggestion that if it were necessary to renew it, the subject would be brought forward at a period when comparatively few noble lords could attend in their places. In order to avoid this circumstance, a noble baron on the opposite side had even proposed an earlier date for the expiration of the measure. The noble earl, in the course of what he addressed to the House, had allowed to escape the true reason why he was anxious for delay, viz. that the pending trials might be concluded before the discussion; but what argument had he adduced to shew, that any benefit

would be derived from the result? He seemed to him (Lord L.) no ground whatever for further and most inconvenient, if not dangerous, postponement. He agreed with the noble earl, that the present was not the fit time for discussing the general question; but this he would say, without fear of contradiction, that nothing but a strong sense of what was necessary for the safety of the country had induced Ministers to adopt a course so unpopular. Whatever odium might attach to them in consequence, they were ready to sustain; they had acted under a conviction of their duty, and from that duty they would not shrink. (*Hear, hear.*) The noble earl had entered into a discussion of the proceedings of the former Committees appointed by the two Houses of Parliament, selected from both sides, with a fair intention of procuring those whose discordant sentiments might lead to a true estimate of the state of the nation. Whatever attacks had been, or might be made upon their reports, certain it was that they were the deliberate and unanimous opinions of the whole body; and this unanimity was not the less observable, because when they came to the details of the measures, certain members of the Committee had expressed their disapprobation. All agreed in recommending the suspension of the Habeas Corpus; and he had therefore the opinion of the counsel on the other side for saying, that at that time the measure was necessary for the security of the country. With regard to the hand-bill produced by the noble lord, which had been circulated during a contested election, he could assure the House that he had never heard of it until this night; and he firmly believed that the noble lords beside him were in equal ignorance. That it was intended to be particularly agreeable to Ministers was not at all clear, for a plain reason—because the measure principally reprobated (the corn bill) was introduced and supported by them, and the individual particularly alluded to only gave a silent vote upon the question. His lordship had yet to learn that the purpose of it was to inflame the public mind generally, though its object might be to draw odium upon a single member of Parliament. He, however, was not the only sufferer; many of their lordships had suffered on similar occasions during sharply contested elections; and but one important lesson was taught by such publications, namely, the danger of using weapons of that kind. He trusted that the lesson would be read with profit by many of those who felt disappointment at the issue of the Norfolk election, and that they would in future abstain from appealing to and inflaming the basest passions of the lower orders. From whatever party such productions emanated, they would equally meet with his reprobation.

Earl Grosvenor heartily joined in the regret expressed by his noble friend (Earl Grey) that the Royal message, threatening such dreadful consequences, had been sent down to Parliament. Under such circumstances, all due savings

ought to be most rigidly observed; and he called upon the noble lord on the woolsack, in general so stiff an advocate for precedents, to support the amendment of the previous question. A departure from the ordinary and established practice might be attended with the greatest inconvenience and the most dangerous consequences, as on some future occasion the proceedings of to-night might be quoted as an authority, when the Ministers wished to carry in haste some arbitrary and unconstitutional measure. The noble earl had intimated, that precedents did perhaps exist; if so, why were they not produced? Why had the noble secretary neglected his duty, in the face of his country, in not ascertaining whether his hasty and indecorous proceeding was or was not warranted? Under the present circumstances, such a neglect of established forms could not but be viewed with an eye of suspicion, more especially when the proceeding of the House on this very night was so contradictory: for the consideration of one message from the Throne, referring only to an individual, (the late Speaker), had been deferred; while, upon another, connected with the liberties of the whole people of the empire, the House was required, not merely to vote an address, but *instantly* to appoint a Committee, and to refer to it documents of the last importance. (*Hear, hear.*)

Earl Spencer acquitted the noble Secretary of all intention to take the House by surprise: the notice of the message put an end to that point. The question now was only this—whether on a subject of such magnitude, the reference of the papers to the Committee should be postponed for two days; and recollecting the measures to which the report of the former Committee had led, he would say, that if many precedents had been adduced in favour of precipitation, he should have deprecated any obedience to them: no number of precedents could satisfy him that the House should renew, without the utmost caution and repugnance, a measure giving powers unknown to the Constitution, to individuals who might abuse them. True it was, that the House had not been taken by surprise; but although previous notice of the message had been given, that would not appear upon the journals: so that in after-times the proceeding of this night might be quoted as an authority, not merely for voting an address, but for immediately, and without inquiry, referring papers sent down with it to a Committee of Secrecy. Might not such a precedent be employed on some distant occasion for the most dangerous purposes? (*Hear, hear.*) The case might have been different had the noble Secretary stated any peculiar urgency: had he told the House that an insurrection had broken out, or even that it was apprehended, it might have been proper to proceed with all possible dispatch. On the contrary, Ministers had themselves delayed for 10 days, and then they called upon the House to make up for the time they had lost, by the abandon-

ment of its acknowledged rules. If the message had merely referred to an individual, his lordship should have objected to such needless precipitation; but when it respected the rights and freedom of the whole nation, he could not but resist it to the utmost of his power. With regard to the composition of the late Committee, it was, in his opinion, unobjectionable. For all the noble lords who were members of it he had great regard, but for some he entertained a more particular respect. Their lordships would not be at a loss to understand that he alluded to those noble lords with whom he was accustomed to act. He confessed, at the same time, that he could not see sufficient ground, so far as his own knowledge went, for the measures which had resulted from the appointment of that Committee; but at the time the report was made, he considered himself bound to respect the authority from which it proceeded. Circumstances, however, soon occurred, which excited greater doubts in his mind than he had before entertained on the subject, as they threw, he thought, discredit on some of the statements of the report. All this was calculated to render him more unwilling to give his assent to any new measures of the same kind. He hoped, therefore, that in the inquiry which was to be gone into, care would be taken that the facts stated should be well ascertained, and that their lordships would not be satisfied with the mere declaration of an opinion without strict investigation. The measure now proposed was of much greater importance than that which they had already adopted. They were now asked to take away the most important privilege of the Constitution, not merely for a limited time, and during the sitting of Parliament, but for an unlimited time, and whilst Parliament was not sitting. If there was a real necessity for the measure, let it be clearly shewn; otherwise their lordships should not agree to any restraint on the liberty of the subject. As to the present question, he objected to the precedent which the mode of proceeding proposed by the noble viscount would establish.

The Marquis of Buckingham thought the present question had nothing to do with the inquiries which were to be the objects of the consideration of the Committee, and that it ought to rest entirely on its own merits. Their lordships had not now to make up their minds as to the necessity of any measures, but to decide whether there should be a Committee or not. Sufficient notice had, in his opinion, been given; and what their lordships had now to consider was, whether a *prima facie* case had been made out for any Committee at all. Now he must contend, that such a case had been fully made out by the report of the former Committee: that afforded a sufficient ground for continuing precautionary proceedings. The first duty of Parliament, when such a communication as that which had been delivered was brought down from the Throne, was to take care that not a

moment should be lost in entering on an inquiry. If no necessity existed for the measure now in force—if the state of the country was no longer what it had been proved to be, their lordships ought not to let a moment elapse before the laws which had been passed, were repealed; but when the Ministers of the Crown stated that a necessity for the continuance of those measures existed, it was the duty of the House to enter into an immediate inquiry on the subject.

Lord Holland was not a little astonished at what had fallen from his noble friend. The noble viscount had expressed his regret at having to bring down messages like that which had been just submitted to the House, though he contended for the necessity of the measures he proposed. That he should be anxious to forward his object without delay was what he could easily conceive; but he could not understand why other noble lords should shew an extraordinary impatience for the continuance of measures which went to subvert that system of liberty which had been established and maintained by our ancestors. It was true, the noble lord had given ten days' notice that he would bring down the message: he stated his intention of reconstructing all the machinery of Committees and Reports, and had clearly foretold what was to be the result of his operations; but all this had nothing to do with the present motion, which was a mere dry question of precedent. The noble lord, however, disdained to be bound by considerations of so dull a nature as mere matters of form. He (Lord H.) did not think so lightly of the subject. He could not carry his mind to that flight of Pindaric irregularity which the noble viscount appeared to have attained. Other noble lords, not so totally careless about precedents, had called for proof of their being none. It was singular enough that the *onus probandi* should be expected from those who said there were no precedents, rather than from those who asserted that they did exist. But his noble friend had said, that a *primâ facie* case was made out for the continuance of the measures proposed by Ministers. This reminded him of the transition from war to peace, (though that transition had now lasted, if not so long as some wars, at least as long as many a peace,) being cited as a reason for the continued distress of the country. If the report of the last Committee was to be taken as *primâ facie* evidence of the continuance of disaffection, the next report would afford a new *primâ facie* evidence; and so they might go on *ad infinitum*, without ever wanting a ground to deprive the people of their rights and liberties. With regard to the hand-bill which had been read, nothing had been said by the noble earl to remove the impression of his noble friend's statement. His noble friend had some reasons to believe that the circulators of the hand-bill at Norwich were the same persons who communicated the intelligence to the Secret Committee respecting the societies at Norwich,

which was afterwards questioned and offered to be disproved. The noble lord, perhaps, would admit this. (Here Lord Sidmouth was understood to express his dissent to the statement of the noble baron). He should be very glad if the noble viscount shewed that the hand-bill did not proceed from the same persons in Norwich, whose communication to the Committee had been publicly, and, he might say, officially contradicted. What had passed, however, with respect to the late Report, would, he hoped, convince any Secret Committee that might henceforth be appointed, of the necessity of investigating with the greatest strictness the validity of the evidence submitted to their consideration. Their lordships remained without any information as to the persons who had been examined: and though it had been offered to be proved at the bar, that statements in the Report of the Committee were incorrect, the evidence so offered had not been accepted. From these circumstances it was to be concluded that the Report had not been the result of a fair inquiry; and that must be a very good reason with plain men for saying, that such a Report could not be *primâ facie* evidence of the necessity of continuing the Suspension of the Habeas Corpus Act. The Ministers had asserted that great danger to the Constitution existed; they had asked for extraordinary powers to enable them to avert that danger. Great and extraordinary powers had been granted, and they had possessed them for three months; but instead of having removed the danger, as they pretended they would, they asked for the continuance of the same powers. This was a proof that the cure to which they had resorted was not the proper remedy for the disease. His noble friend, who observed that the question ought to rest on its own merits, and who thought the notice sufficient, had gone even farther in his contempt of precedents than the noble lord opposite. The notice, however, as he had already stated, referred merely to the bringing down the message; and with respect to the motion for the Committee, it was sufficient to observe, that no understanding respecting it appeared on the journals. If he approved of the measures that were now proposed, as much as from the bottom of his heart he detested them, still he should be anxious to shew the most careful attention to the rules and orders of the House. On these grounds he should oppose the motion for appointing a Committee.

The Marquis of Buckingham explained. He had not said that the Report of the Committee afforded a ground for continuing the suspension of the Habeas Corpus Act, but for agreeing to the proposed inquiry into the state of the country. His noble friend had greatly misunderstood his principles, if he supposed him so indifferent to the advantages of the Constitution as such an opinion would imply.

The motion was then agreed to, without a division.

Lord Sidmouth said, it was not his wish to give occasion for farther discussion; but as their lordships had agreed to refer the message of the Prince Regent, and the papers which accompanied it, to a Committee, it was now necessary to consider in what manner that Committee ought to be appointed. The usual mode in which former Secret Committees had been selected was, by ballot; but that mode required the preparation of glasses, and the depositing of lists, which would occasion considerable delay. He thought, therefore, that immediate nomination would be more consistent with the course which had been taken. The noble earl did not appear to be impressed with a very favourable opinion of ballots, though he understood that he was not perfectly satisfied with the name it was thought advisable to propose as a substitute for the noble duke who had declined to sit on the renewed Committee. Of the propriety of that nomination it would be for the House to judge. He should, as he had before stated, move the re-appointment of the former Committee, with the single exception of that name.—His lordship concluded by moving the names of the noble lords who composed the former Committee, substituting the Earl of Talbot for the Duke of Bedford.

Earl Grey did not dispute the noble lord's influence in that House, whether the Committee should be chosen by ballot or nomination; but though a ballot required glasses, lists, and various preparations, which would occasion a delay, he did not consider that objectionable. When it was proposed to continue the suspension of the Habeas Corpus Act, it was the duty of the House to proceed with the greatest caution, and every delay was therefore an advantage.

The noble earl concluded by proposing the Earl of Rosslyn instead of the Earl of Talbot, as a substitute for the Duke of Bedford.

Lord Sidmouth said a few words in opposition to this motion.

Lord Holland observed, that he had no objection, personal, or political, to the noble earl who had been proposed by the noble viscount; but as it was understood that that noble earl was going to Ireland, (as Lord Lieutenant), he did not think him on that account the most proper person that might be chosen. Ireland was the only part of the empire to which Ministers had not thought it necessary to extend the benefit of their precautionary measures; and why a noble earl who was about to proceed to that part of the United Kingdom should be appointed on this Committee, he could not see, unless it was wished that he should take a lesson as to the manner of getting up measures of this sort before he proceeded further.

The Earl of Liverpool recapitulated the proceedings which had been adopted on the appointment of the former Committee. It being the opinion of the Executive Government that there should be a farther inquiry into the state of the country, what medium for that inquiry could be more proper than the late Committee?

If their lordships had no reason to distrust that Committee, if they still thought it worthy of their confidence, they would on such an occasion readily agree to a motion for its revival. On every consideration, he would maintain that the former Committee was the most proper that could be appointed for the investigation. The reappointment of the whole of the members, without any alteration, would have been proposed; but a noble duke, from motives which he unquestionably felt to be of the most honourable nature, had declined to attend. He could see nothing solid in the ground on which the noble baron opposite had objected to the noble earl who had been proposed to supply the place of the noble duke. Any station in which the noble earl might hereafter be placed could afford no reason for rejecting his services on this occasion. His going to Ireland, if such an event should take place, would not incapacitate him from being a member of the Committee. On the contrary, there were circumstances which seemed more particularly to point out that noble earl to their lordships' choice. His having been Lord Lieutenant of a county in which disturbances had occurred, and in the suppression of which he had conducted himself with the greatest propriety and ability, surely could not render him unfit for the inquiries to which the attention of the Committee was to be directed. He concluded by moving that the name of Lord Sidmouth be added to the Committee (Lord Sidmouth having omitted his own name in reading the list.)

Earl Grey saw no necessity for the new Committee being of precisely the same number as the last. There was no magic in the number 11, and he should therefore withdraw his motion for substituting Earl Rosslyn for Earl Talbot, and move that the name of his noble friend be added to the Committee.

The Earl of Liverpool objected to this, as informal. As the Committee was to be revived, the number of members could not be altered.

Lord Holland said, it would appear from the journals, that a motion had been made for increasing the number; the reason of the alteration would therefore be recorded: it would appear that the Committee of 11 was revived, but that the House had thought proper to add one to the number.

Earl Grey, to remove the difficulty made by the noble earl opposite, suggested, that as the Lord Chancellor was much occupied with other important avocations, his noble friend should be substituted for the learned lord on the woolsack.

The Lord Chancellor, on putting the question, said, "the motion is, that the Lord Chancellor, on account of his numerous avocations, shall be excluded from the Committee; ought I to add, that Lord Rosslyn, on account of his avocations, shall be substituted for the Lord Chancellor?" (A laugh.)

This motion was negatived, and the list as proposed by Ministers agreed to.

[RIGHT OF VISITING PRISONS.] Lord Holland

rose to call the attention of the House to the correspondence which had passed between the Secretary of State for the Home Department, and the magistrates of the county of Berks, relative to the prisoners confined in consequence of the suspension of the Habeas Corpus Act. The acts which had passed in the beginning of this Session, had, in the first place, given the noble Secretary of State the power of committing any person charged with treason to prison, and detaining him there without trial; and, in the second place, he was empowered to remove the persons so committed from one prison to another at his pleasure. Such powers required to be vigilantly observed; and it was on this ground he thought it his duty to bring under the consideration of their lordships a correspondence which had recently appeared in the public prints. And here he must ask, whether it was not to be understood that the visiting magistrates of a county ought to perform their duties on their own responsibility, without appealing to the Executive Government for instruction on legal questions? The noble Secretary of State was no expounder of the law. To impose restrictions on magistrates in visiting prisons did not belong to his office. The magistrates of Berks had, however, addressed a set of queries to the noble viscount, which he had answered, and he must say that his answers were all improper; and one of them appeared to him illegal and contrary to the provision of an existing statute. He should at present content himself with reading the queries and the replies, with the Act of Parliament (31st of the King) which applied to the question. Here the noble lord read the following documents:

“Q. May magistrates generally of the county of Berks visit the State Prisoners in common with other prisoners, which they are privileged to do, and ask questions and enter into conversation with them?—A. No, except upon special reasons being assigned, which must be submitted to and judged of by the Secretary of State.

Q. If State Prisoners may have a copy of official directions to gaolers?—A. No.

Q. If they may have free use of pen, ink, and paper, under certain restrictions, as ordered by the official directions?—A. *Vide* official directions, which must be strictly observed.

Q. If they may read the public London or provincial newspapers, under certain restrictions?—A. No.

Q. If they may have books to read from circulating libraries?—A. Such books as are approved of by the visiting magistrate.

Q. If they may have wine, or strong beer, or ale, in limited quantities, at their own expense, or that of Government?—A. What quantity is desired.

Q. If through the day they be confined in solitary cells, and at night in better apartments, if such can be procured by magistrates for them?

—A. To be confined in such manner as has been usual, and in such apartments as have been heretofore allotted to State Prisoners.

Now, he did not mean to animadvert upon all the answers, though all of them were harsh; and to all of them it might be objected that they were unnecessary, for the Secretary of State had taken upon himself to give directions for the management of prisons, and the treatment of prisoners, where law or practice ought to constitute the rule; but where both law and practice were wanting the noble Secretary of himself decided. He would particularly mention the official instructions respecting books and papers to be allowed to the prisoners as both harsh and unjust. They had the authority of his noble friend upon the woolsack, that prisoners had a right to present petitions, if they were *bona fide* petitions; (see page 416.) but how were they to draw them up, if they did not know the directions given to gaolers upon that subject? But the first question, and the answer to it, was the point to which he more especially wished to call the attention of their lordships. The answer to that question said, that visiting magistrates were not to visit State prisoners. Now there was an act, 31 Geo. III. ch. 46, directly in the face of this answer. The clause to which he particularly alluded expressly enjoined “that justices of the peace shall, at every general or quarter-sessions, appoint two or more visiting justices, who shall personally visit the common gaols, houses of correction, and penitentiary houses, at least three times in each quarter of the year; shall take cognizance of the treatment and condition of the prisoners, of the state of the prisons, and of the conduct of the gaolers; and shall give redress according to the circumstances that come under their view; that the visiting justices shall, at every quarter-sessions, report their compliance and their observations; and that the chairman of the quarter-sessions call upon them for such report.” Here the law was express, and not only gave permission, but rendered it imperative upon magistrates to visit the prisoners. There was no exception as to State prisoners; it was a general imperative appointment, that they *shall* visit the gaols, and inquire into the state of the prisoners. There was another section in the same act which was not imperative, but which said that all magistrates might enter into gaols, and examine into the treatment of the prisoners; and if they saw any abuse, they should report it to the next quarter-sessions: and upon such report being made, it should be taken into immediate consideration, and no abuse so reported should be allowed any longer to continue. The noble Secretary had improved upon the Act of Parliament, and, upon his own authority, prohibited magistrates from visiting certain prisoners. The power thus arrogated he thought most illegal and most unconstitutional. The noble Secretary had done by his *fat* what the Legislature had not done,

and what he (Lord H.) believed they would not do. The two first clauses of the Declaration of Rights—the second was, in effect, the same with the first—were, that the laws of the land shall not be dispensed with: so anxious were those enlightened men at the Revolution to preserve the laws essential to the due administration of justice. If the noble Secretary had found the laws insufficient, he ought to have manfully come down to Parliament, and called for an alteration; but instead of that, the noble Secretary thought proper to give his own authority, and to direct magistrates to act upon his opinion; but, be it observed, upon their own peril. The noble Secretary, without taking upon himself any danger, had told them that they might do certain things.—The noble lord concluded with moving, “That copies of all the communications regarding Reading gaol, between the Secretary of State for the Home Department, and the magistrates of Reading, Berkshire, be laid upon the table.”

Lord Sidmouth said, he understood the noble lord to charge him with having assumed to himself an unconstitutional power, and having exercised unnecessary harshness in the discharge of his official duties. He had never acted from his own bare opinion; he had always taken the best advice. The answers were not his, but those of the law-officers of the Crown. He knew that he was responsible for the opinion; he mentioned it, not from a desire of throwing the responsibility off himself, but to shew that he had acted with every possible deliberation. He always considered that gaols were his Majesty's gaols. They were subject to his Majesty, and regulated by Royal prerogative. The 31st of the King, chap. 46, in no degree affected the prerogative of the Crown, to give instructions respecting state prisoners. He would appeal to his learned friend on the woolsack, that it was not the same with state prisoners as other prisoners. They were directed “to be kept in close and safe custody,” and the gaolers, in their treatment, were liable to the Secretary of State. The King's Bench, in like manner, acted for the King, and two eminent judges of that Court had decided on the very principle for which he contended. Lord Holt had decided, that a wife could not see her husband, confined on a charge of treason, without other persons being present. Lord Raymond had decided that near relatives could not visit but in similar circumstances. The suspension of the Habeas Corpus had enabled the Secretary of State to commit several persons for high treason, and to him belonged the right of giving all directions concerning them. In the exercise of this right he had consulted the first legal authorities in this country, and had in no degree exceeded his powers to which they thought him entitled. With respect to the mode in which this duty was performed, he had strictly adhered to the opinions of the Attorney-

General at the time, and no greater harshness was exercised, than in every instance of a long period during which the Habeas Corpus was formerly suspended—he meant from 1793. He did not think it right to lay claim to greater humanity than his predecessors. With respect to the particular case before their lordships, the magistrates of Berkshire put certain queries; and received specific answers. The noble lord could only say, that he had seen a paper in which those queries and answers were stated. He would put it to their lordships, whether, upon this *prima facie* case, they could so far impute blame to him as to order the production of any documents? He had shewn no harshness in the exercise of his duties; he had followed the example of his predecessors. He must, therefore, resist the motion of the noble lord. Nothing was more necessary for discharging the arduous and important duties of his situation than that he should possess the confidence of their lordships. If they agreed to the motion, it would have the appearance of blaming and censuring him as having been harsh and arbitrary in the exercise of his office. He should bow to the decision of their lordships, but he trusted that if they did not think that blame attached to his conduct, they would not hold out to the country that his proceedings were so suspicious as to justify inquiry.

Earl Grey observed, that he was not prepared to speak upon this question, yet he must speak in consequence of what had been said by the noble Secretary. A more mitigated answer could have been given to all the questions. With respect to papers and books, there seemed to have been a very unnecessary degree of rigour and severity exercised. But whether the noble lord had exceeded his powers, the Act of Parliament was express and decisive. One clause was explicit, actually compelling magistrates to visit prisoners. Another was equally explicit, empowering them to visit. He had felt very curious to hear the noble Secretary's answer to this point. The act had appeared to him clear and distinct; and unless the noble lord could cite some subsequent statutes in his favor, his conduct was in direct contravention of a public law made to protect prisoners from undue harshness and injustice. What answer then did the noble lord give? His answer did not a little surprise him. Usage was appealed to. Judges in the King's Bench had decided to his purpose. It could not be denied, that Lords Holt and Raymond, were eminent and distinguished judges: but the decisions referred to were not in point. They regarded quite a different principle. The noble lord ought to have shewn that they had prevented magistrates from visiting gaols: but even then the authority would not have applied, because they lived prior to the 31st George III. Since that period nothing was stated to have been enacted to alter the statute. If any usage could be shewn against it,

the power of this express law was sacred and conclusive; no usage, however, had been in any shape brought forward to justify his lordship's conduct: but prerogative had been appealed to as above acts of Parliament. This was a new and extraordinary doctrine. The manner, too, in which the noble lord had availed himself of this argument deserved attention: gaols were the King's gaols, and, therefore, State-prisoners were subject to the arbitrary regulations of the Secretary of State! If this argument applied to one gaol, it applied to all gaols; if to one prisoner, to all prisoners. All gaols were the King's, and all prisoners were the King's. How was it possible to make any distinction? The prerogative must be equally applicable to all. It could not be pretended that the Legislature had passed a law of this kind, and excepted State-prisoners. State-prisoners were rather objects of peculiar protection; and an act would be found with an exception in their favour. He did not know whether there was abuse in this case, but they were told that the Secretary of State had done what on the face of it appeared to be in contravention of an Act of Parliament. If the noble Secretary did not give something better than the opinion of the law-officers of the Crown, he would put it to their lordships whether prerogative could be a valid defence for violating an act of Parliament? The question was, whether the prerogative gave such a right. But the noble lord here again precluded inquiry by urging that a presumption of blame would arise, if an order for the production of the papers in question stood upon their journals; and he claimed a degree of confidence from their lordships, as necessary for discharging his duties with satisfaction to himself and benefit to the country. He, on the contrary, contended, that a constitutional jealousy that would not sleep was not only wholesome but necessary. The motion went merely to inquire into an apparent contravention of an act of Parliament. The fair inference from such a charge, *prima facie*, according to the noble Secretary's expression, was, that their lordships could not dismiss it without farther inquiry. If the noble Secretary should be found to have acted conformably to his powers, he would stand acquitted and absolved, and the sentence of their lordships would relieve him from blame: but because an inquiry implied that the noble Secretary might have acted illegally, they could not enter into an inquiry! This was a proposition, he trusted, which their lordships would never admit. All they wanted was information. The noble Secretary was charged with a departure from the line of conduct prescribed to him by law: their lordships could not, without a departure from their duty, refrain from calling upon him for his justification. He felt now more anxious than ever for an inquiry, in consequence of the plea set up by the noble lord. He most earnestly hoped that their lordships would investigate the law and practice upon this point, and hence

ascertain whether the noble Secretary had acted legally and constitutionally.

The Earl of *Liverpool* considered the proper view of the act of the 31st of the King to be very different from that which had been taken of it by noble lords opposite. The noble Secretary of State had said, that he had acted conformably to practice; but that the regulations he had prescribed were more lenient than on former occasions. The noble earl would not enter into arguments at that time concerning the regulations, whether right or wrong; but he could see no ground of doubt, that from 1791 to the present period, State-prisoners had been subject to regulations in the manner now adopted. There was, therefore, the experience of 26 years in favour of what had been done. During that time, unfortunately, owing to pressing circumstances, the Habeas Corpus Act had been repeatedly suspended, and many individuals had been indicted and tried for the crime of high treason. He thought that, during that period, there were the best legal authorities in favour of the conduct pursued: but, still, before the act of the 31st of the King passed, there were other acts existing which regulated the conduct of justices of the peace with respect to gaols. He must maintain that it never was contemplated by those who introduced that act, those who passed it, or those who read it, that it was intended to interfere with particular regulations respecting State-prisoners. All authority of law and Parliament was contrary to such an interpretation.

The Earl of *Rosslyn* said, he did not mean to enter much into legal arguments; but he thought it his duty to look at the provisions of the act itself. In this he was borne out by the noble Secretary of State, who, on a former occasion, had observed, that it was not the meaning of the movers and supporters of an act that ought to be considered; but that they were to examine what the law really enacted. Looking at the act, on that principle, he could find none of the exceptions with respect to State-prisoners. It gave the magistrates certain powers as to all confined in prisons. To take away any of the privileges of the magistrates would, in his view, be against the law. If the noble lord could shew him that any case on the subject had ever been brought fairly into discussion by a judicial proceeding, and had been decided according to his opinions, he might yield to his arguments and construction; but it did not appear that any such case could be adduced: no precedent, if appeared, could be shewn as a reason for the violation and abrogation of this particular law. Let the matter be brought fairly before the House, and if a new statute was necessary, let it be enacted: at all events, there should be an end to proceedings of which the authors were not sure that they were supported by the law of the land.

The Lord Chancellor felt it necessary to pre-

face the observations which he intended to make with the same protest which he had made on a late legal question in that House—he meant, that he must beg not to be concluded or bound by any opinion which he gave as a member of that House, beyond that night. (See page 1047.) The plain reason for such a protest was this—that as that House was the *dernier resort* of all questions of law, it was important that the ultimate decision should not be prejudiced by any *obiter dictum* on an accidental motion. It was the less necessary that he should interfere with any opinion, because there was a regular remedy for any abuse of the existing law. If the gaoler did wrong, he might be proceeded against by action. He did not mean to say that the liberty of the subject was not a question deserving the gravest discussion of the House: but he should wish, whenever so important a subject was to be agitated, that due notice should be given. At present he was taken somewhat by surprise, and therefore was not prepared with such authorities as he should have collected, had he expected to be called upon for them. As it was, he must say that it would be much better to introduce a bill, to declare formally the law on this subject. One thing he could state, which bore strongly on the present question; and this was, that, in point of law, every gaol in the kingdom was the King's, and therefore under the Royal control. He could say that, in 1793 and 1794, it was never thought for a moment that the King's Counsel or the Secretary of State had not the power of giving advice as to the regulation of prisoners: he was perfectly sure that regulations and directions were issued from day to day. He was ready to admit that no right of the subject should be taken away, except on the most mature deliberation, and after a perfect conviction of its necessity: and, in the present case, if he had not been taken by surprise, he would have gone into the fullest consideration of the question; as it was, he must say that the prerogative of the Crown ought not, any more than the liberty of the people, to be taken away without the most attentive investigation. For these reasons, although he attached the highest importance to the treatment of prisoners, he must object to the present motion, on the ground that the evil sought to be remedied should be made the subject of a particular bill, and should not be concluded by a mere motion in that House.

Earl Spencer conceived the main point to be, whether magistrates should be deprived of that power of visiting prisons which the law had hitherto given to them. The noble and learned lord would perhaps recover from that surprise which he at present professed if the question were adjourned to another day; he would then find that consideration which he thought to be so necessary for a right decision of so important a point: with this view, therefore, and because he thought the question one of the highest moment, he should move to adjourn it: and unless the House were at once

prepared to declare that magistrates should no longer have the power of inspecting the King's gaols, he hoped that his motion would be agreed to. He should propose Monday next as the day of adjournment.

Lord Holland rose to state that he was ready to support the motion of the noble earl, and on the grounds which he had assigned. He could not but observe, that the noble and learned lord on the woolsack took particular pains to explain away the effect of any sentence which he uttered that could be construed in favour of the liberty of the people. When he had to speak on such subjects, he was always most anxious in begging not to be concluded by what he said, as if he feared that any opinion should fall from him too favourable to the cause of the public. (*Hear, hear.*) However, the main point now before the House was, whether the noble Secretary was justified in suspending the right hitherto possessed by magistrates of inspecting all the gaols of the kingdom. The noble lord had admitted that justices were enabled, under the act, to visit the gaols; but he seemed to contend that it was a part of the King's prerogative to keep them out of the gaols. He had called the gaols the King's gaols, and seemed to consider them exclusively under the jurisdiction of his Ministers; but the same language might be held of the army, the navy, the courts of justice, and of many other branches of the executive. It was in common language the King's army, the King's court, the King's navy; but no one ever contended that on that account these branches of public service were exempt from the ordinary operation of the laws. The reasons applied by the Secretary of State for exemption from the provisions of this act went equally to sweep away the authority of all Acts of Parliament. In other cases, indeed, the noble lord had been ready enough to allow the magistrates a power of expounding Acts of Parliament, but the moment this power might interfere with the exercise of his own authority, he had contended that they ought not to be allowed to exercise it. It was no argument to say that the act was an unreasonable act: it stood as the law of the land, and as such could not be departed from. He, therefore, called on the House to inquire into this matter, or at least to pause before they denied all inquiry. When a pretence had been set up for the suspension of our most valuable rights, it more than ever became the Legislature to inquire into the exercise of these new authorities; and not a word had been said to lessen the force of the act, or the clause of it which he first read to their lordships. He could not allow that the practice pursued since 1791 furnished any reason for what had now been done. The point he wished to bring before their lordships was, not whether this business was warranted by precedent, or even whether it was legal, but whether, in the very teeth of an Act of Parliament, it was competent to the

Secretary of State to tell the magistrates that they were not to visit the gaols within their jurisdiction. The noble lord then disclaimed any intention of taking the House by surprise, and alleged that he had given repeated notice of this discussion.

The question that the debate should be adjourned to Monday next was then put and negatived, as was the original question.

Adjourned till Thursday.

PROTEST.

DISSENTIENT, *Die Martis, 3^o Junij, 1817.*

1st. Because it was acknowledged in debate, that in the correspondence moved for, his Majesty's Secretary of State refused permission to certain Justices of the Peace for the County of Berks (See printed queries and answers,) to visit the State Prisoners confined in the Gaol of Reading, to ask questions of them, or to enter into conversation with them; and it is expressly enacted in the fifth Section of an Act of the 51st of the present King, intituled, 'An Act for the better regulating of County Gaols and other places of confinement,' "that certain Justices of the Peace appointed by the General or Quarter Sessions shall, either together or singly, personally visit and inspect both the common Gaols and other the houses of correction or other places of confinement, at least three times in each quarter of the year, and oftener if occasion shall require, and shall examine into the state of the buildings, and the behaviour and conduct of the respective officers, and the treatment and condition of the prisoners; and furthermore shall at any General or Quarter Sessions make a Report in writing of the state and condition of the same, and of all abuses which may occur to their observation; and the chairman of the said Sessions is hereby required to call upon the said visitors for such Report;" it is moreover in the same section expressly declared, that "it shall be lawful for every Justice of the Peace for such County, Riding, or Division, of his own accord, and without being appointed a visitor, to enter into and examine the same at such time or times, and as often as he shall think fit, and if he shall discover any abuses therein, he is required to report them in writing at the next General or Quarter Sessions of the Peace."

We could not reconcile it to our duty to reject all further inquiry into the violation of a statute neither obsolete nor ambiguous, and when we adverted to the quarter from whence such disobedience to the law had originated, we deemed ourselves called upon to protect one of the most essential rights of the people, vindicated at the Revolution of 1688, and asserted in the Act of the 1st of William and Mary, namely,

1. That the pretended power of suspending laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.
—2. That the pretended power of dispensing

with the laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal."

sdly. Because the argument urged in debate, that the prerogative of the Crown extends to the regulation of all his Majesty's gaols, that consequently no Act of Parliament relating to them can, without reciting the previous consent of the Crown, be imperative against the mandates of a Secretary of State, appears to us unfounded in principle, inconclusive in its application, and highly dangerous in its consequences.

A prerogative, however undisputed; cannot, we presume, counteract the force of an Act of Parliament, sanctioned by the three branches of the Legislature, and consequently consented to by the Crown.

The Justices authorized by the 51st of the King to visit the common Gaols of their respective counties, do not, by complying with the, alter any regulations made by his Majesty; they act under his commission; they are restorable at his will, and they are permitted, and in some cases required, to enforce the regulations for gaols, issuing either from the Crown in virtue of its prerogative, or from any other lawful authority. The provisions, therefore, of the 51st of the King, cannot interfere with the prerogative of the Crown, to whatever extent that prerogative may be supposed to exist.

If the claim of unlimited prerogative is to be set up in all Institutions, which, in the language of the law, belong to the King, and if the laws of the land, after passing the two Houses of Parliament, and receiving the Royal assent, have no power to limit that prerogative, then in all things relating to the army, the navy, and the Courts of Justice, the dispensing power, which our ancestors struggled to extinguish, is revived, and the securities devised for our property, our liberties, and our lives, by the wisdom of Parliament, exist only at the mercy of the advisers of the Crown—a system which would substitute arbitrary will for positive law, convert Parliament itself into an useless appendage of a Court, and our free Constitution into an absolute Government dependent on the caprice of a Monarch and his Advisers.

sdly. Because the law does not enact, nor does reason require any difference of treatment between State-prisoners and other prisoners committed to a Common Gaol; and should the exigencies of the State require such difference to be made, the Secretary of State has it in his power to commit in the first instance, or afterwards to convey such prisoners to fortresses and other places of confinement more immediately under the direction of the advisers of the Crown, and not, as we apprehend, included in the provisions of the 51st of the King.

4thly. Because no practice previous to the passing of the Act, and none subsequent to it (if any such were pretended), can justify his Majesty's Secretary of State in departing so

entirely from its spirit and its letter, as to prevent the Magistrates from executing duties plainly enjoined, and from exerting powers without any reserve or exception conferred upon them by an Act of Parliament, clear in its construction and consistent in its provisions: and when this branch of the Legislature has so recently been called upon to concur in the temporary suspension of the most valuable laws of the land, we felt it more imperiously our bounden duty to watch over the statutes which are still permitted to exist, and to enforce an obedience to the remaining laws in those who are entrusted with the execution of them, and already invested with powers so extraordinary and so liable to abuse.

ROSSLYN.
LAUDERDALE.
MONTFORT.
VASSALL HOLLAND.

HOUSE OF COMMONS.

Tuesday, June 3.

At half past three o'clock the Deputy Usher of the Black Rod appeared at the bar, and commanded the attendance of the Commons in the House of Peers, to hear the Royal commission read regarding the confirmation of the choice of the Speaker.

The House went, and being returned, Mr. Speaker reported, that the Lords who were authorized, by commission, to communicate the Royal pleasure, had expressed the approbation of his Royal Highness the Prince Regent, acting in the name and on the behalf of his Majesty, of the choice which the House had made of a Speaker. The right hon. gentleman said, he would again take the opportunity of expressing the high and grateful sense that he entertained of the distinction that had been conferred upon him, and the confidence reposed in him. He was sensible how unworthy he was of that high honour, and how much he should require their assistance, in executing the arduous duties which he should have to discharge; but he was confident that, as long as he exerted his humble endeavours to the utmost of his power in their service, an appeal to their indulgence would never be made in vain. (*Hear.*) He would implore them to support him in maintaining the rights and privileges of Parliament, which were as valuable to the welfare and security of the people, as they were necessary to the existence, the dignity, and the efficiency of the House. (*Hear, hear.*) It would be his anxious care, as it was his duty, to enforce the orders of the House, as the surest safeguard of these rights, and the best means of preserving them. He had now to suggest, that, as there were several dropt orders and notices, owing to the late interruption to public business, it would be convenient now to fix the time for their discussion.

Lord Castlereagh suggested, that as to-morrow (the King's birth-day) was a day on which

it was not usual to transact any public business, that circumstance should be taken into consideration in making these arrangements. The lord then moved that the House at its rising should adjourn till Thursday, which was agreed to.

The dropt notices and orders were then fixed for future days.

POLICE REPORT.] Mr. Bennet rose and said, he held in his hand a Report of the Committee appointed to inquire into the Police of the Metropolis. He had seen with surprise that it was published in a Sunday newspaper; (*The Observer*) although none of the members had yet received a copy of it through the regular channel by which such proceedings were communicated. He was entirely unacquainted with the manner in which it had been obtained; and he mentioned the fact, not for the purpose of making any formal complaint of its publication, but for stating that those who enjoyed the confidence of the House, and whose business it was to circulate copies of its printed reports among its members, had not on this occasion performed their duty.

EXTENTS IN AID.] Mr. H. Davis presented a petition of certain merchants, bankers, traders, and others, inhabitants of the city of Bristol, against Extents in Aid, which, after a few words from Mr. Protheroe, in support of its prayer, was ordered to lie on the table.

HABEAS CORPUS.—LONDON COMMON COUNCIL PETITION.] The Sheriffs of London appeared at the bar, and presented a petition passed at a meeting of the Common Council against the farther suspension of the Habeas Corpus Act. The petition was read, and, on the motion of Sir W. Curtis, was ordered to lie on the table.

LAW OF TREASON.] Mr. Curwen said, he rose to move for a paper of great importance at the present time. It related to the due and pure administration of the justice of the country, and involved a question of the most serious interest. It might be said at all times, that subjects of this kind demanded the utmost vigilance and jealousy of Parliament, but more especially at the present period, when our liberties were suspended, and our Constitution was in abeyance. The case to which he referred regarded the law of treason as applicable to the prisoners in the Tower, whose trial would shortly come on. (See the note, p. 1280.) This law, in order to protect the subject, required that persons accused of the crime of high treason should be furnished with the names and designation of all the witnesses who were to be brought forward by the prosecution against them, ten days before their trial took place. It appeared in the present instance that this form had been complied with in a manner that would defeat the object which the law had in view. It was known, that on the evidence of 41 witnesses the bill was found against the prisoners; and a list of no less than 240 witnesses had been served upon them as prepared to appear at their trial. He was old enough to

remember, that in 1798, an attempt was made in Parliament to destroy this salutary privilege of having a list of the witnesses, as regarded the persons then accused of high treason, and that it excited much discussion in the House. He recollected that, on that occasion, that eminent statesman, Mr. Fox, who always lent the exertion of his great talents in defence of the rights and liberties of his country, contended strenuously against this violation of the law.

Lord Castlereagh here rose to suggest, that the hon. gentleman was travelling out of the question by introducing extraneous subjects. (*Order, order.*)

Mr. Curwen proceeded. He conceived himself perfectly in order, and could not see the propriety of the noble lord's interruption. Mr. Pitt at that time had endeavoured to shew, that it was not necessary to serve the prisoners with a list of witnesses; and he (Mr. C.) who had then a seat in the House, had stood up and contended for the privilege. It was then understood to be the law, that prisoners in this situation could not be refused this right, but it might be rendered nugatory by the mode in which it was granted. If in a list of 240 witnesses, there were 199 more than necessary, as would appear to be the case in this instance, of what use was it that any list at all should be supplied, except for distracting the prisoners? Was the letter of the law to be kept, while its spirit was neglected? Then why not repeal the law at once? It was surely better that every thing should be open and fair, than that the subject should be mocked with the semblance of a right that no longer existed in reality. (*Hear, hear.*) The treason might arise out of the measures of the Ministry; and where was the safeguard of the subject, if the law was thus to be defeated by the mode in which the public prosecutor brought on its administration? He was entitled to shew some jealousy on this head, when he considered that Government were endeavouring to create a belief in plots and conspiracies which the country universally disclaimed. (*Hear, hear.*) He would ask, were 240 witnesses necessary to give evidence against the unfortunate persons now charged with State offences; or was not the number multiplied beyond what was requisite for obtaining the ends of justice, to prevent the prisoners from knowing who would really appear against them? He accused Ministers of knowing this circumstance, but he did not deny that it admitted of explanation. If they were not aware of it, he trusted they would thank him for the information, and take steps to remedy the evil, as there was yet sufficient time. Adverting to the notice which had been given of a Message on the state of the country, and the appointment of a committee, he expressed a hope that no Report would be made to the House on plots and conspiracies, till after the trial of those prisoners, as any such Report might excite alarm, and prejudice the minds of the jury. (*Hear.*) He concluded by moving, "that there be laid before this House,

copies of the lists of witnesses served on the Prisoners in the Tower, now under arraignment for high treason." (*Hear, hear.*)

The Attorney-General said, that the list was necessarily extensive, because it was imperative on the public prosecutor, in cases of high treason, to state the name and designation of every witness that could be called to give evidence on every fact that it might be requisite for the ends of justice to establish at the trial. In other cases, either civil or criminal, as was known to every person acquainted with the forms of legal proceedings, witnesses might be called to speak to any fact, the effect of whose testimony could not be known till the cause came to be heard. Here it was not necessary to give previous notice; but the law was different in charges of treason. A list of all the witnesses to be examined must previously be given, and no witness whose name and designation were not previously given could be heard. The prosecutor should, therefore, have credit for not inserting the name of any witness, whose evidence might not contingently be useful and necessary. He trusted that he should be believed when he said, that those who had the conduct of the trial had no wish but to promote the ends of justice, and that they had not swelled the list of witnesses for any purpose of perplexing the prisoners. (*Hear, hear, hear.*) They were actuated solely by the desire of arming themselves with all the testimony that they thought necessary for establishing the facts of the indictment, and had not named one human being whom they might not feel it their duty to call, and whose evidence might not turn out to be of the greatest importance in the result of the trial. (*Hear, hear.*) When he said this, he did not mean to insinuate, much less to assert, that every individual mentioned in the list would be examined; but it was impossible for him, or any one, to say beforehand who should or who should not be called. Particular facts in a long train of transactions might be substantiated by particular testimony, which separately would be of no moment, but which taken in connection might be very important. (*Hear, hear.*) If in such a case they did not arm themselves with the means of proving such facts, they would be guilty of a great dereliction of duty. It was certainly in such a case no abuse of the law to state all the persons who might by possibility give necessary evidence.—The hon. and learned gentleman deprecated discussions like the present, which might prejudice the ends of justice, and could be productive of no possible benefit. (*Hear.*) The minds of the jury might be so affected by them as to prevent them from executing their duty with that impartiality which was expected. He therefore opposed the motion of the hon. gentleman as perfectly uncalled for.

Mr. Curwen said, from the explanation given by the hon. and learned gentleman, he would not press his motion, though he was satisfied that in making it he had done his duty, and pro-

duced some good.—The motion was then withdrawn.

USURY LAWS.] Mr. Sergeant *Onslow* presented a petition of certain inhabitants of Belfast, praying that the House would take into its consideration the propriety of removing all restrictions on the interest of money.—Ordered to lie on the table.

NEW WRIT FOR OXFORD.] Sir *William Scott* moved, that the Speaker should issue his warrant to the Clerk of the Crown to make out a new writ for the return of a member to serve in the present Parliament for the University of Oxford, in the room of the right hon. Charles Abbot, the late Speaker, who had been called up to the other House by the title of Baron Colchester.—Ordered.

NEW WRIT FOR LONDON.] Sir *William Gwilt*, after a slight allusion to the continued indisposition of one of his respected colleagues, moved for a new writ for the return of a member to serve as a representative of the city of London, in the room of Harvey Combe, Esq. who had accepted the Chiltern Hundreds.—Ordered.

STATE OF THE COUNTRY.] Lord *Castlereagh* appeared at the bar with a Message from the Prince Regent, relative to the state of the country, similar to the one presented to the House of Lords, for which see page 1276.—The noble lord then moved that this Message should be taken into consideration on Thursday next.—Ordered.

THE LATE SPEAKER.] Lord *Castlereagh* then brought up a Message from the Prince Regent respecting the late Speaker, similar to the one presented to the Lords, see page 1276.—His lordship gave notice, that he should on Thursday move a vote of thanks to the late Speaker.

The *Chancellor of the Exchequer* gave notice, that he should move the consideration of the Message on the same day.

Mr. *C. W. Wynn* expressed his astonishment at the mode of proceeding adopted by the advisers of the Crown on this occasion. Nobody would concur more willingly than himself, in a vote of thanks to Lord Colchester, because it appeared to him to be a just and necessary proceeding; but why did the Crown interfere to prevent the House from going farther, and from originating every other reward that was due to his acknowledged merits? His services had been performed in that House, and from that House, therefore, ought their recompense to proceed. (*Hear, hear.*) The only similar case was that of Mr. Speaker *Onslow*, and in that case the proceeding was initiated by an address from the House to the Throne. This was not a mere question upon a point of form; it was not a matter of indifference that persons sitting in that chair should be accustomed to look to the Crown for the reward of their exertions in it. (*Cries of hear.*) Strictly speaking, the Crown could know nothing of what passed in that

Message, respecting the late Speaker. [1804

House, nor be able to appreciate the merits of the Speaker in the discharge of the duties of the chair. Had the Message been preceded by an address, every objection would have been precluded; but the services in question were of that nature which, for peculiar reasons, ought in the first instance to be fully recognized and appreciated by the House.

Lord *Castlereagh* hoped that the House would do his Majesty's Ministers the justice to believe, that it never could be their wish or intention to stand between the liberality of the House and the individual in question; but that right hon. person having been raised to the distinguished dignity of the peerage, the purport of the Message ought to be understood as inviting the House to make a provision in consideration of the title, and not of his services as Speaker. (*Cries of no, no.*)

Mr. *Ponsonby* professed himself quite astonished at the explanation offered by the noble lord. How he could say on his legs in that House, that the proposed reward was not in consequence of the late Speaker's services, or how, being in what was vulgarly called a scrape, he could endeavour so to get out of it, was to him a most surprising incident. The very words of the Message itself declared that it was founded upon those services. (*Hear.*) The Crown had not, in fact, any constitutional right to take notice of their Speaker's services, and it was a flagrant violation of their first privileges in Ministers to have thus advised it. He knew not what course it might be now most expedient to pursue, but he hoped the House would not cease to maintain its constitutional and established rights. (*Hear, hear.*)

Mr. *H. Sumner* agreed entirely with the observations of the hon. and learned gentleman (Mr. *Wynn*) in stating his objections to the present form of proceeding, but saw no way of getting out of the difficulty into which his Majesty's Ministers had led them. He entertained even a farther objection; whatever had been the intention of the noble lord (*Castlereagh*), the fact was, that the Message did stand between their late Speaker and the liberality of the House. It was true, that the amount of the money was not mentioned, but the term of the grant, namely, for two lives, was distinctly recommended. (*Hear, hear.*)

The *Chancellor of the Exchequer* said, it could not be supposed that any disrespect to the House was intended by taking the earliest opportunity of proposing an adequate reward of the services which they had received from the noble lord in his late office of Speaker. He could not conceive that the prerogative of the Crown had been improperly exercised on this occasion. Whenever the rank of the peerage had been conferred in recompense of distinguished merit, the Crown had been in the habit of sending similar messages. It was done in the case of the Duke of Wellington, and had always been understood to be the settled and necessary

form of enabling the House to carry into effect the wishes of the Crown.

Mr. C. W. Wynn declared, that under the circumstances of this case, he felt it his duty to oppose the motion. Trusting that the House would proceed to accomplish the same purpose by an address in the first instance, he thought such a course would be infinitely more honourable to the noble lord whose merits were the ground of such a proceeding. He could see no analogy between this case and that of naval or military services. Of these last the Crown was the natural and proper judge, but could not be of services rendered in that House. The Crown had already the power of granting a pension for life; and had this power been exercised on this occasion, he knew no legal objection that could have been urged against it; but all would admit, that it must have been a very ill-advised measure. Such a mark of favour would have been a very unequal compliment for the occasion. The House was the theatre of the services performed, and ought not to seem as if it wanted to be put in mind of the obligations it was under. (*Hear, hear.*) Neither ought it to be held out to future Speakers that they were to look elsewhere for their reward. In the hope and confidence that the House would take up the subject, he proposed to move the previous question, the present motion being to refer the Message of the Prince Regent to a Committee of the whole House on Thursday next.

Mr. F. Fitzgerald could not admit that it would be for the honour of Lord Colchester that the recommendation contained in a gracious Message from the Throne, bearing reference to his eminent services, should be negatived in that House. It appeared to him to be nothing more than a struggle between the two sides of the House who should be foremost in the acknowledgment of those services. (*Hear, hear.*) He was aware that, in either case, respect for the noble baron could not be wanting; but he could not admit the doctrine which had been stated in such latitude, of the Crown being supposed to be in constant ignorance of the merits of their Speaker. He believed that Lord Colchester had, on every occasion when, in discharge of his duty as Speaker, he had offered himself to the attention of the illustrious person on the Throne, received some testimony of the Crown for his distinguished services in the House. It was evidently absurd, therefore, to suppose that the Crown, which was the fountain of honour in all cases, should be disabled in this instance only to recognize and reward services of an important nature.

Sir J. Newport stated his objections to the proposed mode of proceeding, and trusted that the chair would never look to any other quarter than that House for any reward or distinction to which it might aspire.

Mr. Fitzgerald explained.

Mr. Huskisson considered that the precedent of Lord Onslow's case stood upon different cir-

cumstances. At present the Crown had no funds at its disposal beyond a pension for life of 1,200*l*. If, therefore, an address was presented, this was all that could be done, and the Crown must again refer the matter to the House. In the former case, the Crown had the power of granting a pension of 5,000*l*. a year for life; and was thus very differently situated.

Mr. Wynn said, he had never imagined that the Crown could proceed in this case without the authority of the House; but if an address were presented, praying that a suitable reward should be conferred, a Message might be brought down stating the existing limitations on the power of granting pensions, and the House would then have it in its power to supply the deficiency. The difference in point of form was but technical, and he had no wish to press his opposition to the motion to a division, if the right hon. gentleman should be disposed to withdraw it, and substitute the other form of carrying the wishes of the House into effect.

The Chancellor of the Exchequer admitted the candour of the hon. and learned gentleman's imputation. The great object on all sides, he apprehended, must be to do that which would be most gratifying to the feelings of the distinguished person immediately interested. If it was the pleasure of the House to adjourn the consideration for the present, (*Gries of no, no*), he apprehended, then, that it would be the most satisfactory course to withdraw the motion he had already made, and give notice of his intention to move an address to the Crown on this subject on Thursday next. (*Hear, hear.*)

The motion was accordingly withdrawn.

NEW STREET ACT.] Sir F. Burdett presented a petition of several inhabitants within the line of the proposed new street, complaining of the injuries they had sustained under the powers exercised by the commissioners. The hon. baronet moved that it should be referred to the Committee now sitting to inquire into the provisions of that act.

Mr. Huskisson opposed the motion, on the ground that such of the petitioners as were tenants at will had no right to complain; and that all proprietors who were dissatisfied with the terms offered by the commissioners might have recourse either to arbitration or an action at law.

Sir F. Burdett observed, that it was a mere mockery to tell a poor man of his action at law. Many of the petitioners had paid considerable sums for the advantages, or what was called the good-will of their business, which might depend entirely on its situation. After some farther conversation, the House divided—

Ayes . . 18 | Noes . . 81 | Majority . . 19.

The petition was then ordered to lie on the table.

IRISH ELECTION LAWS.] A Bill was brought in, and read a first time, "for the better regulation of polls, and for making other provisions touching the election of members to serve in Parliament for places in Ireland."

HOUSE OF LORDS.

Thursday, June 5.

THE LATE SPEAKER.] The order of the day for the consideration of the Prince Regent's Message relative to the late Speaker, being read,

The *Earl of Liverpool* rose to propose an Address to his Royal Highness, in answer to the Message. It was not his intention to detain their Lordships by a detailed statement of the merits and services of the late Speaker of the other House of Parliament. He admitted that those services were better known in the other House, in the chair of which they had been rendered; but their Lordships were aware that it was customary for the Sovereign to take notice of the services of the Speaker, and to order the Lord Chancellor to express the Royal approbation of a Speaker presented at their bar, founded upon experience of his past conduct. As to the distinguished person whom his Royal Highness had thought proper to raise to the dignity of a Baron, by the title of Lord Colchester, their Lordships would observe that he had been longer in the situation of Speaker than any other individual, except one, in the history of Parliament; that he had performed the duties of that high and distinguished office in the most exemplary and meritorious manner during the most eventful period; and had been presented five times at their bar as the person chosen by the Commons to fill the chair, and as often approved of on the part of the Crown: and with respect to that part of the duties of the Speaker of the other House, which came more immediately under their Lordships' observation, they well knew the eloquent and manly manner in which he had expressed the sentiments of the Commons at the close of each Session. It had been usual, when naval and military officers had been raised to the peerage, to call upon their Lordships, by message from the Sovereign, to concur in making such provision for the support of the dignity conferred, as, under all the circumstances, should appear just and reasonable, and they had not refused their concurrence. He trusted that the House would deem it equally proper and expedient to concur in making a suitable provision for one who had so long filled the situation of first Commoner of the Empire with so much credit to himself and advantage to the country. He would now, therefore, propose to their Lordships, that an humble Address be presented to his Royal Highness the Prince Regent, thanking him for his gracious Message, and assuring his Royal Highness that their Lordships would concur in making such provision for Lord Colchester, and the next male heir succeeding him in the title, as under all the circumstances might be just and reasonable.

The motion was agreed to, *nem. diss.* and an Address ordered accordingly.

LONDON PETITION.] *The Earl of Lauderdale*

presented a petition of the Lord Mayor and Livery of London, in Common Hall assembled, against the continuance of the Suspension of the Habeas Corpus Act.—Laid on the table.

HOUSE OF COMMONS.

Thursday, June 5.

POOR RATES.] Sir *J. Graham* presented a petition of the Earl of Pomfret and others, against the bill in progress through the House, for making Lead Mines liable to the Poor Rates. Ordered to lie on the table.

USURY LAWS.] General *Michel* presented a petition of merchants and manufacturers of Belfast, praying that the bill for repealing the Usury Laws, might not pass into a law. The hon. member said he would take the sense of the House on the second reading of the bill.

The petition was ordered to lie on the table.

HABEAS CORPUS.—LONDON COMMON HALL PETITION.] Sir *J. Shaw* presented a petition of the Lord Mayor, Aldermen, and Livery of London, against any farther Suspension of the Habeas Corpus Act. The hon. member said, that when this measure was formerly before the House, he was in a minority that opposed it, as uncalled for by the state of the country, and, therefore, an unnecessary infringement on the liberties of the people. Nothing had since transpired either to justify what was then done, or to call for what was now intended.—The petition was read, and ordered to lie on the table.

Mr. *S. Lefevre* presented a petition of inhabitants of Reading, against any farther Suspension of the Habeas Corpus Act.—Ordered to lie on the table.

CHIMNEY-SWEEPERS.] Lord *Milton* presented a petition of the Company of Cutlers within Hallamshire (York), praying that the House would adopt some measure calculated to put an end to the cruel practice of employing boys in the sweeping of chimnies. He said that it was not probable that any measure upon this subject could be adopted during the present Session, but that early in the next Session, he hoped it would be brought before the House.

Mr. *Lyttleton* having been requested to support the present petition, felt himself particularly called upon to say a few words, although the practice was in itself so cruel and revolting, that it did not require any instigation to excite his disapprobation of it. He trusted that some means might be adopted by the House to put an end to this disgraceful practice, the discontinuance of which could produce no inconvenience to the public, as the process could be effected by means of machinery. In Scotland, and in every other country, except England, chimnies were swept merely by machinery.

Mr. *S. Worley* and Mr. *W. Freeman* concurred in expressing a wish that some measure should be adopted to put an end to this practice.

Lord Lascelles said, the practice was so cruel, that he hoped even the present Session would not pass without something being done by the House, even if it were only to pass a Resolution on the subject.

Mr. Bennet said, that in the beginning of next week, he intended to give notice of a motion for an inquiry.

Lord Milton, in consequence of what had been stated by the hon. gentleman who spoke last, and the noble lord who preceded him, moved that the present petition be referred to a Select Committee.

The petition was then brought up, read, and ordered to be referred to a Select Committee, consisting of Mr. Bennet, Lord Lascelles, Mr. Worsley, and several others.

SALT LAWS.] On the motion that the Salt Laws (excise) bill be read a third time, Mr. Devonport objected to its passing into an act, on the ground of the injurious effects it would produce.

The bill was read a third time, and several clauses were proposed to be added to it, by way of rider, by Mr. Lushington.

Mr. Tierney and Mr. Ponsonby objected to the addition of clauses of so great length and of so much importance at this stage of the measure, when they could not be understood or deliberately weighed by members. They contended, that these clauses should have been printed, and that time should have been given for their consideration, instead of being hurried through the House in such an indecent manner.

Mr. Lushington and Mr. Rose defended the introduction of the clauses, as they were all in favour of those whom the bill affected.

Mr. C. Wynn disapproved of the practice of proposing, as riders, on the third reading of a bill, a number of clauses, each of which might require particular and repeated consideration.

The House then went into a Committee on the new clauses, which were read, and the Report being received, agreed to.—The bill was then passed.

VOTE OF THANKS TO THE LATE SPEAKER.]—Lord Castlereagh rose, pursuant to his notice, to call the attention of the House to the discharge of that debt of public and private gratitude, which they owed to the excellent individual who had lately filled the Chair. To whatever extent their liberality might lead them in conferring another sort of reward, he felt satisfied that nothing would prove more grateful to the feelings of their late Speaker, than the unmingled tribute of affectionate gratitude which he anticipated on this occasion. He would not attempt, lest it should weaken the impression already engraven on every heart, to describe the ability, impartiality, and discrimination, with which that eminent person had uniformly guided their counsels. He had not escaped their attention that he had for a long course of years filled the office of Speaker—an office attended with peculiar difficulty—with the greatest honour to himself, and

advantage to the country, and during, perhaps, the most eventful period of our history. For the larger portion of the 15 or 16 years in which he had filled the Chair, the country had been engaged in one of the most arduous struggles that a nation had ever endured. But it was not merely the war which increased the difficulties of the office; for the country in general had taken a start in prosperity which entailed upon the House a greater burden of legislative business than had occurred at any former period. In the course of that time, the duties attached to the office of Lord Colchester had been tenfold more laborious than those of any of his predecessors. The number of ~~Inclusive~~ Bills which had been passed during that period, and the immense increase of other business, were such as to require all the diligence and ability of the most active and experienced individual. Every day the House had had occasion to observe the eminent abilities of their late Speaker, every day they had felt the advantage of being guided by his counsel, which was the ablest and the best that had ever emanated from that Chair. (*Hear, hear.*) Whatever party differences there might have been—into whatever warmth or even violence of discussion they might have been betrayed—still they always felt that they were conducted by an authority the most high, combined with an independence and integrity the most pure. (*Hear, hear.*) It was his wish on this occasion first to submit to the House, a resolution expressive of its thanks to Lord Colchester. As to any ulterior measure, he hoped they would do his Majesty's Government the justice to believe, that whatever course of proceeding might be adopted, they were desirous that it might be such as would be most satisfactory to the House, and most grateful to the individual concerned.—After the House had testified its thanks, by passing a resolution for that purpose, he should propose to follow it up by moving an Address to the Prince Regent, praying that he would be graciously pleased to confer some distinguished mark of favour on the noble lord—(*Hear, hear.*) The only point on which he could anticipate that a shadow of difference could arise on this subject was, whether there was any occasion for an Address to call the attention of the Crown to the services of the Speaker; but as there could only be a struggle between the two sides of the House, to testify their feelings towards the distinguished individual in question, in the best way, he should readily assent to that mode which was most calculated to produce a spirit of unanimity. He had only now to move,

“That the Thanks of this House be expressed to the Right Hon. Charles Abbot, now Baron Colchester, for his eminent and distinguished services during the long and eventful period in which he discharged the duties of Speaker, with a zeal and ability alike honourable to himself, and advantageous to the House.

"That he be assured that the proofs which he has uniformly given of his attachment to his King and Country—the exemplary firmness with which he has maintained the dignity and privileges of this House—the ability, integrity, and unremitting attention to parliamentary business, which have marked the whole of his conduct, justly entitle him to the approbation, respect, and gratitude of this House."—(*Long and repeated cheers.*)

Lord *W. Russell* said, it was with great regret he rose to give any opposition to the present motion, as he was to concur in every tribute to the learning and ability of the late Speaker, as well as to every other quality, both of his public and private character. There was, however, a circumstance which must be still fresh in the recollection of the House: he alluded to the Speech delivered at the bar of the other House, on the close of the Session in the year 1813*. That speech, it was equally well known, had induced a noble friend of his (Lord *Morpeth*) in the following Session, from he believed the best of motives, to move a vote of censure on the late Speaker for his conduct. In his judgment, it would be fatally injurious to the character and credit of the House, if after 106 of its members had supported that vote it should, only three years afterwards, pass an unanimous vote of unqualified approbation on the same individual. (*Hear, hear.*) There was no one ostensible reason before the public for such an alteration of sentiment, except the circumstance of the person, who on a former occasion had thought proper to make the Crown a party to the proceedings of that House, having been now called by the Crown, for he was too old fashioned to say elevated, to the peerage. (*Hear.*) It was not his intention to trouble the House by a division; and he could assure them, that in disturbing the unanimity of the present motion, he was actuated only by an overruling sense of duty.

Mr. *C. Wynn* said, that having taken an active part in urging the vote of censure against that eminent person, who seemed to him to have acted contrary to Parliamentary usage, and the

spirit of Parliamentary proceeding, (by acquiescing the Throne with proceedings relative to a proposal, which had not been sanctioned to by the House) he was anxious to express his opinion on the vote now proposed. The House would recollect, that to one act of that description, there could be opposed fifteen years of unwearied and able discharge of most important duties. (*Hear, hear.*) In passing the present vote, he did not feel that the House was pledged to every distinct act of the late Speaker, all that was granted by agreeing to the motion, was the expression of its sense of the general merits of that distinguished character.

Mr. *Banks* differed entirely from the view of the question taken by the noble lord. (*Russell*). The House should recollect, that what the late Speaker had done at the period alluded to, was declared by a considerable majority in that House, (168) to have been done in conformity with the conduct of Speakers in the very best times of our history.

The question was then put and carried, and, on the suggestion of Mr. *Wynn*, the Thanks of the House were ordered to be presented to Lord *Colchester* by the present Speaker.

Lord *Castlereagh* rose again and moved,

"That an humble Address be presented to His Royal Highness the Prince Regent, to beseech His Royal Highness that he will be graciously pleased, acting in the name and on the behalf of His Majesty, to confer some signal mark of the Royal Favour upon Charles Lord *Colchester*, late Speaker of this House, for his great and eminent services performed to his Country, during the long and important period in which he has, with such distinguished ability and integrity, presided in the Chair of this House; and to assure His Royal Highness, that whatever expense His Royal Highness shall think proper to be incurred upon that account, this House will make good the same."

Mr. *H. Sumner* said, he did not rise to oppose the motion, but he wished to be informed, whether, after acceding to the proposed Address, it would be competent for the House not only to fix the amount of the sum, but also the duration of the grant?

Lord *Castlereagh* said it would, of course, like any other question submitted to their consideration, be open for the discussion of the House.

Mr. *Ponsonby* remarked, that the House had been already brought into one difficulty by the Message; it should not therefore increase it by any ambiguous proceeding. As the Address was now worded, they stood pledged to accede to whatever sum his Royal Highness should think proper to propose. The best course of proceeding, he apprehended, would be for the Crown to send down a Message, stating the inadequacy of its means; and then the question of the due extent of liberality would still remain with the House.

Mr. *B. Bathurst* observed, that the proposed

* The following is the passage in the Speech here referred to by the noble lord. After having mentioned, that prudent and adequate arrangements had been made for the future government of the British possessions in India, &c. &c. the Speaker said,—“But, Sir, these are not the only subjects to which our attention has been called; other momentous changes have been proposed for our consideration.”—(Alluding to the bill brought in for the relief of the Catholics, which was rejected in a committee by a majority of 251 to 247).—“Adhering, however, to those laws by which the Throne, the Parliament, and the Government of this Country, are made fundamentally Protestant, we have not consented to allow, that those who acknowledge a foreign jurisdiction should be admitted to administer the powers and jurisdiction of this realm; willing as we are, nevertheless, and willing as I trust, we ever shall be, to allow the largest scope to religious toleration.”

Address was precisely similar to that voted in the case of Mr. Speaker Onslow.

Mr. *Pembury* remarked, that there was no similarity between the two cases. In that of Mr. Speaker Onslow the Crown had the power of granting an adequate reward out of the Civil List; whilst, at present, it had no funds at its disposal beyond the limited pension of 1,500*l.* per annum for life.

Mr. *Russ* said, the Crown at that time could not grant for a longer time than one life.

Mr. *G. Wynn* said, the usual form of proceeding on every Message from the Crown was, either that it should be taken into consideration on another day, or be referred to a Committee. With regard to the course which had been adopted in the present instance, the opinion of the House might have been marked more strongly; for had been moved that the Message should be taken into consideration on that day or six months. A less offensive course had, however, been pursued. It certainly could not be supposed that the vote of thanks arose out of the Message from the Crown, though the House could not have entered into the subject of reward without some previous communication from the Crown. Some suggestion had been made, whether the mention of the Message could be entered on the Journals. He did not think that it could be called a direct violation of the privileges of the House; but, at all events, the House had discharged their duty in marking their sense of it. As to the question of remuneration, he begged them to remember, that in cases where the Crown recommended some particular object to their consideration, they did not pledge themselves to go to any certain expense. For instance, where a monument was to be erected, and they approved of the measure, they were only pledged to a reasonable extent, and not for any unnecessary expense. So far he was ready to go on the present occasion, but he could not consent to any sum which did not receive the previous sanction of the House.

Mr. *Banks* observed, that, with respect to what had been stated as to Mr. Speaker Onslow, the Crown would have exceeded its powers by granting a pension beyond one life. He should support the Address on the ground of its being strictly sanctioned by precedent; for example, in the case of the late Mr. Percival's family, and in that of the Duke of Wellington.

Mr. *Tierney* apprehended, that if this question should come to be discussed some years hence, it would appear to have grown out of the Message from the Crown; but he was not going to argue that now. It seemed to him, that when the grant was made, and it might be made immediately, the House would be shackled as to the amount of the pension to be given; and would have no power to diminish it, if they thought proper. In the case of Mr. Onslow, there certainly must have been

some previous understanding as to what was to be the remuneration. He had heard several rumours with regard to the pension intended for Lord Colchester. Some persons informed him, that the noble lord was to receive 4,000*l.* a year for his life, and that his only heir male was to have 2,000*l.* He had since heard, however, that the pension to the latter was to be 3,000*l.* It would be highly proper, therefore, that his Majesty's Ministers should inform the House what they were really undertaking for. They ought certainly to know to what extent they were about to pledge themselves. (*Hear, hear.*)

The *Chancellor of the Exchequer* had no objection to state, that the intention of the Crown was to make provision for Lord Colchester, to the amount of 4,000*l.* a year, with a reversion of 3,000*l.* to the next heir male of the title. In the case of Mr. Speaker Onslow, 3,000*l.* a year had been granted for two lives. This was 37 years ago, and, therefore, he apprehended the House would not go too far in liberality by acceding to the sums proposed in the present instance. They were by no means pledged, however, to this extent, as the grant must of course come under their revision, and they would then be enabled to deliberate on the propriety of its amount.

Mr. *Tierney* declared, that he was not, by any means satisfied with this arrangement. It appeared that they were now to make good the claim of a peerage; but it should not be forgotten that Lord Colchester was already in possession of a place of 1,500*l.* a year in Ireland; so that, in fact, 5,500*l.* a year would be enjoyed by him, and 3,000*l.* by his son; but if 3,000*l.* was enough to enable the son to support his title, why should 5,500*l.* be given to the father? (*Hear, hear.*) Much as he was disposed to admit, nay, strongly as he felt, that Mr. Abbot was entitled to the liberality of the House, he could not refrain from saying, that he thought this an excessive provision, and, one which, under the present unparalleled distresses of the country, ought not to be given. He meant nothing invidious by this declaration, but he would at all times discharge his duty to the country. He might incur the danger of giving offence, but this should not deter him from watching the course of the public expenditure, and of entering his protest against every excessive expense. (*Hear, hear.*)

The *Chancellor of the Exchequer* said, it was undoubtedly true that Lord Colchester enjoyed a place in Ireland of 1,500*l.* a year, nominal value, but the actual income was only 1,300*l.* He received that compensation in consequence of having relinquished a place of 3,000*l.* a year for life. (*Hear.*)

Mr. *Tierney* asked, whether Mr. Abbot had not sold that place? (*Hear, hear.*)

The *Chancellor of the Exchequer* replied, No; he had resigned it.

Sir C. Monck could not refrain from expressing his regret, that the motion of Ministers, founded on the Message from the Crown, had not been noticed in the votes, where it ought to have been stated that it was afterwards withdrawn. Had this been done, as he could not help thinking ought to have been done, the irregularity of the Message would be known to future times. (*Hear, hear, hear.*)

Mr. P. Moore considered, that the question of granting this reward should be left to the Committee of Supply.

Mr. H. Sumner begged to observe, that the situation of Mr. Speaker Onslow, which had been frequently referred to, differed extremely from that of the late Speaker. Mr. Onslow was heir to a title, and to an ample fortune for the support of it. The profits of the office were then considered at 3,000*l.* and accordingly the House in its wisdom allotted him and his son that sum for their lives. It so happened that Mr. Onslow never got the title, and his son was kept out of it for eight or ten years after his father's death, and the pension of 3,000*l.* was enjoyed by the two for about fifty-seven years. At that time the House thought it right to give Mr. Onslow a pension suited to the profits of the office, he saw no reason why Lord Colchester should be allowed only two-thirds of the salary granted to the person filling the chair, and which was 6,000*l.* per annum. On these views, and also considering that Lord Colchester had well deserved every attention the House could bestow on him, he differed from the right hon. gentleman (the Chancellor of the Exchequer) near him. He was induced the more to do so, recollecting, as he did, the manner in which Mr. Speaker Foster, in the Irish House of Commons, had been rewarded. He was aware, that when compensation was alluded to, as given to persons holding situations in Ireland at that time, the motives for giving it would be thought of; but he could assure them, that Mr. Foster had been actuated by the most disinterested feelings, and he had received 5,000*l.* a year.

The original question was then repeated from the chair, and carried *nem. con.*

STATE OF THE COUNTRY.] Lord Castlereagh appeared at the bar with a green bag, containing several papers, which was ordered to be brought up and laid on the table.

The noble lord then moved the order of the day for taking into consideration the measure of his Royal Highness the Prince Regent, respecting the continuance of several traitorous practices and meetings to which the attention of the House had been called at the commencement of the Session. The Prince Regent's Message being read from the chair,

Lord Castlereagh rose and said, that, in proposing an answer to this gracious communication of his Royal Highness, he did not mean to pledge the House as to the nature of the proceedings to be afterwards adopted; or whether,

in point of fact, any ulterior measures should be pursued. He should confine himself simply to a motion of thanks to the Prince Regent, and to assure his Royal Highness that the House would take the papers which he had ordered to be laid before them into their immediate and serious consideration. In the present stage of this business it would be impossible for him to make any opening as to the actual state of the country; and, indeed, he felt persuaded that it would be most acceptable to the House that he should not now attempt to enter into any details. It might, perhaps, be convenient to state what he meant to propose after the present motion should be disposed of. He intended to submit, that the papers then upon the table, containing information of the continuance of traitorous practices and meetings, should be referred to a Select Committee of the House, to be immediately nominated, and to be confined to the same persons as were members of the last Committee, except the late Attorney-General (Sir W. Garrow), who had ceased to be a member of that House. Those persons must be much more competent than any other members to follow up the communication from the Crown; but as it was desirable that the Committee should consist of the same number of members, he should propose that the name of the present Solicitor-General (Sir Robert Gifford) should be substituted for that of the late Attorney-General. The noble lord concluded with moving the Address to the effect before stated.

Lord Folkestone rose and said, that as the noble lord had opened the course of proceedings to which he meant to resort, the House ought seriously to pause before they took another step, which must lead to the subversion of all the liberties of the country. For his part, he confessed that he concurred entirely in the abhorrence which had been expressed in a petition presented to the House in an early part of the day, with respect to the measures of his Majesty's Ministers. He wished he could say, that this was the first step they had taken towards despotic power; but if the House did not stop them now, there was an end of English liberty. (*Hear, hear.*) If the Habeas Corpus Act were to be suspended for any longer time, it might hereafter be made a dead letter, whenever the Ministers thought proper; and the Constitution of the country was gone for ever. The House would remember, that, in the last Session, he declared his apprehension of the consequences of keeping up a large standing army; and they would now determine whether subsequent proceedings did not justify the observations he then made. One of the first measures was, the passing of the Alien Act, which was a direct introduction of *lettres de cachet*. On that occasion he took the liberty of warning gentlemen, that if they suffered *lettres de cachet* to be introduced, no matter against whom they were to operate,

whether aliens or natives, other measures would speedily follow, entirely destructive of all British freedom. The Crown, however, had been suffered to retain a large standing army, a large staff, and large establishments; and if, in addition to this, the House should suspend the Habeas Corpus Act, they would put the whole liberties of the country into the hands of the Crown; they would make the Crown a despot; and the people of England would be as complete slaves as the people of any other country whatever. (*Hear, hear.*) He, for one, protested against the whole of these proceedings. He would not consent to any further suspension of this great bulwark of our liberties; and he warned the House, that if they gave their assent to the propositions of the Minister, they would never see the Habeas Corpus Act unsuspended. What (said the noble Lord)! shall this country, this England, so loved, so honoured by our ancestors; shall this land, which gives freedom to every slave that sets his foot upon it, be governed by the arbitrary will of any set of Ministers? What has become of that patriotic spirit which raised this country to its former greatness? May the Genius of the Constitution still look down upon us, and save us from the ruin which Ministers have prepared!—He would not surrender to them the power of suspending the laws of England; he would not consent to any Committee, be they chosen how they might. Let proper persons examine the papers, and let them report the evidence to the House; but then let the House judge fairly and impartially for themselves. The Committee ought not to be composed of those persons who examined the former papers, as they must have a bias on their minds; they should be different persons who would enter into the examination without prejudice or partiality. If discontents existed, they arose out of the great distresses of the country, which the noble lord had formerly ascribed to a sudden transition from a state of war to a state of peace, but which, he must be now convinced, were not merely temporary. Ministers might wish to remedy those evils, but it could not be effected by the suspension of the Habeas Corpus Act. The whole House, in a Committee, ought to consider what were the proper remedies to be applied; and they should not consent to resign the liberties of the people, merely because Ministers came down, and stated, that traitorous practices were still continued. (*Hear, hear.*) He would not detain them any longer then; but, in due time, he should make an amendment, respecting the appointment of the Committee.

Mr. Curwen perfectly concurred with the last speaker: he had not heard of a single breach of the peace which could afford even the pretence of a justification for continuing the measure of suspension. He hoped at least that Ministers would wait a little: when the trial of the prisoners at present in the Tower was concluded, there could be no objection to laying before the whole House a full disclosure

of the plot, if any existed. He should give his decided opposition to the separation of Parliament while the Habeas Corpus Act remained suspended.

The Address was then agreed to.

On the question being put, that the papers presented to the House by Lord Castlereagh should be referred to the former Committee,

Lord Folkestone moved as an amendment, to add the words "to examine and arrange the same and to report the substance thereof to the House, omitting only such names of persons as in the judgment of the Committee it may be dangerous to the persons themselves to disclose."

The amendment was negatived, and it was agreed that the Committee should be a Committee of Secrecy, and consist of 21 members.

On the question that it should consist of such members of the Committee of the 5th of February as were now in the House,

Sir J. Newport objected to this proposal on three grounds:—First, it was going out of the way to insult every other member of the House as not being worthy of such a trust; besides, the House elected the last Committee by ballot, under the circumstances which then existed; but circumstances were now entirely different: then we were at the commencement of a Session, and now at the close of one; and the powers required were to be exercised till a new Session, perhaps till a new Parliament. (*Hear, hear.*) Secondly, the members of the last Committee must necessarily be more or less partial and prejudiced. It was almost unavoidable with the ordinary frailties of human nature, not to feel some bias towards the support of an opinion once advanced; and many considered, that their whole reputation depended on maintaining a sort of obstinate consistency. Thirdly, he had an objection to the appointment of any of the Ministers of the Crown on this Committee, because they had already pronounced a decided opinion on the subject; and the noble lord himself had said, that a spirit of sedition existed in the country, and that the people were to be tried on this charge by a Committee. He (Sir J. N.), on the part of the country, challenged that jury; he challenged it on the part of the country in the same manner as he would on the trial of a criminal; he challenged that jury, because the country could not have a fair trial by a jury that had already decided on the point at issue. At any rate, on the event of a farther suspension of the Habeas Corpus Act, he now announced his intention to take the sense of the House on a clause which should limit the duration of such a measure to the existence of the present Parliament. If it were continued beyond that period, the people would not be in a state to exercise their elective franchise; and he hoped, at all events, that it was not intended to proceed to a general election while a sword was suspended over the people by a hair, which might any moment be cut at the option of Ministers. (*Hear, hear.*) He should propose, as an amendment to leave out from the word "That," to the end of

the question, in order to add the words, "The Committee do consist of the following Members."

Mr. Chancellor of the Exchequer.	Mr. John Fane.
Lord Geo. Cavendish.	Mr. James Abercromby.
Sir Cha. Mordaunt.	Sir John Sebright.
Mr. Wellesley Pole.	Lord Vis. Althorp.
Sir Sam. Romilly.	Mr. Stuart Wortley.
Mr. Attorney General.	Mr. Williams Wynn.
Mr. Solicitor General.	Mr. Shaw Lefevre.
Sir James Shaw.	Mr. Courtenay.
Mr. Davenport.	Mr. Lyttleton.
Mr. Grenhill Russell.	Mr. Wilberforce.
	Mr. Addington.

Mr. B. Bathurst considered the course proposed as unusual, but he should answer the objections urged by the hon. baronet. As to the objection of disrespect to the rest of the House, it was to be remembered, that the same inquiry was to be made by this Committee as by the former, and that the former was chosen by ballot; but the hon. baronet, instead of acquiescing in those named by the House for making the very same inquiry, had said, "Reject them, and take 21 named by myself." It was impossible that a Committee of new members could come to so sound a judgment as the old Committee, who would examine with the advantage of having had all the papers and evidence before them on the former occasion. As to their being prejudiced and partial, if they had formed a wrong opinion on the former Committee, they would now be enabled to correct it; but if all their opinions had been borne out and substantiated by facts, the advantages they would derive from having a thorough knowledge of all the previous transactions, would much more than counterbalance any evil that might be anticipated from the infirmity of human feelings. The Committee were not called on to come to any certain conclusion; and the point before them was, not whether the liberties of the country ought to be suspended, but whether any steps at all ought to be adopted in consequence of the state of the country. As to challenging the jury, on which the hon. baronet seemed to dwell so triumphantly, and rejecting the presence of Ministers, because their minds were made up, the hon. baronet had himself contradicted his own argument, by nominating himself two of the Ministers. He might indeed say, that they were not on the last Committee; but, according to him, their minds were made up, and that was the principal point of his challenge. But, admitting that the hon. baronet were to challenge the jurors as partial, how was the allegation to be supported? His Majesty's Ministers had seen the whole of the papers; these papers the Committee would also see; and why were Ministers more partial because they had already seen that which all the Committee must see before they came to a decision? The comparison made by the hon. baronet had entirely failed; and it was impossible that Ministers, by being possessed of the various documents to be produced before the

Committee, could be more biased than the Committee would be after their perusal.

Mr. Brand said, that if any thing could add to his regret at the thin attendance of members on a subject which involved the interests of our liberties and existence, it was the manner in which the hon. gentleman seemed to treat the question. The great object of appointing a Committee was to obtain an impartial discussion of the evidence on which the great point of the suspension of our liberties was now to rest; and the hon. gentleman had shewn a degree of triumph, because the hon. baronet had named two of the Ministers for this Committee. He, (Mr. Brand,) wished he had not done so; but this afforded no ground for a hasty or inconsiderate appointment. Ministers had preferred a sort of bill of indictment against the people of England, and they were to be tried on charges of sedition and rebellion; but by what jury? He would ask whether the Report of the last Committee gave satisfaction to the discreet or reflecting part of the people? If he were to ask out of doors whether the Committee had been satisfactorily appointed, the answer would be, No! they were not appointed by the House, they were merely nominated by Ministers. (*Hear, hear.*) Let a Committee be appointed by the fair consideration of the House, and he was sure the result would not be such as followed a Committee selected by Government; their names all written down beforehand, and circulated by Ministers among their dependents. (*Hear, hear.*) He thought the reasons alleged by his hon. friend against appointing the same Committee had great weight in them; for it was impossible to conceive that men who had before made up their minds should not continue, in some degree, wedded to the opinions they had formed at first. A Committee was wanted that should come to the business without the influence of any preconceived opinion; but had not Ministers made up their minds beforehand? If his Majesty's Ministers, if the representatives in Parliament, wished to carry the people with them, they would cautiously abstain from introducing into the Committee any persons whose names were not such as would carry conviction to all honourable, discreet, and conscientious individuals.

Mr. Barham agreed with his hon. friend, that the people were brought to a sort of trial, and that it was highly necessary the jurors should be altogether impartial. He took the earliest opportunity of entering his protest against the measures that were now in contemplation. On former occasions, he had felt himself constrained, painfully constrained, to concur in acts which suspended the liberty of the subject. The circumstances of those times seemed, in some measure, to justify such a course of proceeding; but circumstances at present were so obviously different, that he should not detain the House by dwelling upon them. We were then engaged in a war, not for pride, not for prosperity, but for existence: it was then known, that if discon-

tents existed in the country, they could be formed from without by a powerful enemy, and every encouragement and assistance held out to the disaffected: those discontents, too, were ramified and extended in every direction through the country. At present, not one of those grounds of alarm existed; no force was in arms against the Government, either within or without the country; and the disaffected were without credit, and without encouragement. We were at peace with all the world, and the foreign spirit of revolution and disorganization had not only fallen into disrepute, but had been succeeded by a reaction of the very opposite tendency. The measures at present in contemplation were also the more grievous, as they seemed not to be temporary, but meant for a continuance, and as an overtone to the total extinction of our liberties. (*Hear.*) If Ministers succeeded in their present intentions, he could not conceive a case in which they might not for the future demand a suspension of the Habeas Corpus. Any wicked Minister, wishing to be absolute, would only have to instigate a disturbance, by any of the easy methods for raising the passions of the poorer classes of society, and there would then exist the same ground for suspending our liberties as at present. Neither were the measures proposed at all applicable to what had happened: he might admit that certain districts were in a state of disturbance, which might afford a reason for enacting a law as to those particular parts; but was it any ground for depriving the whole country of its rights and liberties? (*Hear, hear.*) We were familiarizing our ears a great deal too much to this word suspension. Did we sufficiently consider, that when the Habeas Corpus Act was suspended, there was no difference between this Government and that of the most despotic sovereign? The power which a Minister had of committing to prison on such occasions was quite as great and as dangerous as the *lettres de cachet*, so long and so justly reprobated. We were congratulated on the glorious issue of the war, as it was termed—on our triumphs and acquisitions; but in what had we conquered, if we were after all to lose our rights and liberties, and all our importance as a nation? What had we gained, or in what was this Government different from that of Buonaparte, if our personal freedom was taken away? (*Hear, hear.*) Was he any longer addressing a free people? (*Hear.*) And if a new Parliament should be elected (which he trusted would never be the case) during a suspension of all our freedom, would it be a Parliament? (*Loud cheers.*) Could the people, under such circumstances, be said to exercise their elective franchise, when any party whose conduct or opinions might be deemed obnoxious was liable to be imprisoned during the pleasure of Ministers? (*Hear, hear.*) In surrendering this they surrendered every thing—themselves, the House of Commons, the country. He would entreat the noble lord to reconsider his pro-

posal, and see what other mode he could adopt more satisfactory to the people.

Mr. W. Smith adverted to what the last Report had stated respecting Norwich. He believed he could shew that the Lords' Committee, particularly, came to a wrong decision on that point. It was said, that there would be greater convenience in the new Committee being composed of the same members who formed the last, as they could look back to the papers formerly laid before them. He must suppose that the last Committee took down minutes of their proceedings, and that these would be laid before a new or revived one. A Committee, therefore, differently chosen, could just as well consider these records, and make their reports, as any other persons. He held authority in his hand on some particulars, and was desired by the magistrate who presided at Norwich to state facts on the subject to the House, which he should do very briefly. The Steward of the Corporation of Norwich, acting in the absence of the Recorder, gave instructions to the Grand Jury respecting the objects of their presentment; they returned that, in consequence of his directions, they had minutely examined the constables of the different wards, as to their knowledge of the existence of any meetings of a secret nature, at private or public places, or any societies promoting sedition, blasphemy, or irreligion. The constables declared, there were no such societies; and that was also their (the grand jury's) opinion. The Steward, on discharging the jury after their attentive investigation, observed, that he considered Norwich acquitted of the imputation. He (Mr. W. S.) knew that this was also the Steward's own private opinion: and he had requested him to state the fact forcibly. As to events which had since occurred, he must observe that there had been a county election; and he wished to know whether any circumstances attending it were such as gentlemen opposite would call seditious, in the common acceptation of the word? No man of common sense would maintain that; it was a spirit the reverse in its motives and objects to what was commonly so termed: it was a spirit of riot and tumult, that shewed itself at Norwich at the election. He gave great credit to the magistrates for doing their utmost to suppress it: and had it been renewed, he was satisfied it would have been effectually suppressed. The question was, whether there existed among the lower orders such a spirit as his Majesty's Ministers had reason to be afraid of—such a spirit as they were told by their base informers did actually exist? He was clearly in favour of putting the papers into other hands; and he hoped a new Committee would consider well, and compare all the events with the predictions. This might lead them to doubt other sources of information laid before the former Committee, and they might draw a different conclusion, which they were more likely to do than those who stood already pledged to their opinions. It should not be forgotten, that when

measures were adopted to enforce order in the disturbed districts of Ireland, the whole kingdom was not put out of the King's peace and under the ban.

Mr. *Protheroe* thought the last Committee should have contained more county members. He had given his vote in favour of the result of their Report chiefly because of their unanimity, and that was a circumstance which in any new Committee would much influence his decision. He did not approve of any individual nominating a list of members, with the semblance only of a free election. He wished to know whether, in the event of carrying the amendment, other amendments could be moved upon it?

Mr. *Lamb* concurred in the views of the hon. baronet who moved the amendment, and pressed the noble lord to agree to a new Committee of unbiassed and intelligent members, and to lay all the papers before them. On former occasions, the Minister had proposed the renewal on his own responsibility. That was a manly mode. But when it was attempted to mix in a Committee, with Ministers and their friends, some of those who were generally contrary to them in politics, such a Committee ought to be formed upon a larger basis, or it could not be expected to be satisfactory to the country. (*Hear.*) The proceeding of the noble lord could not farther even his own views. If his proposed Committee made a similar report with the last, the people would say, that they were prejudiced and pledged. If that Committee, so constituted, presented a different Report, then the people would say that they had been alarmed by the public reprobation which their former conduct had received. (*Hear.*)

Sir *W. Burroughs* contended, that it would be much more satisfactory to the House, as well as to the country, that 42 unobjectionable members should examine and report on so important a matter, than 21, selected by Ministers, and prepossessed on the subject.

Lord *Milton* said, he felt himself rather in a dilemma. If he inclined to think that there should be a new Committee, he did not think the plan proposed the most convenient. If the old Committee should be revived, he, as a member, should feel it his duty to attend: a circumstance that appeared to render the revival of the old Committee advisable, as it might be considered as a sequel to the examinations. Yet he owned it would be more satisfactory to the country if a new and larger Committee were appointed. On balancing the difficulties that occurred to his mind, he thought it would be the better way to mix up some new names rather than to remove the old ones. Ministers, he thought, should be in it; so should some gentlemen below him; but the other members should be selected differently. Upon the whole, he must vote against the noble lord's motion. The old Committee might, perhaps, get through the business a day earlier than a new one, yet probably not more satisfactorily to their own

minds. He did not, however, consider the plan of the hon. baronet convenient.

Sir *J. Newport* said, the question was, whether the words be left out after the word "that," or not. If that amendment were carried, the House could afterwards consider the nomination of each member in the order in which he might be proposed.

Mr. *B. Bathurst* explained, that if the hon. baronet succeeded, the question would then be on his proposition.

Sir *J. Newport* said, it would still be liable to any amendments.

Mr. *S. Wortley* wished to know, if the motion of the noble lord should be carried, whether there would be a power of adding names?

The *Speaker* said it would not be practicable, in consequence of the vote being for 21 members. For one of these there must be a substitute, as the original member was not now in that House.

Mr. *S. Wortley* observed, that under that circumstance, he inclined to vote for the amendment.

The House then divided—

For the original motion . . . 126

Against it . . . 66

Majority for Ministers . . —60

The main question being thus carried, the name of Mr. Solicitor General was added to the Committee, who were ordered to report the matter, as it should appear to them, to the House. They were directed to send for persons, papers, and records—seven to be the quorum—to adjourn from time to time and from place to place, and to report their proceedings from time to time—and had leave to sit during the sitting, and notwithstanding any adjournment of the House.

Lord *Folkestone* then moved, "That it be an instruction to the said Committee, that they inquire particularly into the origin, character, and extent, of the disaffection supposed to exist, or which may be alleged in the said papers to exist, in the country; and that they examine witnesses both to these particular points, and as to the credit due to the written evidence on which the allegation of such disaffection is founded; and that they report their opinion on all these matters, distinctly to the House, together with an Appendix, stating the substance of the Evidence on which such opinion shall be founded."

Lord *Castlereagh* said, he felt it his duty to oppose the motion: first, on the ground, that part of it was unnecessary, as the Committee were already empowered to send for persons, papers, and records; and, secondly, because the Appendix would expose many things which it was expedient, both for the sake of justice and tranquillity, should be concealed.

Mr. *Bennet* observed, that if the last Committee had examined witnesses, they would never have made the Report which had excited so much disgust. Could there be a doubt, that many of

the circumstances mentioned in that Report would have assumed a very different aspect, if those busy, meddling, mischievous magistrates, (*cries of hear*) who, in order to stand well with the Ministers, had furnished all sorts of rumours and charges, (*hear*),—if those magistrates themselves had been brought before the Committee? If those enlightened gentlemen, who had lately such an interesting correspondence with the Home Secretary; if those worthy persons, who called themselves knights of Brunswick, (*hear, hear*), one of whom, in the late contest for Norfolk, had been author of one of the most atrocious calumnies that ever issued from the press; if such pernicious meddlers were brought to the test, and their vague assertions and suspicions were well sifted, could there be any doubt that the result of such examination would be, that their charges would dwindle into the most ridiculous insignificance? He was the more led to make these remarks on account of some circumstances that had taken place in his own county, and also in the town which he represented in Parliament. He had been told, that, in Northumberland, a mischievous magistrate had thought proper to bring charges of a treasonable nature against a gentleman of the first respectability; and had put him, as it were, to the ban, as a dangerous person, because, forsooth, he had gone up to the Cheviot to hunt; and this wise magistrate had taken it into his head, that he was going to array the shepherds in arms against the Government. (*Hear, hear, hear.*) And yet, contemptible as such a suspicion was, this gentleman, before he set off to hunt, was forced to go and explain his object to this informing officious magistrate. He verily believed, that nine-tenths of the evidence furnished by the magistrates would, if sifted to the bottom, be found to be equally groundless and absurd. (*Hear, hear.*) In the town which he represented, though there had been the greatest distress, yet he believed it had been borne more patiently than in almost any district; nor was there the least trace of disaffection; yet he had been informed, that within this day or two, the streets of Shrewsbury had been paraded with cavalry, on some mistaken notion that some of the inhabitants intended to attack a depot of arms there.—He could assure the House, that the inhabitants had no such intention. (*A laugh from the Treasury Bench.*) He did not quite understand the meaning of that laugh; but he could re-assert, that the inhabitants of Shrewsbury contemplated no such disorder as was imputed to them; and he would say, generally, that he firmly believed, that if any disaffection existed any where in the kingdom, the cause was to be traced solely to the measures of the Government itself. (*Cries of hear.*)

Mr. B. Bathurst could assure the hon. gentleman, that he was misinformed as to both the circumstances related. No intelligence had been sent to Government, by which any gentlemen,

either in Northumberland or Shropshire, were compromised. He could not well go into particulars, but thus much he thought it right to declare.

The motion was then negatived.

Lord Folkestone rose and said, that notwithstanding this failure, he should presume to offer another motion. (*Hear, hear.*) He understood that several persons had been taken up under the Suspension Act, and he knew particularly that 3 persons had been apprehended in Berkshire. It would be a grievous thing if they should be left to rot in gaol: but he knew no other means of remedying so great an evil, than by the motion which he should now propose. It was, "That it be an instruction to the said Committee, that they inquire into the particular case of each and every person detained under the provisions of an Act passed in the present Session of Parliament, 'for enabling his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his Person and Government;' and that they report to the House a List of such persons, stating their names, their trades, professions and occupations, their ages, the places of their confinement, the places where arrested, and the dates of their arrest and commitment, together with their opinion on the necessity and expediency of their arrest and commitment, and of the continuance of their detention."

Lord Castlereagh objected to the motion.—The Secretary of State acted upon a grave responsibility, and ought, therefore, to be trusted with a certain discretion. Besides, the motion of the noble lord would defeat the very object of the acts passed this Session, which were intended to give the power of detaining in prison, in cases where the ends of justice would not be forwarded by immediate trial.

The motion was negatived.

Lord Folkestone then gave notice, that on Wednesday next, he should bring forward a similar motion.

CUSTOM-HOUSE DOCKS, DUBLIN.] Sir H. Parnell rose to move for an account of all sums expended upon the formation of the Wet Docks, near the Custom-House of Dublin, and of the authority under which the same were expended. He maintained, that the old Canal Docks could be made efficient for the sum of 60,000*l.*; whereas the New Docks would cost half a million. He quoted the opinion of an eminent merchant of Dublin, that the scheme of the New Docks was one of the most shameful jobs in a jobbing country. (*Hear, hear, from General Mathew.*)

Mr. Peel said, that to call these Docks a shameful job, was a shameless assertion. The Government had used all the means in their power to ascertain whether the Canal Docks, or the New Dock, would be the most efficient or expedient: they had consulted Mr. Rennie, the most eminent engineer in the coun-

try, who gave his opinion, that the Canal Docks could not be adapted to the purposes required. Besides, the ground for the New Docks had been already purchased and excavated, (so that the hon. baronet's motion was ill-timed); and had been so since 1815; and it had been ascertained that the new plan would be much more economical than continuing the old one, even if the latter could have been made serviceable. It was easy to apply the term job; but what advantage could it be to Government whether the Docks were on the right or the left of the Liffy? Government, instead of furthering the new plan, would have been glad, if possible, to have made use of the Canal Docks, especially as the Canal Company were debtors to the public in a sum of 150,000*l*. He should second the hon. baronet's motion, because he was anxious that the fullest information should be furnished on this subject.

Mr. Ponsonby wished to know, when and why the ground had been purchased on which the New Docks stood; for he was sure it was a most disadvantageous situation.

Mr. Peel said, he was unable to answer the question: the purchase had been made under an administration with which he had no connection; however, he should readily assent to any motion on the subject which the right hon. gentleman might make.

Mr. W. Pole said, that every pains had been taken to inquire before any purchase was made; commissioners had made reports on the necessity of buying the ground; and eminent engineers had examined it before it was purchased. The subject had been under consideration when hon. gentlemen opposite were in office, and he believed the necessity of the measure was then admitted.

Sir J. Newport said, that in 1808 a proposition was made to the Administration of which he had the honour to be a member, rather for taking some ground and building storehouses, than for the object that was now under consideration. If his memory did not fail him, all that was asked for the ground was 15,000*l*.; and in that sum, the money to be paid to the tenants was included. Upon that proposition he hesitated. After he left office he knew no more of the business. (*Hear, hear.*)

Mr. W. Pole said, the warehousing system was not thought of at the time the hon. baronet mentioned (1806). By that system, since introduced, so much room was required, that 86 warehouses were occupied by the Customs in different parts of Dublin. The work was not undertaken till found absolutely necessary.

Sir J. Newport said, that in 1806, the Docks were calculated for warehousing tobacco and other goods.

Sir H. Parnell observed, that many engineers differed from Mr. Rennie on the subject referred to.

M. K. Fitzgerald said, the propriety of the expenditure had been admitted two years ago. The rents of the warehouses now occupied, exceeded 15,000*l*.

The motion was agreed to.

Mr. Ponsonby then moved for an account of the several persons from whom the land where the Docks were to be formed was purchased, and the amount of purchase-money paid to each person, within the last 15 years.—Ordered.

FINANCE REPORT.] Mr. D. Gilbert brought up the Fourth Report of the Finance Committee, respecting Estimate of Expenditure, which was ordered to be printed.

POOR RATES.] Lord Lascelles moved, that the House should go into a Committee on the Bill for making Lead Mines liable to Poor Rates. Sir J. Graham, Mr. Banks, Mr. Tremayne, and Sir C. Monck, opposed the motion; Lord Lascelles, Mr. D. Gilbert, Mr. Morret, and Lord Milton supported it. The House divided,

Noes 71—Ayes 28—Majority 43.

The Committee was put off for six months.

DEMISE OF THE CROWN.] On the motion of Mr. Ponsonby, the Civil and Military Offices Continuance Bill was read a third time and passed.

SHERIFFS IN IRELAND BILL.—FORFEITED RECOGNIZANCES BILL.] These Bills were respectively considered in a Committee, and ordered to be reported to-morrow.

LIST OF THE MINORITY

AGAINST REFERRING THE CONTENTS OF THE GREEN BAG TO THE FORMER COMMITTEE.

Atherley, Arthur	Grenfell, Pascoe
Althorpe, Visct.	Guise, Sir W.
Astell, W.	Gaskell, B.
Barham, J. F.	Hamilton, Lord A.
Barnett, James	Hornby, E.
Barnard, Visct.	Hurat, R.
Brand, Hon. T.	Hammersley, H.
Bennet, Hon. H. G.	Leader, W.
Babington, T.	Latouche, Robert
Campbell, Hon. J.	Lamb, Hon. W.
Carter, John	Lefevre, C. S.
Curwen, J. C.	Martin, John
Duncannon, Visct.	Mathew, Hon. Gen.
Douglas, Hon. F.	Milton, Visct.
Fazakerley, N.	Monck, Sir C.
Fellowes, Hon. N.	Moore, Peter
Folkestone, Visct.	Newman, R. W.
Finlay, K.	Newport, Sir J.
Gordon, Robert	North, Dudley
Ord, W.	Russell, Lord W.
Osborne, Lord F.	Sebright, Sir John
Ossulston, Lord	Sharp, R.
Onslow, Arthur	Smith, John
Parnell, Sir H.	Smith, Wm.
Phillips, George	Shaw, Sir James
Pigott, Sir A.	Tremayne, J. H.
Powlett, Hon. W.	Teed, John
Ponsonby, Rt. Hon. G.	Tierney, Rt. Hon. G.
Proby, Hon. Capt.	Warre, J. A.
Portman, E. B.	Wortley, J. S.
Prothero, E.	Walpole, Hon. G.
Rancliffe, Lord	Waldegrave, Hon. Capt.
Ridley, Sir M. W.	Webb, Ed.

TELLERS.

Burroughs, Sir W.; Calcraft, John.

HOUSE OF LORDS.

Friday, June 6.

DIVORCES.] Further evidence was given on Miller's Divorce Bill.—There was a point of some importance in this case, namely, whether the House would pass a Bill of Divorce where it appeared (as it might in this case) that, during the absence of the husband, in Malta, the wife lived four years in England, misconducting herself, and having four children in that time, without such inquiries on the part of the husband, as might lead to a detection of her misconduct sooner.—Further proceedings on Thursday.

The Salt Bill, Savings Banks' Bill, Offices' Continuance Bill, and several other bills, were brought up from the Commons, and read a first time.

LONDON PETITION.—HABEAS CORPUS SUSPENSION.] Lord Holland presented a petition of the Lord Mayor, Aldermen, and Common Council of London, against the farther Suspension of the Habeas Corpus Act.

The petition was read, and in substance expressed the astonishment of the petitioners at the report that Parliament, instead of attending to the reduction of the public expenditure, and to reforming the Representation, was about to continue the Suspension of the Habeas Corpus Act, upon *ex-parte* evidence laid before a Secret Committee; and that with such precipitation, that no opportunity would be afforded to the country in general, to petition against it; and prayed that the Suspension might not be continued.

Lord Holland said, by the appointment of the Secret Committee, the subject to which the petition referred was certainly before Parliament, and there could be no objection on that ground to receiving it. He would at present, however, do no more than move that it be laid on the table, ardently trusting that it would not be the last against this measure, and that the general voice of the nation would at length have its due effect on both Houses of Parliament.

POOR EMPLOYMENT BILL.] The order of the day being read for the second reading of this bill,

The Earl of *Liverpool* said, that he was ready to state its general nature; but he understood, that it would be more convenient for some noble lords, that the discussion should take place at a future stage. He now moved that the bill be read a second time.

The Earl of *Lauderdale* threw out, for the consideration of the noble lord, that though the bill was framed so as to apply to parishes in Scotland, as well as in England, there were no words in it under which any description of persons in Scotland could apply.

The bill was read a second time, and committed for Monday.

HOUSE OF COMMONS.

Friday, June 6.

LEAVE OF ABSENCE.] Several motions were made and agreed to, that different members should have leave of absence for a certain time.

When leave was moved for Mr. *Hare*, on the ground of urgent private business, Sir M. W. *Ridley* strongly objected to the granting so many applications on this plea. His hon. friend (Mr. *Philips*) had better discharge the order for the call of the House altogether, than allow so many infringements. The order would be no check on those who were unwilling to attend, if it could be dispensed with on such grounds as had been assigned.

Mr. *Abercromby* concurred in this observation. The control over its members which the order was meant to enforce, could not be efficient over any but those who would attend without, if every slight pretence were allowed to be sufficient to obtain a dispensation from it. It would operate only on the conscientious, and would be entirely nugatory against others, if the present system were persevered in.—Leave was granted.

SAVINGS BANKS.] On the motion of Sir J. *Newport*, the House went into a Committee on the Irish Savings Banks' Bill, when several amendments were introduced.—Report on Monday.

COTTON TWIST.] Mr. *Davenport* presented a petition of manufacturers and weavers of Stockport, complaining of the exportation of cotton yarn, and praying the interference of Parliament to check or prevent it. It complained of the great distress of the weavers from want of employment; of the increase of pauperism, and its attendant evils; and attributed this distress in a great degree to the unlimited exportation of cotton yarn, for the encouragement of foreign weavers at the expense of our own. It concluded by praying for a prohibitory law.—Upon the motion that it lie on the table,

Mr. *Cawthorne* expressed a wish that this and similar petitions on the same subject should be referred to a Committee of the whole House, which might take into consideration the evil complained of, and inquire into the best means of remedying it. He did not wish to set the cotton-spinners and cotton-weavers against each

* It may be a question, how far Members are warranted, by the rules and practice of the House, to come down and vote on particular occasions, after they have obtained leave of absence. On the 3d of June, when a motion was made, that Sir *Edward O'Brien* should have leave of absence, General *Maitland* complained, that several members had come to vote on the Election of a Speaker, after their leave of absence was obtained. No notice, however, was taken of the remark; and, therefore, the point still remains open to inquiry. If a member obtain leave of absence for a month, it does not follow that he may not return to his seat before the expiration of that period, but the question is, whether he can come down and vote on a particular occasion, and then stay away, till his leave of absence expires?

other; but it was of the utmost importance that Government should consider the matter, and adjust their opposing interests. He was no manufacturer himself, nor had any connexion with manufactures; but coming from a part of the country which depended so much on the success of manufactures, he could not be deaf to the prayer of the petitioners, nor ignorant of the distress by which it was prompted. He wished to see British yarn woven by British looms, instead of foreign; and he believed, that if restrictions were laid on the exportation of cotton yarn, foreigners would be under the necessity of applying for our cloth, which could be furnished so cheap and so good as to command its proper share in the foreign market. Much would thus be done for our distressed manufacturers, as well as for the prosperity and tranquillity of the country.

Sir J. G. Egerton concurred in the wish for a Committee.

The petition was ordered to lie on the table, and to be printed.

REGULATION OF ALE-HOUSES.] Mr. Bennet rose, pursuant to notice, to move for leave to bring in a Bill to amend the laws relative to the licensing of public-houses, and for the better regulation of the same. He did not think it necessary to enter into many observations on the subject, as his present motion, and the provisions of the bill which he wished to bring in, arose out of the inquiry of a Committee which had reported its labours fully to the House, and suggested the principles on which he meant to proceed. The Committee of Inquiry into the Police of the Metropolis had sat nearly the whole of last session, and a great part of this, and one subject only had occupied its attention. It appeared to the Committee, that many of the vices of the lower orders arose out of the abuses of the licensing system, and the lax enforcement or inefficiency of the laws for regulating public-houses. The whole body of police officers and magistrates admitted this to a greater or less degree, while some of them entirely concurred with the Committee in the magnitude of the evil and its cause. The extent to which irregular public-houses existed was alarming to every friend of the happiness, good order, and morals of society. They were known by the police officers only, but connived at and even frequented by them. He had in his pocket a list of more than 200 such houses in the metropolis, which were haunted by the most irregular characters. They were resorted to, not only by men and women, thieves and depredators, but also by boys and girls of nine or ten years of age, who were initiated into the most depraved society, and trained to the most nefarious practices. In one which he had heard of, there was a regular court of justice and a jury, under the presidency of a Jew pickpocket, for directing the sale of stolen property, and the distribution of spoil; where the laws of depredation were reduced to a system, and the rules of

the society enforced. (*Hear, hear.*) All the gains of the association were brought there, and divided according to the respective claims of the parties. (*Hear.*) He was credibly informed that a boy of thirteen years of age, who had been since transported, had there divided property for his share to the amount of 100*l.* (*Hear, hear.*) The Committee had inquired into many similar scenes, and had reported the result of their observations.—The hon. member then entered on the present management of public-houses, as detailed in the Report. The recognizances required of the publicans, as well as the certificate of character, were a mere nullity. The beadle, or clerks of the sessions, held lists of the publicans applying for license, and no inquiries were made into their previous conduct, respectability, or power of answering the responsibility they came under; only in one instance had the Committee found that the recognizance was satisfied. The character of those persons was never examined. He proposed, therefore, that character should be attested by a greater number of individuals, and that not only in the parish where the publican had resided for the last six months, but in that where the public-house was to be opened. With regard to the recognizance, he would propose, that the rules to which it bound the party should not only be more largely stated when entered into, but that the sum of money should be raised. If these rules were transgressed, the parties should be fined for the first offence to a considerable amount; still higher for the second; and on the commission of a third, the matter should go to a jury, and the publican, if found guilty, should then forfeit his recognizance, and be deprived of his license. The hon. member then adverted to the connexion between the brewer and the publican, and the obligation which the former laid upon the latter from the system of having the property of ale-houses to sell their beer exclusively. Great evils resulted from this: the public were under the necessity of buying frequently trash, or of resorting to the manufacture of small beer from treacle, by which the revenue was defrauded. He, therefore, proposed a clause in his bill, by which all such previous contracts between the brewer and the publican should be declared void. He knew that such contracts were so considered in a Court of law already. The Committee had also taken into their consideration the policy of allowing magistrates to deprive the publicans of their licenses without trial. Many cases of such deprivation of license had come before them; and they found that in every case where a reason was assigned, it was a bad one. The publican was thus at the mercy of the magistrates, who might out of mere whim and caprice deprive him of his means of livelihood, and expose him to all the calamities of want and despair. It might be said that a magistrate who misconducted himself might be brought to account; but no remedy could be obtained, except a corrupt

motive was assigned and could be proved; which it was difficult, if not impossible, in most cases to establish. As the law now stood, a magistrate was not bound to give any reason for his conduct. He brought no charges against magistrates in general. He, as fully as any one, allowed their general respectability and great usefulness; but the system of licensing was seldom interfered with by the general body: they allowed that branch of their duty to be exercised by a few of their number, who had an interest in the abuses they connived at. No man's property and means of livelihood should be left to be disposed of at their pleasure and caprice, however respectable they might be in private character; especially when they were frequently brewers, or persons interested in the profits of the publican. The publicans, to become orderly and respectable, should be made independent, and should feel secure in their situation, except when found guilty of offences against the laws by a jury of their countrymen. His bill would, therefore, have for its objects a more respectable certificate of character, greater recognizances, and a diminution of the power of individual magistrates over ale-houses. The hon. member concluded by moving for leave to bring in a bill "for amending the Laws for regulating the manner of licensing ale-houses in that part of the united kingdom called England, and for the more effectually preventing disorders therein."

Mr. S. Wortley said, he thought this proceeding of his hon. friend very extraordinary. A Committee, of which he was the chairman, had been appointed to inquire into the Police of the Metropolis, and had produced a Report which was as yet in the hands of very few members; yet upon this report of a partial case, he moved for leave to bring in a bill for the whole kingdom. He not only objected to the mode and the hurry of the measure, but should oppose some of its most important clauses. He could not allow the power of depriving publicans of their licenses to be taken from the magistrates, which he conceived to be the only great check that the laws had imposed upon irregularities, and the only safe-guard of public morals, till he heard it proved that they had misconducted themselves in so important an exercise of their authority. If in the metropolis magistrates had been found, who had transgressed the limits of their duty, that respectable body all over the kingdom should not be condemned, unheard, for the errors of a few who came within the notice of this Committee, whose report was yet unprinted (*No, no, from all parts of the House*), or if printed, not distributed or circulated. Whether the Report was in the hands of members or not, it was only a Report on the Police of the Metropolis, and did not furnish ground for a national measure.

Mr. Serjeant Onslow said, that having, early in the session, presented a petition from 2000 licensed victuallers, complaining of the law as it now stood, he felt himself called upon to sup-

port the motion of the hon. member. He could not say that he approved of all the proposed clauses, but many of them were wholly unobjectionable. Perhaps it would be possible to adopt some modifications of the bill, which would adequately meet the inconvenience of vesting an absolute and unconditional power in magistrates. With respect to the alleged irregularity of the Committee in entering upon such an inquiry, he wished to state, that the petition from the licensed victuallers was specially referred to them; and therefore they had not exceeded their powers in reporting upon the subject.

Mr. H. Sumner saw no irregularity in the motion for leave to bring in a bill. The report was printed and in the hands of members.

Mr. S. Lefevre observed, that if the hon. member who objected to the motion had seen the evidence which was laid before the Committee, he would have found that it related not merely to the county of Middlesex, but to various other parts of the country, Berkshire, Surrey, &c. He thought there were great evils in the present system, and therefore he should support a proposition which tended to remove them.

Mr. Bennet replied, and, after a few words from Mr. Gooch and Mr. S. Wortley, denying, as far as their knowledge extended, any abuse in licensing by the magistracy, for electioneering purposes, leave was granted.

Mr. Bennet then brought in the bill, which was read a first time and ordered to be printed.

THE LATE SPEAKER.] Mr. Speaker reported Lord Colchester's answer to the Vote of Thanks of yesterday, as follows:—

"London, June 6, 1817.

"SIR,—I have the honour to acknowledge your letter of this day, communicating to me a Resolution of the House of Commons, by which the House is pleased to express its thanks to me for my services as their Speaker, during the period in which I have been called upon to fill that high office. And having devoted the best years of my health and strength to the service of the House of Commons, with the consciousness that, during that long period, I have never ceased to exert my best endeavours to execute the various duties of the station which I held by their favour, however inadequately those duties may have been performed, I beg you will assure the House of the deep and lasting gratitude with which I now receive this distinguished testimony of its approbation.

"I request also that you, Sir, will be pleased to accept my best thanks, for the expressions of kindness with which you have conveyed to me this communication.

I have the honour to be, Sir,
Your most faithful and most obedient servant,
COLCHESTER.

"To the Right Hon.
The Speaker of the House of Commons,
&c. &c. &c."

Lord Castlereagh brought up the Prince Regent's answer to the Address of yesterday, which requested his Royal Highness to confer some signal mark of favour upon the late Speaker. It was as follows:—

"The Prince Regent has the justest sense of the long services and great merit of Charles Lord Colchester, late Speaker of the House of Commons; and, in the name and on the behalf of his Majesty, had already taken the same into his consideration.

"The Prince Regent is desirous, in compliance with the wishes of his Majesty's faithful Commons, to confer upon the said Lord Colchester some further signal mark of his favour; but, as the same cannot be effectually granted and secured without the concurrence of Parliament, his Royal Highness recommends to the House of Commons the adoption of such measures as may be necessary for the accomplishment of this purpose."

The Chancellor of the Exchequer moved, that this answer and recommendation be referred to a Committee of the whole House on Monday next, which was agreed to.

NEW WRIT FOR CHIPPENHAM.—DISTRESS IN IRELAND.] Mr. F. Fitzgerald moved, that Mr. Speaker do issue his warrant to the clerk of the Crown, to make out a new writ for the election of a member to serve in the present Parliament, for the borough of Chippenham, in the room of the right hon. Robert Peel, who, since his election, had accepted the Chiltern Hundreds.

Mr. Ponsonby said, he did not rise to object to the motion, but to advert to a subject which the absence of the right hon. gentleman would not justify him in passing over. As that absence would also probably continue for several days, he took this opportunity of referring to the alarming state of Ireland, from the scarcity of necessary provisions. It would be painful to dwell upon such a subject, but he could assure the House, upon the authority of numerous communications, that nothing could be more distressful than the situation of many parts, from the absolute want of food. He knew well that it would be impossible to provide a complete remedy, but he thought some good might be effected. Unless, indeed, something was done, the consequences must soon become most calamitous. One practicable measure of relief he would beg leave to suggest was, the buying up considerable quantities of rice, and distributing it in the most effectual mode without farther delay.

Lord Castlereagh felt deeply interested in the painful subject to which an allusion had been just made; and could assure the House, that his right hon. friend had long since turned his attention to it, and that every practicable remedy had been applied. The duties on rice had already been taken off, and measures adopted for supplying Ireland with large quantities of seed corn, for the double purpose of guard-

ing against a recurrence of scarcity, and economising the present stock of grain.

After a few words from Mr. Ponsonby, the question was put and carried.

CALL OF THE HOUSE.] On the motion of Mr. Phillips, the order for calling over the House on Monday next, was discharged, and appointed for Monday the 16th.

ELECTION LAWS.] The Ireland Election Laws Bill was read a second time, and ordered to be referred to a Committee of the whole House on Monday next.

COLONIAL ACTS.] Mr. Goulburn brought up a copy of the acts passed in the Colonies, pursuant to an order of the House; and stated that, for the convenience of the Colonial-office, he should make a motion towards the close of the session, that they be returned to that department.

Mr. W. Smith expressed his surprise that these acts had not been produced at an earlier period; he thought it very desirable that the House should retain possession of such important documents.

Sir S. Romilly observed, it was very proper that the House of Commons should be in possession of a complete collection of these laws. He understood that of some of them no duplicates existed.

Mr. Goulburn said, he had certainly found it very difficult to procure copies of all the acts; and it was very possible that in many instances no duplicates could be obtained. This was the reason which induced him to wish that they should be restored to the office.

Mr. W. Smith stated, that many islands had been so careless of their own laws, that no copies could be procured of them.

Sir S. Romilly thought it very extraordinary, that the supreme court of judicature in this country should have to sit in appeal upon these laws, and yet be left to guess at them. It was much to be regretted that no complete collection had been made.

Mr. Goulburn said, many of the islands had formerly considered it too great an expense to print the acts. Government had latterly expostulated with them on this subject, and the more recent enactments had been published.

The papers were then laid on the table.

CIVIL SERVICES RECOMPENSE BILL.] The order of the day having been moved for the House to resolve itself into a Committee on this bill,

Mr. Calcraft rose and observed, that, as one of the members of the Committee, he approved of the principle of the bill; and although sinecures had certainly been much condemned by the people, yet the House must recollect, that they were in the hands of a very strong party,—the Crown: and he did not think it fair or right that the Crown should be called upon to make this sacrifice without receiving some compensation. Out of the pension list, however, and particularly out of the pension list for Ireland, very large sums might be carved

for this purpose. At present we were taking away from the Crown about 90 or 100,000*l.*, and giving it only 42,000*l.* With regard to the bill itself, he thought that no pension should be granted till a sinecure fell.

Mr. *Boswell* said, that the bill did not so much give a recompense to the Crown, as to the officers holding situations under it. For his part, he wished the offices to be continued, and desired to enter his protest against a change.

“Sir *J. Newport* was surprised at the observations of the hon. member who had just spoken. Sinecure offices had fallen into such disrepute in the country, that they could be no longer considered as honourable rewards for service, which they were formerly intended to be. He begged to ask the noble lord, whether he had understood him correctly on a former occasion, that, in case the bill for suppressing these offices failed, the Crown would be advised to withhold its consent from the compensation bill?

Lord *Castlereagh* had no difficulty in stating, that Ministers would do every thing in good faith with respect to this measure, both as regarded their official influence and their individual exertions. (*Hear, hear.*)

The Speaker left the chair, when a conversation ensued on various clauses of the bill, which were finally agreed to without a division.

After the House had resumed, Mr. *V. Fitzgerald* stated, that he declined any emolument in lieu of the office of Chancellor of the Exchequer for Ireland, which he had resigned, and which did not now exist. (*Hear, hear.*)

The report was ordered for Tuesday.

TITHES LEASING BILL.] The report of this bill was further considered; the bill re-committed; considered in a Committee, and the Committee ordered to sit again on Tuesday next.

MINT OFFICES REGULATION BILL.—MUTINY BILL.] These bills were respectively considered in a Committee, and ordered to be reported; the former on Tuesday next, the latter on Monday.

HOUSE OF LORDS.

Monday, June 9.

The Salt Bill was read a second time.—The Poor Employment Bill passed through a Committee, and was reported without amendment.

HOUSE OF COMMONS.

Monday, June 9.

REPEAL OF THE SEPTENNIAL ACT.] Sir *S. Romilly* gave notice, that in consequence of the indisposition of his hon. friend, (Mr. Brougham) his motion for to-morrow would be postponed till Thursday week.

USURY LAWS.] The following petition of the Directors of the Chamber of Commerce and Manufactures, established by Royal Charter, in the city of Glasgow, in favour of the Usury

Laws Repeal Bill, was presented, and ordered to lie on the table:—“That the laws which regulate or restrain the rate of interest of money, appear to your petitioners to be useless, impracticable, and impolitic; useless, because they neither prevent prodigality, protect simplicity, benefit indigence, nor check improvidence; impracticable, because by the system of purchasing goods, borrowing on annuities, and many other modes which are at present authorized, a legal door is opened to their evasion; and impolitic, because they interfere with the private concerns of individuals, interrupt the operation of mercantile policy, compel the sacrifice of property, increase the embarrassments of the country, induce the infraction of the laws, corrupt the public morals, impede the progress of commercial enterprise and agricultural improvement, and divert the surplus capital of the nation from its legitimate and patriotic employment at home, to the accommodation and aggrandisement of foreign states; that the repeal of the laws against usury would not be attended with injury to individuals, because it would not be followed with a rise of the rate of interest, which depends, like the price of every other article, on the supply and demand; besides at present the market rate of interest is lower than the legal; and because, even under the existing system, there is no impediment to the creditor calling up his money, and foreclosing the mortgage whenever he esteems it to be for his advantage; that the repeal of the laws against usury would not create inconvenience to the public, because it would not occasion any greater fluctuation in the terms of loans than is experienced in all the other daily transactions of life, or in national contracts, where Government are left perfectly free; and to prevent misconceptions, where no previous agreement was made, the present rate of interest might be declared to be the rule of settlement; that the repeal of the laws against usury would not produce the effect of embarrassing the Government in their contracts for loans, because the national security is always preferred to that of individuals, because the terms are not affected by the legal rate of interest, but by the quantity of money in the market, the prospect of rise in the funds, and the comparative advantage resulting from investments in the stocks, and other means of employing capital, and because on the principle, even if it were correct, of facilitating the public engagements, by contracting the sphere of private competition, there might with equal propriety be a restriction on the purchase of land, or the pursuits of commerce.”—The petitioners therefore humbly prayed that the bill now pending before the House to abolish these regulations which restrain the rate of interest of money, might be passed into a law; leaving it to the wisdom of the House to enact such provisions, as to the time and mode of the measure, as might prevent immediate inconvenience or injury to the people.

On the motion of Mr. Sergeant Onslow, the bill was read a second time, Mr. Calcraft intimating his intention to oppose it in the Committee.

BANKRUPT LAWS.] A petition was presented of merchants, traders, and inhabitants of Bristol, complaining of the bankrupt laws, and of the manner in which they are at present administered.—Ordered to lie on the table.

POOR REMOVAL BILL.] This bill was read a third time, and passed.

GRANT TO THE LATE SPEAKER.] On the motion of the *Chancellor of the Exchequer* the House resolved itself into a Committee to consider the Prince Regent's Answer to the Address of Thursday last.

The *Chancellor of the Exchequer*, after a warm eulogium on the merits of the late Speaker, entered into a consideration of the provision which it was desirable to make for him. He adverted to the allowance made to Mr. Speaker Onslow on his retiring from the chair in the early part of this reign, which was 3,000*l.* a year; and observed, that considering the depreciation in the value of money, and the increase of duties which the Speaker had to perform, 4,000*l.* a year to Lord Colchester during his life, and 3,000*l.* a year to his immediate successor, would not be too liberal a vote. The right hon. gentleman concluded by moving a resolution to that effect.

Mr. H. Sumner considered the sum insufficient, when compared with the grant to Mr. Speaker Onslow. After expatiating on the services of the late Speaker, he ended with proposing, as an amendment, that the grant be increased to 5,000*l.* per annum, for the life of that gentleman, and hinted that his immediate successor ought to have 4,000*l.* He should also propose, that the grant be extended to three lives. He thought the public purse could never be too poor to reward eminent public services.

Sir M. W. Ridley said, that none could estimate the services and merits of the late Speaker more highly than himself; but in fixing the amount of the grant, there were other considerations to be attended to more imperious than even gratitude itself; and the hon. gentleman's assumption that the public purse could never be too poor to pay public services was altogether without foundation. The state of the public means was such that we could not now part with one shilling, without the most mature consideration; but the noble lord (Colchester) had a place of 1,800*l.* a year in Ireland, which would make his income, received from the public, amount to 5,300*l.* a year.

The *Chancellor of the Exchequer* observed, that this discussion confirmed him in the idea that his proposal was, under all circumstances, the best; and he recommended the House to adhere to it: at the same time he must add, that the place in Ireland was given as a compensation for one that had been relinquished.

Mr. Sumner withdrew his amendment.

Mr. Pensonby was extremely glad the amend-

ment had been withdrawn. With every respect for the Speaker, and value for his services, he felt there were other duties to be attended to in fixing the amount of the grant. He could not agree that the office of 1,300*l.* a year was to be put out of the question; the public paid it, and the question was, not under what name or form, but to what amount. He believed that every man in the country would think that 5,300*l.* was a sufficient grant; and he hoped the hon. member would not press the extension of the grant to three lives instead of two, for he should certainly oppose it.

Mr. Sumner explained, and insisted, that in the sum proposed for the late Speaker no proportion was observed with regard to the different grants for eminent military services.

Mr. Tierney declared, that no man could feel more grateful than himself for the services of the late Speaker, but it would be inconsistent with his ideas of economy to grant more than had been proposed; and he felt some indignation at the manner in which the grant had been at first mentioned to the House. Under the present circumstances of the country, and according to all the precedents, he could not for himself agree to pay the late Speaker 4,000*l.* a year. On what grounds was that sum proposed? The noble lord had no longer to support that hospitality which was expected of him when Speaker, and was the salary to be continued when the hospitality it was meant to support was no longer requisite? Besides, what had been the scale to others? There was a bill before the House in which the utmost reward that could be bestowed on civil services was limited to 3,000*l.* a year for one life; and though the Speaker's exertions were great, what were they when compared with those of such a man as Mr. Pitt, who had the interests of all Europe to attend to? And yet his wardenship of the Cinque Ports was not worth more than 3,000*l.* a year. What Minister had ever been rewarded on the scale now proposed? Lord Wellington had no more than 2,000*l.* a year attached to his rank of Viscount. Why had the Speaker greater claims on the public purse for services, which, after all, were services affecting the health alone?—for, as to the anxiety that had been talked of, he felt less than any man in the House, or perhaps was the only man entirely without anxiety; he existed in a sort of middle atmosphere, between the two contending parties, and his absence from all care seemed to him (Mr. T.) quite enviable. He had only to remain erect in his chair, to bend his head to one side or the other, and enjoy the fray of contending parties. (*A laugh.*) He was unwilling to say more; but if the hon. gentleman persevered, he must oppose the extension of the grant to the third life, that the public might not have too much reason to censure the improvident guardianship of the public purse.

Mr. Curwen expressed the highest regard for the Speaker, but coincided in the sentiments expressed by his hon. friend, on account of the

state of the country, and the distress of our finances.

Mr. Lambton moved, as an amendment, that the grant should be 3,000*l.* instead of 4,000*l.*

The House divided on the amendment.

Ayes . . 42 | Noes . . 126 | Majority . . 84.

The original motion for 4,000*l.* a year to Lord Colchester, and 3,000*l.* a year to his immediate successor, was then agreed to.

Mr. Ponsonby then rose and observed, that when the communication respecting the late Speaker first came to the House from the Crown, an objection was made against taking it into consideration. The proposition was in consequence withdrawn; but he saw no notice of that fact, in the journals, in which it ought to appear.

The Speaker said, it was perhaps his duty to explain the circumstance as far as he was informed upon it. It was true, it did not appear in the votes, and could not appear on the journals. A motion made on the same day by the hon. member for Carlisle, was certainly noticed; but that was regularly withdrawn, and therefore appeared in the votes. There was a difference in the two cases. It appeared to be understood to be the general sense that, as on the Chancellor of the Exchequer's motion, a different suggestion was agreed to, and the motion immediately withdrawn, it should not appear at all. For himself he had only, as he stated when he was first raised to the chair, to throw himself upon the indulgence of the House. They would see that there was a difficulty now in curing the defect, as the remedy would come irregularly. The Chancellor of the Exchequer's motion was not withdrawn in the regular way by consent of the House.

The Chancellor of the Exchequer said, he had little to add, after the clear statement from the chair. He had certainly felt disposed to withdraw his motion, and thought it better that no notice should be taken of it, which he also considered to have been the feeling of the House.

Mr. Ponsonby meant not in the slightest degree to ascribe any blame to the Speaker, but there appeared to have been some misunderstanding. There was a general assent to the withdrawing of the motion, but it was not the understanding of himself and of many others that it was not to be entered upon the journals. At present the journals contained an imperfect representation of the conduct of the House.

Lord Castlereagh saw nothing irregular in the proceeding. In either way the same result was obtained. A great object in withdrawing the motion was to procure unanimity. The transaction at present stood fairly on the journals.

Mr. C. Wynn thought the House would have lost its own dignity if it had proceeded on the communication. He should prefer that the withdrawing of the motion was noticed, to shew that the House did not think fit to proceed upon it.

Mr. Canning said, nobody could mistake the fact, that no proceeding took place on the mes-

sage; but that on the next day the House took up the business itself. Whatever jealousy might be entertained respecting parliamentary forms, he thought that expressive silence answered every purpose. He had great objections to going back to the matter.

Mr. Ponsonby saw no difficulty in making the entry. If it was right to do so at first, it could not be wrong to do so now.

Mr. C. Wynn said, the question should be, whether notice should be taken, or else whether the original message should be expunged from the journals or not.

Mr. Banks said he did not perceive any irregularity. He believed that on a division there would have been a majority for the original message; but he, for one, wished for unanimity. The message from the Crown came first, and there was no regular withdrawing of the motion. The whole matter was, that the House chose to proceed in its own way, and not by the message.

Sir C. Manck believed there were not ten members in the House who did not blame the first proceeding. The votes were supposed to be made up regularly. It was said it was now too late; but by the insertion the whole proceeding would appear more clearly, and for future advantage. Ministers appeared to wish to have their mistake suppressed in the journals.

The Chancellor of the Exchequer observed, that there was no question before the House.

Mr. C. Wynn said, it was too much for the right hon. gentleman to say that there was no question before the House, when an irregularity was the subject of conversation.

Lord Palmerston said, he had attended to what had passed when the Chancellor of the Exchequer withdrew his motion. It was suggested to that right hon. gentleman, that it was most advisable that the motion should not appear at all. His (Lord P.'s) feeling at the time was, that this was formally acquiesced in, as no dissent was expressed. With that impression he left the House that night.

Mr. Croker said, he had a similar recollection, and had told a friend of his, that there was a general acquiescence that it should not appear at all.

Mr. Ponsonby said, there was a general understanding certainly for withdrawing the motion; but he would solemnly declare, that it never entered his mind that the fact was not to be entered. He only desired to see it stated in the journals that the motion was withdrawn. He therefore moved, that the following Entry be made in the Journal of this House of Tuesday the 3d day of June, after the Entry of the Prince Regent's Message concerning Charles Lord Colchester, late Speaker of this House.—“Motion made, and question proposed, that his Royal Highness's said gracious Message be referred to a Committee of the House, for Thursday next;—and the said motion was, with leave of the House, withdrawn.”

Lord Castlereagh repeated, that he understood

it to be the sense of the House that the matter should not appear.

Dr. *Phillimore* said, it appeared to him, that when the Chancellor of the Exchequer wished to withdraw his motion, there was a general "no" from the House.

Mr. *Ponsonby* believed the general "no" applied to the adjournment of the debate.—The motion was negatived without a division.

GAME LAWS.] Colonel *Wood* moved the second reading of the bill for legalizing the sale of game. He observed, that his object was to stop poaching, a practice which had spread through the kingdom, destroying the morals of the poor, and encouraging many vices. If those who opposed the bill could be convinced it would check that evil, he was sure they would be in favour of it. He wished that game was made private property; and could see no reason against it. He then cited a case of *Sutton v. Moody*, in which Lord Holt said, that a man had no more property in rabbits in a warren than in his own lands; that the property belonged to him at the starting, but that in the hunting it belonged to the hunters. This was the law from the time of Henry VIII. Lord Kenyon, at Westminster, in a case where a man had started a hare, and another took it up in another ground, quoted the opinion of Lord Holt. It appeared, from various circumstances, that game had been recognised as private property. It was said, that if its sale were legalized, the poachers would destroy it all, as they would find a better market. How could that be? At present, poachers did not go out and get game, and then look for their market; no, they knew their market well beforehand. The game which supplied this great metropolis was taken and collected in the country and transmitted to the salesmen, from whom it came to the poulterers, and from them to the public at large. The salesmen and poulterers were in a hard situation, for the penalty was on the seller and not on the buyer. The poulterer frequently could not carry on his trade without dealing in game. In justice the matter ought not to remain so. He did not expect the House would lay heavy penalties on the purchaser; but then they ought to give a legal supply. The magistrate had the power to search the house of every suspected unqualified person, and could impose a penalty of 20*s.* In the Committee this might be increased if the House pleased, to 5*l.* Every existing facility for preserving game might be retained. Much had been said about a man of small property, living near a large preserve, attracting the game by high feeding; but the more the subject was considered, the objection would appear imaginary. The present system was ruinous. It was asked, "Could gentlemen sell game?" Why not? Did they not at present sell their pigs, and fowls, sheep, and horses, that sometimes tumbled down for a after they were purchased? Was it less profitable then to sell a pheasant? Many gentlemen would agree to this alteration. He knew

that Lord Anglessea, not a penurious nobleman, had said, that he was ready to send up his game for the supply of London; adding, that his own chief pleasure was in shooting it. At present the salesman generally had three-pence per head, the poulterer sixpence, and the carriage of a hare for 100 miles was but a shilling. It was said that the game cost the poachers nothing: he would say it cost the gentleman nothing: it cost the poacher his day's work, which he lost by going out at night after the game. The poacher, therefore, might be undersold. Suppose the duty on French Brandy was reduced, would not smuggling also be diminished? So it would be, if we took off the duty on French gloves; and the articles would be less rare and valuable. Let hares and pheasants be sold like chickens and turkeys, and probably many would prefer the latter who now desire the former. There was a duty on French game, which, if taken off, would occasion a great supply from the Continent. He considered resident country gentlemen the greatest blessing of this country, and regretted that so many were absent from their estates, which stood so much in need of their presence. If the bill should diminish the bad practices that prevailed in the country by poaching, spring-guns, and steel-traps, it would be a material advantage to country gentlemen, and encourage their residence. Let the House recollect, that by an account upon the table, not less than 1200 persons were confined last year under the Game Laws. For sheep stealing, or chicken stealing, it would be found that 1-50th part of the number had not been committed. Ought not such an evil, generated by the prohibition of sale, to be remedied? It was not to be supposed, that he undervalued the Game Laws in general; they kept up the character and spirit of gentlemen; but he was for altering them, and placing them upon a better footing. Those were his reasons for introducing the present bill; and he hoped the House would not object to go into a Committee upon it.

Lord *Deerhurst* was astonished that a bill, which ought to have been crushed at first, should have been allowed to proceed so far. It should not, however, proceed farther without his voice being raised against its very injurious tendency. The object of the bill, as appeared from the correspondence of the hon. colonel with another hon. colonel, a member of the House, was to give country gentlemen an opportunity of selling their game; and a noble marquis was named as prepared to avail himself of the law, if passed: yet the country gentlemen would be constantly undersold by poachers. The case would be similar to that of two broom-makers, who sold their brooms in adjoining stalls. The one sold so as to have the very smallest profit; the other sold a halfpenny cheaper. The former asked, with astonishment, how he could sell so cheap? Why, replied the latter, because I steal my brooms ready made. Just so the poacher could get his game ready made. (*A laugh.*) The

difficulty of effecting a sale was the great means of entrapping poachers. Let them not cut up the goose for the golden eggs. The history of sale at present was thus: a person bought game of the poacher at 7s. the brace, and sold them to a poulterer in London for 15s.; he again sold them to the consumer for 2 guineas. If sale were legalized, a door would be opened to game-keepers and others to poach and sell without risk of detection or fear of punishment. If citizens, who had much money, must have game, let them get it on the same terms with country gentlemen. They had it at present for one-fourth of the expense of rearing it. (*Hear, hear.*) If this bill passed, in two years there would be no game in the country. The House should be very cautious how it listened to such a proposal. From small beginnings great consequences often proceeded. *He nuncia seriatim in mala.* This was not a time to disgust resident gentlemen.—He concluded by moving that the bill be read a second time this day six months.

Mr. Curwen said, he wished to give every encouragement to country gentlemen to reside on their estates: but the severity of the game laws defeated the purposes for which they were intended, and the whole nature of them ought to be altered. They were most unjust and pernicious; they took away and gave a right of property arbitrarily. One man was fined 80l. for what, in other circumstances, cost only 5l. Nothing could make the poacher view his conduct as criminal while public licences were given. He must say to gentlemen who were against legalized sale, that they acted very unaccountably. The nobleman alluded to, he believed, meant to sell merely to set an example. It had been observed, that this was not a time to disgust gentlemen. Was it, he would ask, a time to disgust the country? The whole body of the people reprobated those laws. He would recommend to the hon. colonel rather to withdraw the bill, and to prepare a more general measure for next session. As to the argument that game cost the poacher nothing: it cost him an incalculable price. Was loss of leg or limb nothing? He lost more than his labour; he lost his liberty and hazarded his life. Some alteration was necessary for all classes, for the little as well as the great. (*Hear, hear.*) The country was dissatisfied with the invidious distinction of the present system. He should vote with the hon. colonel, but he would rather the bill were withdrawn.

Sir C. Burrell thought that houses for the sale of game would encourage tippling, and that poachers would become thieves and robbers by this bill. Though the sale of rabbits was legalized, poaching was not prevented. Since, therefore, this principle did not hold in that particular instance, it could not be maintained as a general principle. The monied interest suffered no hardship, for they could have game on the same terms as the country gentlemen; that is, if they laid out their money, for which

they now received 15 per cent., in the purchase of land, for which they could receive only 24 per cent. (*Hear, hear.*) He concurred with the hon. member for Carlisle, that a deeper measure was necessary, and he would go into a Committee upon any plan that might put down poaching.

Mr. Wilberforce considered something of this nature loudly called for, in order to protect the morals and comforts of the public. By the present system of game laws, people in the country, who might be expected to be more virtuous than manufacturing citizens, were rendered much more depraved. There was a peculiar difficulty in this case. Gentlemen of the highest rank and station, lords, judges, and magistrates purchased game, (*cries of no, no*); he had made inquiry into the subject, and found that persons of all kinds purchased game. (*Hear, hear.*) In other cases, the receiver was held to be as bad as the thief; in this case, the higher classes did, without any penalty, what cost the poor their moral principles, their character, and their liberty. The former felt neither loss nor reflection: the latter were transported, and often trained for the gallows. The objection, that the bill would increase poaching, was obviated by the circumstance that game was already sold. The objections as to tippling-houses, and other supposed evils, could be removed by giving licences only for limited periods, and during good behaviour. Gentlemen would then buy only of honest dealers, and a sharp look-out would be kept upon those that sold game. Some clauses might, he admitted, be added to the bill to the effect of preventing poachers from supplying the licensed seller. He had inquired how this matter stood in France, and read a letter stating, that while poaching brought to the gallows, the practice was most frequent; now that game was declared to be the property of the proprietor of the land, poaching was no longer a trade. A remedy was immediately called for, since 1,200 people had been confined upon those laws in the course of a year. The loss to the poacher was even greater than had been stated. He lost the freedom of the empire; he acquired the face of an evil-doer, and met every man with a downcast eye. The value of the class of men thus exposed was very great, and their interests ought not for one moment to be neglected. An immediate, innocent, efficient remedy should therefore be adopted. The interests of members and constituents were here in some measure opposed, and the public had their eyes upon the House, to mark whether they regarded the first principles of morality, and consulted the dictates of justice, and the suggestions of humanity. (*Hear, hear.*)

Mr. G. Banks observed, that the hon. gentleman attempted to enforce his experiment by means of the public voice; but he was convinced he began at the wrong end. Till a thorough change was made, the foundation on which

whole system stood should not be shaken. Persons would qualify under such a law, and purchase a little from the fair dealer as a cloak for large purchases from poachers. (*Hear, hear.*) Gamekeepers especially would have every facility for deception and fraud.

Mr. *Preston* was of opinion, that the House should go into a Committee on the bill.

Sir *J. Sebright* conceived that something was necessary to be done; game should be declared private property as well as turkeys and geese. To this bill, and every thing short of that, he was resolved to give every opposition.

Mr. *Goulbourn* said, that as France had been referred to, he would tell gentlemen, that he knew of a country where the relaxation of the laws occasioned the entire destruction of game.

Colonel *Wood*, in reply, observed, that as he wished sincerely well to the bill, he thought he could not do better than not press it to a division. The game-keepers were the greatest poachers in England; one half of the game sold in London was killed by them.

The second reading was then put and negatived, and ordered for that day six months, without a division.

ORDNANCE AND MISCELLANEOUS ESTIMATES.] The House resolved itself into a Committee of Supply, when the Ordnance and other Estimates were taken into consideration.

Mr. *Ward* said, he would move the different Resolutions, and was ready to answer any questions that might be asked. The sums required this year were, with the exception of those for Ireland, one half less than the corresponding sums of last year.—The following sums were then voted:

348,959*l.* 19*s.* 10*d.* “in full, for the charge of the Office of Ordnance for land service for Great Britain for 1817.”—63,186*l.* 15*s.* 3*d.* “in full, for the charge of the Office of Ordnance for Ireland, for 1817.”—25,000*l.* “in full, for defraying the expenses of reduction in the Office of Ordnance for land service in Great Britain in 1817.”—105,728*l.* 10*s.* 11*d.* “in full, for the charge of the Office of Ordnance for Great Britain, on account of the allowances to retired general officers, to superannuated, retired, and half-pay officers, to officers seconded, and to officers for good services, to superannuated or disabled men; also for pensions to widows and children of deceased officers, late belonging to the several Ordnance Military Corps, for 1817.”—15,008*l.* 9*s.* 5*d.* “in full, for the charge of allowances, compensations, and emoluments in the nature of superannuated or retired allowances to persons late belonging to the Office of Ordnance in Great Britain, in respect of their having held any public offices or employments of a civil nature; and also for the charge of widows’ pensions, for the year 1817.”—7,000*l.* “in full, for the charge of the Office of Ordnance in Ireland, on account of the pay of retired officers of the late Irish Artillery and Engineers, and of pensions to widows of deceased officers of the same, for 1817.”—1,750*l.* “in

full, for the charge of allowances, compensations and emoluments, in the nature of superannuated or retired allowances, to persons late belonging to the Office of Ordnance in Ireland, in respect of their having held any public offices or employments of a civil nature; and also for the charge of widows’ pensions, for 1817.”—15,814*l.* “for defraying the charge of the Civil Establishment of Sierra Leone in Africa, from the 1st Jan. to the 31st of Dec. 1817.”—13,440*l.* “for the Province of Nova Scotia in America.”—12,815*l.* “for New South Wales.”—11,325*l.* “for the Province of Upper Canada in America.”

Some inquiries were here made by Mr. *Curwen* respecting the encouragement given to emigration.

Mr. *Goulbourn* replied, that the happiest effect had resulted from the measures adopted by Government; this year the only encouragement given was the providing of land and sea coast for emigrants on their arrival.

6,247*l.* 10*s.* “for the Province of New Brunswick in America.”—5,485*l.* “for the Island of Newfoundland in America.”—3,826*l.* “for the Island of Saint John (now called Prince Edward Island) in America.”—3,301*l.* 10*s.* “for the Bahama Islands, in addition to the salaries now paid to the public officers out of the Duty Fund, and the incidental charges attending the same.”—2,550*l.* for Cape Breton in America.”—600*l.* “for the Island of Dominica.”—17,000*l.* to defray the charge for printing Acts of Parliament for the two Houses of Parliament, for the sheriffs, clerks of the peace, and chief magistrates throughout the United Kingdom, and for the acting justices throughout Great Britain; also for printing bills, reports, evidences, and other papers and accounts for the House of Lords, for 1817.”—2,552*l.* 12*s.* 3*d.* “for printing 1250 copies of the 49th volume of Journals of the House of Peers.”—815*l.* 8*s.* 4*d.* “to make good the deficiency of the grant of 1816 for printing 1750 copies of the 69th volume of Journals of the House of Commons.”—3,500*l.* “for printing 1750 copies of the 70th volume of Journals of the House, being for the Session of 1815.”—3,250*l.* “for printing 1750 copies of the 71st volume of Journals of the House, being for the Session of 1816.”—3,250*l.* for printing 1750 copies of the 72d volume of Journals of the House, being for the present Session.”—3,500*l.* “for re-printing Journals and Reports of the House in 1817.”—6,472*l.* 17*s.* “to make good the deficiency of the grant for the year 1816 for re-printing Journals and Reports of the House of Commons.”—21,000*l.* “for printing Bills, Reports, and other papers, by order of the House during the present Session.”—8,197*l.* 6*s.* 8*d.* “to make good the deficiency of the Grant of 1816 for printing Bills, Reports, and other Papers, by order of the House during the last Session.”—2,500*l.* “for printing the Votes of the House during the present Session.”

Mr. *Banckes* wished to know, whether the improved machinery was made use of in printing such voluminous works? He thought it would produce considerable saving.

Mr. *Arbuthnot* said, he had intended to have a Committee appointed on those matters. Inferior paper was used this year, which had reduced the charges a little; but the suggestion respecting the improved machinery was well deserving of attention, as it might bring them still lower.

4,895*l.* 6*s.* "for the superintendence of aliens for 1817."—13,500*l.* "for the relief of American Loyalists for 1817, and that the said sum be issued and paid without any fee or other deduction whatsoever."—3,000*l.* "to defray the expense of confining and maintaining criminal lunatics for 1817, without any fee or deduction."—20,000*l.* "to defray the expense of law charges for the year 1817."—4,000*l.* "for the extraordinary expenses that may be incurred for prosecutions, &c. relating to the coin for 1817."—266*l.* 13*s.* 4*d.* "for superannuation allowance or compensation to one of the late pay-masters of Exchequer Bills for 1817; and that the said sum be issued and paid without any fee or other deduction whatsoever."—1,950*l.* "for superannuation allowances or compensations to retired clerks and other officers formerly employed in the office of the Commissioners for auditing the public accounts, for 1817; without any fee or deduction."—331*l.* 10*s.* "for superannuation allowances or compensations to retired clerks and other officers, formerly employed in the Lottery Office, for 1817; without any fee or deduction."—620*l.* for superannuation allowances or compensations to retired officers formerly employed in the Mint, for 1817; without any fee or deduction."—20,000*l.* "to be applied in further execution of an Act of the 43d year of his present Majesty towards making roads and building bridges in the Highlands of Scotland, for 1817; without any fee or deduction."—Item 25,000*l.* "for the Caledonian Canal."

Mr. *Gordon* wished to know, whether it was the determination of Government to lavish such extravagant sums in a work that was represented as so unpromising?

Mr. *Arbuthnot* said, that whether the money already expended was well or ill laid out, it would be highly improper now to withhold the necessary supplies.

Mr. *Curwen* objected to so large a grant for this purpose in so thin a house.

Mr. *Arbuthnot* said, he did not wish to press it at present: he thought, however, a smaller sum could not be granted, and that it was particularly proper in the present season of distress, arising from the want of employment, not to interrupt an undertaking which must necessarily be finished, and which would give work to so many persons. If the Committee thought proper, he would withdraw the resolution, and bring it forward on a subsequent day.

The resolution was then withdrawn.

Ordinance and Miscellaneous Estimates. [1850

2,695*l.* 18*s.* 10*d.* "to be applied towards the repairs of Henry the Seventh's Chapel, for the year 1817; without any fee or deduction."—3,000*l.* "to defray the expense of the National Vaccine Establishment, for 1817; without any fee or deduction."

Mr. *S. Lefevre* asked, whether any report had been made of the number vaccinated, and of the number who, being vaccinated, had subsequently taken the small-pox?

Mr. *Arbuthnot* answered, that he did not know of any such report.

Mr. *Curwen* thought that the subject should be inquired into, and that the public money ought not to be voted away in support of an establishment whose benefits, if vaccination did not completely secure against the small-pox, were equivocal.

Mr. *F. Lewis* deprecated any opinion going forth from such high authority as a member of Parliament, that would tend to unsettle the minds of the people with regard to the discovery, the benefits of which could not be doubted. Though there might be particular cases of small-pox, after vaccination, yet these would be found to be so disproportioned to the number in which it acted as a complete preventive, that no suspicion should be thrown upon it that might limit its extension. Nothing had ever been proved by those who opposed its introduction, or who endeavoured to depreciate its effects, that could in any way destroy the belief of its being one of the greatest blessings that science or invention had conferred on mankind. (*Hear, hear.*) It was not necessary for the proof of its efficacy to shew that no person vaccinated had ever afterwards been liable to the small-pox; it was only requisite to shew that if any such cases existed, they were insignificant in comparison with those where it operated a complete protection. Its reputation in this manner had been completely established, and a solitary instance to the contrary could furnish no ground for suspicion, far less give any countenance to a policy that would neglect an establishment destined to extend its benefits. (*Hear, hear.*)

Mr. *Curwen*, in explanation, denied that he had attempted to excite suspicion; he only wished to lay a ground for examination.

Lord *Castlereagh* said, that in making a comparison between the advantages of vaccination and inoculation, as to the number of deaths which took place under each mode of treatment, it ought to be recollected, that the latter not only endangered the lives of those who underwent the operation, but created an atmosphere of infection which extended the disease to others. In this respect vaccination, which never enlarged the sphere of contagion, had decidedly the advantage, even though it did not always protect from the small-pox, and might be regarded as a great blessing to mankind. (*Hear, hear.*) The tendency of the practice was, therefore, to diminish and finally to extinguish the small-pox. In some places of Europe this had

nearly been its result. By extending the practice, therefore, there was every reason to believe that the small-pox might be eradicated as a disease altogether, and then neither vaccination nor inoculation would be necessary. (*Hear.*)

Mr. *Wilberforce* said, the practice of vaccination was not confined to this country. It had been tried in every country, and in every climate, and had been the source of the greatest blessings. Its efficacy had been established in a degree unexpected and undoubted. Suspicions, indeed, had been raised, but not on a solid foundation. In this country, where the people prided themselves on their liberty, and were averse to adopt any new practice at the dictation of others, vaccination had not produced its full benefits, because it could not easily be universally enforced. The small-pox therefore still continued to spread infection. In other countries the practice was more general, and had been more beneficial. Even here it had established its claim as a preservative against the small-pox as much as inoculation; for he had himself known instances where the latter was a complete protection. If any case of a vaccinated person's taking the small-pox occurred, it was immediately declared that vaccination was universally useless or inefficacious; whereas, it would be found as great a safeguard as inoculation, and had tended more than any other discovery of modern or ancient times to diminish mortality among the young.

Mr. *Rose* supported the grant. He had himself seen the means of establishing a Board of Inquiry, which had held an extensive correspondence on the subject of vaccination both at home and abroad; and which, being composed of persons without any bias, might be considered as a mediating party between the zealous friends of the practice and the public; and all the information which they had collected tended to confirm a belief in its efficacy.

Mr. *Leveson* wished to see the Report of this Board.

Mr. *Arbutnot* said, he would withdraw the resolution if it was objected to. (*No, no, from all parts of the House.*)

The resolution was then passed.

§ 571. 16s. 5d. "on account of the expenses to be incurred in the management of the British Museum, for 1817."—§ 5381. "for the Barrack Department in Great Britain, in 1817."—§ 500,649. "for the supply of bread, meat and forage, coals, candles, straw, and furniture, for the troops in Great Britain; and for casual supplies for the troops on foreign stations, and also for the pay of the commissariat department, for 1817."

The House then resumed, and the Report was ordered to be received to-morrow.

CLERGY RESIDENCE BILL.] This bill was considered in a Committee, when several blanks were filled up, and the Committee was ordered to sit again.

IRISH GRAND JURY.] Mr. *F. Fitzgerald*

brought in a bill "to provide for the more deliberate investigation of Presentments to be made by Grand Juries for Roads and Public Works in Ireland," which was read a first time.

HOUSE OF LORDS

Tuesday, June 10.

POOR EMPLOYMENT BILL.] The Earl of *Liverpool* moved the third reading of this bill. He said, no person could be more deeply impressed than he was with the soundness of the general principle, that Parliament ought not to interfere by grants of this nature with the carrying on of public works. He was perfectly satisfied that they might be conducted in a much better manner by individuals or private bodies; and to their capital and industry, generally speaking, they ought to be left. This was a sound general principle, and one which ought never to be lost sight of in this country. Circumstances, however, might exist in which it would be of advantage to lend the assistance of public credit to the support of useful public works; and the present situation of the country appeared to him to afford a proper ground for such a proceeding. The measure was not without precedent; for a grant of the same nature had been made in 1793 and 1809: and it was a singular circumstance, that on both those occasions the whole of the money allowed to be granted was not demanded; and he believed he had a right to say, that the trust was executed with the utmost impartiality, and in such a manner as to give entire satisfaction. The present measure, he admitted, was in some respects different from those to which he had referred; but their general nature was the same. In many places works of public utility had been begun, and necessarily given up, owing chiefly to the diminution in the circulating medium, though the best security could be given for any advances that might be made. These works too were, for the most part, to be found in districts where there existed a superabundance of labour, and therefore the pressure of the general distress would be considerably alleviated in places where relief was most imperiously required. The bill involved two principles. The Exchequer Bills were to be issued to commissioners, who were to grant them on proper security. 1st. For the carrying on of useful public works. 2dly. For the purpose of giving relief to parishes in certain cases with respect to the poor-rates. In this last point of view he admitted that he did not think the measure would be of much use: yet if there were any cases in which it might be attended with benefit, that part of the bill ought to be retained. It appeared to him that the first cause of the present distresses was, the great depreciation of landed property; but this evil was likely to be soon removed. The manufacturing interests also had suffered severely; but he did not look at them with feelings of despondency. Upon the close of the

war, the ports of Europe were suddenly thrown open, and by over speculation the foreign markets were glutted to such a degree as to occasion a violent reaction. The country, too, was suffering from the effect of the late defective harvest; but the distress of Great Britain from this cause was nothing when compared with that of other countries in the western part of Europe. He had seen letters from Germany and France which presented a most appalling picture. When he looked at these special circumstances, he thought it advisable to lend the credit of the country, to a certain extent, to the promotion of its industry; and he had no doubt but that the measure would be attended with some advantage.

The Earl of *Lauderdale* said, it was not his intention to enter so fully into the discussion of this bill as its importance perhaps deserved. It was generally known at the beginning of the Session, that the labouring classes connected with agriculture and manufactures were in a state of extreme distress; and he had expected that Parliament would at a much earlier period have been occupied with a more extensive and efficient measure of relief; but at the close of the Session the noble earl came forward with this grant of Exchequer Bills to the amount of 1,500,000*l.*; and on such usurious terms, that few individuals would care to apply for them, more particularly, as in case of non-payment, the process of the Crown was to be issued for the recovery of the money. The noble earl himself admitted that, as far as the bill went to give relief to parishes, it would be of little use; and that its great object was the carrying on of public works; but then the impression was, that Government intended to give relief to the parishes, and the bill purported to have that object. The consequence would be, that if the relief was not afforded, the poorer classes would blame the country gentlemen. There was already a sufficient tendency to blame and pull down the proprietors, without fostering that sort of spirit by such a measure as this. If that part of the bill must prove abortive, why not leave it out? The only effect of it must be to create an idea that Government intended to relieve the parishes, but that the relief was withheld by the rich. The noble earl had ascribed the present distress to bad harvests, the sudden transition from a state of war to a state of peace, glutted markets, superfluity of labour, and diminished demand. He (Earl *L.*) believed that these were very subordinate causes. The real cause, if he might speak out, was twenty years of war, in which this country and others had expended a larger portion of capital than had ever been expended in any former war; and in the transfer of that capital from the hands of those who before held it, into the hands of others, an artificial expenditure had been produced which created an artificial demand for labour, and that again had increased the population of the country; so that when the unna-

tural demand for labour ceased, a great part of that population was left without employment. If that was the real cause of the evil, where was the prospect of relief from this plan? The object of it was merely to create an artificial demand for labour; or, in other words, to keep that cause in force which had produced the evil. Suppose one whose health had been injured by over-drinking of ardent spirits were brought to the noble earl to be cured, the noble earl would, upon his principle, prescribe two drams a day. Then all this money was to be repaid in two years, or to be recovered by the process of the Crown: but in what a condition would the country be, when the money should be withdrawn? Works would be begun, and employment would be created, which, on withdrawing the money, would be stopped; so that the scheme would be attended with the double mischief of keeping up an artificial demand for labour, which must soon cease, and annihilating a demand for labour, which would otherwise arise in the natural progress of things. It was material also, to observe, looking at the measure as intended for the relief of the poor, that the demand which it would create would be a demand for the best labourers. When the speculators got the money, they would naturally look out for the best and cheapest labourers from all parts of the country, without the least regard to the particular district in which the works might be carried on. They had an example of the consequences of an expenditure rashly begun in the project of the Caledonian Canal. One of its objects was, to give employment to the Highlanders at home. What was the result? The money being once given, the managers looked out for the cheapest labourers, and instead of employing Highlanders, they had transplanted an Irish colony to the Highlands. Then it was also to be observed, that it required no small discrimination to find out what works were proper objects of encouragement. The Board of Commissioners was to consist partly of London merchants. Such a Board he did not think well calculated for the purposes of the measure; and, at any rate, it was impossible that the investigation could be properly completed in time to render this scheme efficient as a plan of relief. The noble earl had said, that measures of this kind had been adopted on two former occasions. What was the nature of the first occasion? A great quantity of commodities had been prepared, calculated for a demand in time of peace. A war broke out, and the demand was suddenly stopped. Exchequer Bills were issued to those who held these goods, on the security of the goods and their own bills, to enable them to keep the articles till a better market offered. The measure then produced great benefit, and was well executed. But what resemblance had that, or the other measure to which the noble earl referred, to this project? This mode of relief, if it was good for anything, must be perma-

ment. The noble earl shook his head; but he (Earl L.) knew only of one plan of relief for an over-population, but it was one on which he was not much disposed, in that place, to desecant. He was glad, however, that the noble earl had openly declared that he expected little good from that part of the bill which went to afford relief to parishes; and it ought to be known, that such was the noble earl's opinion of that part of his own measure, that the proprietors in parishes might not be blamed for not giving that relief, which, in reality, was not intended by Government to be given. The only object of the bill, therefore, was to grant these Exchequer Bills to speculators in public works; but the better proceeding would be, to put an end to that project also, by ordering the bill to be read a third time this day three months.

The bill was then read a third time and passed without amendment.

HOUSE OF COMMONS.

Tuesday, June 10.

BANKRUPT LAWS.] Mr. J. Smith moved, "that a Select Committee be appointed to consider of the Bankrupt Laws, and of the operation thereof."

The motion was agreed to, and the following members were appointed to form the Committee:—Mr. J. Smith, Mr. Solicitor-General, Mr. Ponsonby, Sir S. Romilly, Mr. Alderman Atkins, Mr. Courtenay, Mr. J. Abercromby, Mr. Bolland, Mr. Barnett, Mr. Wrottesley, Mr. L. Foster, Mr. J. Martin, Sir J. Newport, Mr. Finlay, Mr. Protheroe, Sir J. Lubbock, Mr. Marryat, Mr. Irving, Mr. Lockhart, Mr. B. Shaw, and Mr. W. Smith.

Sir J. Newport then presented a petition of merchants, bankers, and traders of Waterford, Belfast, Cork, Dublin, Limerick, and Kilkenny, for the revision of the bankrupt laws.—Referred to the Committee.

EXTENTS IN AID.] Mr. W. Smith moved for a Select Committee "to inquire into the mode of issuing Extents in Aid, the nature of the process, its effects, and the expediency of regulating or of discontinuing the same."

Sir M. W. Ridley seconded the motion, and the Chancellor of the Exchequer supported it. The right hon. gentleman said, he wished the whole question to be fully and impartially considered. His sole object was, to secure the rights of the Crown, without violating those of the subject.

The following members were then appointed, and all petitions presented this session, regarding Extents in Aid, were ordered to be referred to them:—Mr. W. Smith, Mr. Chancellor of the Exchequer, Mr. Dowdeswell, Mr. Esberd, Mr. Lushington, Sir C. Morgan, Sir J. Newport, Mr. Collett, Mr. H. Martin, Sir J. Shaw, Mr. Eacon, Mr. Sergeant Onslow, Mr. S. Thornton, Mr. H. Davis, Sir M. Kidley, Mr.

Huskisson, Mr. Barclay, Mr. Irving, Mr. Finlay, Mr. Gurney, Mr. Lockhart, Mr. Grenfell, Mr. J. Smith, Mr. Birch, and Mr. Littleton.

The Extents in Aid Bill was then read a second time, and committed for Friday, the 20th of June.

CIVIL SERVICES RECOMPENSE BILL.] Mr. D. Gilbert brought up the report of this bill.

Mr. Calcraft said he would move the amendment of which he had given notice, after the hon. gentleman had proposed his amended clauses.

Mr. D. Gilbert explained the nature and extent of the clauses he meant to propose.

Mr. Tierney begged to trouble the House with a few observations on this measure. He had taken great pains to understand the subject, and after the most mature deliberation, he thought that a compensation ought to be granted to the Crown for those means of rewarding public services of which it would be deprived by the abolition of sinecures. The only question was, regarding the mode and amount of such compensations. He strongly objected to that part of the measure which made length of service a criterion of merit. If so, did any body suppose that three years spent in a cabinet office were sufficient to entitle the individual to a cabinet pension? Besides, what reason was there for making a difference between the period of their service, and that of those who held inferior situations? This measure was spoken of as one of economy; but its economy to the nation would not at least be felt for a considerable time. In the first place, it might create a greater expenditure. At the end of two years, Government would have at its disposal pensions to the amount of 11,000*l.*; while, perhaps, not one of the sinecures would fall in to the public relief. At the end of four years, 18,000*l.* of pensions might be given away without any proportionate compensation to the country in the abolition of useless places. This bill, with these objections against it, had passed through the House without much opposition, precisely because confidence was placed in the Committee from which it originated; but which, from the little attention it bestowed upon the subject of its inquiry, did not deserve any confidence. There was no evidence in the Report to shew the policy of the measures it recommended, or to point out the saving that would accrue to the public. The House was required to vote 42,000*l.* to the Crown, and to take the chance of what might be gained by the falling in of sinecures. The whole of the abolished places, leaving out of view those that were regulated with diminished salaries, amounted only to 57,000*l.* and the pensions created would amount to 42,000*l.*, leaving only 15,000*l.* of saving. There were 20 places abolished of considerable emolument, the salaries of which amounted to 41,000*l.*, the rest being of smaller value. The utmost advantage the public could derive from this bill, therefore, was 15,000*l.*; and this saving might

not be realized for many years, while the commencement of the measure would actually create additional expenditure. (*Hear.*) He objected likewise to the manner in which the offices to be abolished were described in the Report, which prevented them from being properly understood. It would appear that the idea of abolishing some of them had only lately been approved of. He asked the noble lord opposite (Lord Castlereagh) what he thought of abolishing sinecures last January? (*Hear.*) He should like to know his notions of the policy of this measure when he gave away the office of Lord Registrar of Scotland, when he created a vested interest of 1500*l.* a year in that sinecure? (*Hear.*) In some cases the compensation was greater than the original sinecure. In the Exchequer, for instance, there were three places abolished, which yielded, as now regulated, 17,800*l.*; and pensions in lieu of these were to be voted to this department amounting to 18,500*l.* He could not but regard this measure, therefore, as a gross delusion upon the public (*hear*); as a trick from which the country would gain nothing, and whose only result would be an increase of the national burdens and ministerial patronage. (*Hear.*) If the Ministers had the good fortune to stick to their places for four years, they would have at their disposal 18,000*l.* They made no question about the falling in of sinecures: they only thought of the increase of their patronage. (*Hear, hear.*) He was of opinion, that no pension should be conferred till the consolidated fund had the benefit of the falling in of an equivalent sinecure salary. The bill ought to be sent back to the Committee (though he placed no great reliance on them) to be amended. There was nothing pressing in the measure at present; nothing was to be saved to the country; the patronage of the Crown would be increased rather than diminished by it. He stated these objections; but he should not ground any motion upon them. A triumphant answer might be expected from the noble lord (*hear, hear*); but he could not disprove figures; he could not shew that more than 15,000*l.* would remain after subtracting 42,000*l.* from 57,000*l.*; and this sum was all that the public would gain at the end of twelve years, when this scheme came into full operation. He had already stated that the auditor and the four tellers of the Exchequer, with the Clerk of the Pells, had salaries to the amount of 17,800*l.*, and the officers of this department might be entitled by the present bill to pensions amounting to 18,000*l.* He had no reluctance to remunerate meritorious civil officers, but the measure should be carried into effect in a way that, under pretence of economy and of a saving to the public, should not increase the public burdens or ministerial patronage.

Lord Castlereagh animadverted in rather strong terms on the observations of the right hon. gent. It was somewhat strange, he said, that the right hon. gentleman should have been so long silent, if he really relied on the deduc-

tions of his own reasoning; and that he had suffered two bills to pass, and to be carried up to the Lords, without opposition, which were much more objectionable in every point of view than the present. The right hon. gentleman had said, that he had taken pains to understand the objects and policy of the bill. He (Lord C.) fully admitted that he had taken great pains upon the subject, but it was pains to misrepresent it. (*Hear.*) It appeared extraordinary in the right hon. gentleman, when he saw a measure adopted agreeable to the country, and promising the most beneficial results, that he should come forward to excite a popular prejudice against it, and should exert his fancy and his reasoning, and expend his dexterity and his jokes, to render it contemptible or disgusting. (*Hear, hear.*) The right hon. gentleman had acted unfairly in leaving out the savings that would fall in from the abolition of the offices in Ireland; which, though they were not yet abolished by bills brought into the House, would certainly be so. This was a most important omission when calculating the amount of the future balance to the public from the present measures. The compensation was given in lieu of all the offices, and the right hon. gentleman had compared its amount with the aggregate salaries of only a part. He had said, that in two years 11,000*l.* of pensions would accrue to the Crown from this bill, and in four years 18,000*l.* This statement he (Lord C.) denied. Without including the supernumerary pensions which would be placed at the disposal of the Crown, only 5500*l.* would be placed in the power of Government at the end of the first two years—namely, one pension of 3000*l.*, one of 1500*l.*, and one of 1000*l.*, and at the end of four years only 13,000*l.* There was no probability that the 42,000*l.* which was the amount of the pension list created by this bill, would ever be in complete operation at the same time. The charge of 90,000*l.* was probably the extent to which it would go. The right hon. gent. had, however, taken the pensions at the highest, and the sinecures at the lowest estimate, exaggerating in the one case, and omitting in the other. Did the right hon. gentleman mean to condemn his own measure? Did he think it superior to the present? was it restricted to a certain sum like the present? and did he now wish to turn his back upon that which he had formerly supported? When that bill was introduced by his own friends, although its compensations were much more alarming than the present, it was extolled as purity itself—it was esteemed an emanation of wisdom—it was praised as the quintessence of patriotism; yet that measure would have enabled the Crown to grant pensions to an unlimited amount, and without any restriction as to the time of commencement or length of service. By that bill, the Administration might have pensioned every member of the Cabinet, a liberality to which he (Lord C.) objected at the time. The right hon. gentleman

had treated his friends very cruelly by opposing this bill on the ground of economy. If it was not economical, how extravagant was the measure he formerly supported! He could conceive no other object which the right hon. gentleman had in view, by disgusting the House and the country with the observations he had delivered, but to make a speech; as he proposed no amendment, and concluded with no motion. (*Hear, hear.*) Why did he not oppose the proceeding in the Committee? Why did he not state his opinions earlier? or, why did he now state them at all? Had he turned his back on his old friends? His opposition, he hoped, would have no effect against the adoption of a measure of undeniable economy; manifesting a sincere desire to meet the reasonable wishes of the people by a great sacrifice of patronage, and an important retrenchment of expenditure. (*Hear, hear.*)

Mr. Calcraft supported the bill, as a measure both economical and agreeable to the country. He thought it would effect a great saving, and that, without a compensation, it could not be expected that the abolition of sinecures would be assented to by the Crown. He conceived, however, that a further reduction might be made in the pension list, which could be applied towards the pensions created by this bill. He then moved the following clause, as an amendment:—"That any person who may accept a pension under this Act, shall vacate his seat in Parliament."

Mr. Canning objected to the clause. He observed, that when a member accepted office, he was sent back to his constituents, because he placed himself in a situation to be influenced by the Crown, and they were entitled to say, whether they would afterwards intrust him with the support of their interests: but a pension of this kind was a vested interest which made the holder of it independent.

Mr. Ponsonby said, the great objection was, that the bill, while it pretended to abolish sinecures, would, in fact, give an equivalent to the Crown, without giving any equivalent to the people. (*Hear.*)

Mr. Wood insisted that there was a great distinction between the absolute disposal of sinecures hitherto vested in the Crown, and the power of giving pensions for services actually performed, and fairly brought before the notice of the public.

The Chancellor of the Exchequer followed up the argument of the last speaker, observing, that sinecures might be given, whether deserved or not; but that the pension could not be conferred, except for certain definite services. The pension would be like the half-pay in the army or navy—a reward for regular professional exertions.

Mr. Gordon said, he must protest against the analogy of the right hon. gentleman, which was too much in the principle of a trading speculation. The tendency of such a principle would be to degrade public men into mere political

speculators. As to the particular clause, it seemed to him advisable, that when a public servant was rewarded for his public services, the constituent should have an opportunity of expressing how far that reward had been honourably deserved. (*Hear.*)

The House divided upon the clause, and it was negatived by a majority of 64 to 27.

It was then moved, that "this bill be read a third time to-morrow."

Lord Milton rose, and insisted that the House had the power, if it chose, of curtailing any prerogative of the Crown which it might deem unnecessary, and was not bound to furnish any compensation. The Crown could not receive any money except from the people, and for their benefit; and it was competent for the representatives of the people to control or take away this power.

Mr. Robinson said, he was surprised that the hon. gentlemen on the other side should have kept back their constitutional objections till this late stage of the bill. As to any man looking towards this remote pension as a bribe, he did not believe that there would be much competition for such a prize. It must be, as indeed it ought to be, a hopeless speculation in a pecuniary point of view.

Mr. Gordon differed from the right hon. gentleman: he thought that the very limitation of the rewards would excite a keener competition. (*Hear, hear, from the Opposition, and laughter from the Ministerial benches.*) Any person at all acquainted with commercial speculations knew well, that a great prize or two awakened a keener appetite than many small ones. (*Hear.*) This bill would, for the first time, make politics a trade; a circumstance the more to be regretted at a time when the public were not disposed to look with peculiar favour on official men of whatever party. As to the argument about the necessity of remunerating men who left lucrative professions, he conceived that it would be better if such persons remained in their profession, if gain was their object, and if they could not be contented with the higher honour of being called to assist the Sovereign with advice for the benefit of the people. Much had been said about the services rendered to the country by the labours of Ministers. For his own part, he thought that instances might arise when Ministers might do much more good by resigning than by keeping their places. But the paltry temptations of the present bill would tend to keep Ministers in till they had carried their pension by length of service. Thus it was possible to imagine (he was of course merely putting a case), that at some future time there might be serious divisions in the Cabinet on some question of even vital importance, and that some particular Minister might be subjected to some disagreeable slight on that account; and such a man might by the present bill be induced to cling to the office which he would otherwise reject. He might say, "Well, this is very unpleasant: but let me wait a little longer, and then I shall have a pen-

sion to console these indignities. Meantime, let 'bear and forbear' be my maxim: *Quid- quid erit: superanda omnis fortuna ferendo est.*" (*A laugh.*)

Mr. Robinson explained.

Mr. Hammersley said, that the power of the House of Commons was at an end, if it could not take away any unnecessary and hurtful prerogative from the Crown without supplying an indemnification.

Sir R. Heron thought the bill highly objectionable in the present bankrupt state of the country. He conceived that the Crown had sufficient means of rewarding its servants out of the old pension list.

The House divided on the question of the third reading—

Ayes . . 75 | Noes . . 20 | Majority . . 55.

GRANT TO THE LATE SPEAKER.] On the Report of the resolution for giving a pension of 4,000*l.* to the late Speaker, an amendment was proposed, to substitute 3,000*l.* for 4,000*l.*; but it was negatived, and a bill was ordered to be brought in by Mr. Chancellor of the Exchequer, Lord Castlereagh, &c.

ORDNANCE RESOLUTIONS.] The Report of these Resolutions was brought up. On the motion that it be agreed to,

Sir R. Fergusson rose, and objected to the present mode of relieving the artillery on foreign stations. The same troops had been on service in Jamaica for 27 years, and on inquiry, he found, that the evil extended to other colonies. The best remedy would be to relieve this species of troops by battalions, instead of sending out detachments to keep up their numbers. He objected also to the modern office of Adjutant-General of Artillery, as expensive, and intrusted with too much power.

Mr. F. Lewis, after complimenting the Finance Committee, proceeded to animadvert on the mode in which the Ordnance Board used to charge for gunpowder, by first charging for the saltpetre, and then for the manufactured powder. That Board, he observed, had always been more profuse and extravagant than any other. He contended, that a distinct pledge should be given that the same abuse should not occur in future; and said, that the Board should be controlled by the Minister of Finance, as was recommended by the Finance Committee. The whole plan should be estimated and submitted to that Minister before it was undertaken. He complained that very heavy expenses had been charged under the head called "unprovided services," which ought to comprise nothing except what could not possibly be foreseen.

Mr. R. Ward concurred in all the hon. gentleman had said. A memoir had been presented to the Finance Committee, by which the Ordnance Board was pledged to charge for gunpowder in a different way; the hon. gentleman had a little exaggerated the former mode of charging. No work would be undertaken in future, except after a due estimate of the whole,

controlled by the Minister of Finance. Nothing would be comprised under the head of unprovided services but what could not possibly be foreseen.

Lord Milton complained, that the Ordnance Board had been in the habit of diverting sums of money from the services for which they were voted. Sir Edward Seymour had been impeached for this in the time of Charles II., and the House should watch the Board strictly.

Mr. W. Smith, commenting on the pledge that had been given, hoped the House would not rest upon that alone. Had any individual acted as the Board had done in the sale of powder, terms too strong could not be applied to his conduct. The greatest inaccuracies had prevailed in the accounts of the Board; and when they affected to be exact even to halfpence, there was a deficiency of thousands.

Mr. Tremayne hoped the Board would be placed under control; he thought the present works on the lines of Plymouth quite useless, and wished to know if there was any vote for them.

Mr. R. Ward said, it appeared by the memoir presented to the Committee of Finance, that the outworks had been given up; the estimate for the lines had been 150,000*l.*, and though they were necessary to protect Plymouth on the land side, yet even that was abandoned, and all the Master-General of the Ordnance required was, such a sum as would complete a gap between the old works and the new—about 20,000*l.*

Mr. W. Smith observed, that if the principles maintained were pushed to their full extent, there would be no difficulty in getting money by way of estimates, which might be applied to any other purpose. He thought this a delinquency, but not a corrupt one.

Mr. Tremayne explained. He considered the wall at Plymouth useless without the works, which were abandoned, and the whole would cost 800,000*l.* The Committee recommended no expense beyond necessary repairs; he imputed no malversation.

Mr. R. Ward said, he was satisfied with the explanation.

Mr. D. Gilbert complimented the Board of Ordnance on having done its duty in an ample manner; but there had been an irregularity in the way of keeping the accounts. Monies assigned to particular objects ought not to be diverted to others, unless in cases of clear necessity, which could afterwards be shewn. There were cases in the military department which might require advances, and it might be proper to make allowance for them.

The whole of the resolutions were agreed to, with the exception of the vote for the British Museum, which was ordered to be further considered on Thursday.

DEBTOR AND CREDITOR LAW.] A Bill was ordered to be brought in by Sir J. Chetwode and

Mr. Littleton, "for the more easy and cheap recovery of certain small simple contract Debts, with the power of ordering Payment by Instalments in certain cases, in England."—It was presented accordingly, and read a first time.

[USURY LAWS.] The following petition of Merchants, Manufacturers, and Traders of the town of Belfast, presented to the House on the 5th instant, was ordered to be printed.—"That your petitioners have, with feelings of regret, observed, that leave has been given by the House to bring a Bill into Parliament for the repeal of the existing laws against Usury, and feeling assured that such a measure would tend materially to injure the agricultural, commercial, and manufacturing interests of the United Kingdom, they would therefore most humbly hope and pray that the House will not sanction the repeal of those salutary laws under which the people of these countries have arisen to an eminence unequalled, and their property has found such protection; they therefore beg leave to submit that, in their estimation of the laws which have from time to time been deemed necessary by the wisdom of the Legislature for the protection of our Manufactures, Commerce, and Agriculture, none are more deserving of gratitude than those now in force against usurious transactions, the repeal of which would, they humbly conceive, increase the present distresses of the Empire, benefit the monied Interest alone, and tend to the injury of every other class of society; they therefore pray the House for the continuance of those protecting laws under which the country has hitherto flourished in its Commerce and Manufactures, and which afford the best security to the proprietors of landed and other fixed property."

LIST OF THE MINORITY

ON MR. CALCRAFT'S CLAUSE IN THE CIVIL SERVICES RECOMPENSE BILL, TO COMPEL PERSONS WHO MAY ACCEPT A PENSION UNDER IT, TO VACATE THEIR SEATS IN PARLIAMENT.

Bernett, James
Browne, Anthony
Calvert, C.
Duncannon, Visct.
Douglas, W. R. K.
Finlay, Kirkman
Fergusson, Sir R. C.
Gordon, Robert
Hammersley, H.
Heron, Sir R.
Lewis, T. F.
Lefevre, C. Shaw
Martin, Henry
Martin, John

Milton, Visct.
Newman, R. W.
Newport, Sir John
Neville, Hon. R.
Ponsouby, Rt. Hon. G.
Rashleigh, Wm.
Sharp, Rd.
Smith, Robt.
Tierney, Rt. Hon. G.
Teed, John
Vyse, R. W. H.
Webb, Ed.
Wilder, General

Tellers—Calcrafft, John; Ridley, Sir M. W.

HOUSE OF LORDS.

Wednesday, June 11.

The Irish Savings Banks Bill, was brought up from the Commons, and read a first time.

On the motion of the Lord Chancellor, it was ordered, that the House should proceed with

causes to-morrow; the place for the Court of Chancery being at present employed for purposes connected with the State Trials. (It was used as a waiting-room for the witnesses.)

HOUSE OF COMMONS.

Wednesday, June 11.

The Lord Mayor of London (Matthew Wood, Esquire) was sworn in as one of the Representatives of that City, (in the place of Mr. Alderman Combe) and took his seat in his robes.

Mr. Wrottesley, Mr. Harvey, and Mr. Evan Baillie, were added to the Committee on Ex-tents in Aid.

[USURY LAWS.] The following petition of inhabitants of Belfast, presented to the House on the 3d instant, was ordered to be printed. "That the petitioners have learned, with great satisfaction, that the House have determined to take into their serious consideration the laws now existing, which limit the interest of money by severe restrictive penalties; the petitioners, confident that this subject will receive from the House all the attention and deliberation due to its great importance, would have deemed it unnecessary to intrude the expression of their feelings, had not a portion of their townsmen, who hold different opinions, determined to lay before the House a memorial, the prayer of which is contrary to the wishes, and adverse to the sentiments, of the petitioners; the petitioners therefore humbly beg leave to express their conviction that the arguments in favour of the repeal of those restrictions rest on the basis of equity and enlightened policy, and that those which are urged on behalf of their continuance are founded on contracted views, formed under the influence and prejudices of habit, and at variance with those enlarged and liberal principles of political economy which have naturally kept pace with an improving state of society; the petitioners therefore humbly pray, that the House will be pleased to adopt such measures as may cause the existing restrictions to cease at as early a period as in their wisdom may be deemed compatible with the general interests of the State, and the existing engagements of individuals."

[SAVINGS BANKS.] The Irish Savings Banks Bill was read a third time, and passed.

[PERSONS COMMITTED FOR TREASON.] Lord Folkestone, in pursuance of his notice, rose and moved, "That an humble Address be presented to H. R. H. the Prince Regent, that he will be graciously pleased to give directions that there be laid before this House, a list of all persons now in confinement in Great Britain, by warrant of either of the Secretaries of State, or of six Privy Councillors, detained under the provisions of an act, passed in this present session of Parliament, 'for enabling his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government;' specifying the names of the persons so confined, their trades, professions, or occupa-

tions, their ages, the places of their confinement, the places where arrested, and the dates of their arrest and commitment; and also the name or names of the persons who signed the commitment."—The noble lord observed, that if any opposition should be made to this motion, on the ground that the number of persons in custody was small, he should think it an argument against suspending the liberties of the whole country for the crimes of a few; if the number was great, he should consider it an argument against intrusting power to individuals who thus abused it, by filling the gaols at a time when the country was in a state of profound tranquillity. He called for ages, because, as he had been informed, some very young persons had been committed; and he thought a knowledge of their rank and circumstances was very important, as the Habeas Corpus Act had never before been suspended unless some parties of power and consequence were implicated in designs against the Government. He had himself been prevented, by the orders of the Secretary of State, from seeing the prisoners confined in Reading gaol: but he inquired, and found, that of the three persons there, one named Knight, who was said to be the most troublesome of all, because he had addressed letters to the gaoler, was a poor and needy individual; and if not a lunatic already, which seemed to be the case from his letters, would probably soon become so in consequence of long confinement alone. The other two persons were declared by the gaoler to be the most harmless and inoffensive men he had ever met with: the one a journeyman cutler, the other a journeyman tailor (*a laugh*): neither of them able to read or write, and almost without clothes to their backs. These were the formidable conspirators for whom we were to suspend all the liberties of the country! (*Hear, hear.*) He thought it important to call for an account of the places where individuals had been arrested, as there were many cases of hardship and oppression incurred by removals to distant districts; and these men in Reading gaol had been sent thither from Manchester; so that, needy as they were, not a friend could relieve their wants—circumstances of great aggravation in the exercise of this dangerous and arbitrary power. (*Hear, hear.*)

Mr. H. Addington, in the absence of the noble Secretary of State, said, he had no objection to agree to a motion for the numbers, ages, and places of confinement of the persons who had been committed; but he submitted to the noble lord himself, whether any object would be attained, and whether it would not be detrimental to the parties themselves, to give their names. As to the letters written by Knight, in Reading gaol, the letter which had been sent to his wife containing a petition, but of which she was unable to pay the postage, had been forwarded to the Home office, and thence to the individual for whom it was intended. The noble lord ought to consider the great burden

thrown on Ministers in the execution of the purposes of the act, and that, if they failed to commit a suspicious person, they were quite as responsible as if they committed an innocent individual.

Sir F. Burdett thought it necessary to make some observations, because acts of arbitrary power were every day creeping in unnoticed, and at a time when there was not the shadow of a pretence for any departure from the established laws. He therefore hoped the noble lord would not alter his motion, or cease to seek for information on the actions of an Administration, assuming, as he believed, an authority they did not legally possess, even under the powers granted by the late act; and sending persons away to distant prisons, to aggravate all the evils of confinement. He recollected, that when a motion similar to the present was made in the year 1797, the House did not refuse a list of the names, though it was then urged, that if Ministers abused the authority vested in them, they would be liable to the penalty of an impeachment. However, when the act expired, a bill of indemnity passed, which shewed that the Ministry had at least been acting culpably enough, and much more so than the persons who had been their victims. Whatever pretences might be made about plots and conspiracies, there never was any reason for excluding the unfortunate men who were now undergoing their trial below, from all intercourse with the rest of the world; and the doing so was a gross violation of the confidence which the House had placed in Ministers. The right hon. gentleman had talked of the responsibility of Ministers, and of the burdens thrown upon them, and the sufferings of gentlemen in office, instead of reflecting on the sufferings of their victims, while the noble Secretary of State was perhaps at that moment riding in the Park, though ample notice had been given of the motion. On a subject so important, his non-attendance was a great disrespect to the House, and a gross neglect of duty; but if the noble lord had been present, he could not have given the shadow of a reason why a list of the names should be refused. With respect to the case of Knight, did the House consider what solitary confinement was? Did they recollect that insanity was its frequent consequence? If these men were innocent, and if the Secretary of State, who ought to have no manner of concern with the confinement of a criminal, interfered and directed the mode of it, which was done only under the most despotic governments, this was an additional reason for persisting to call for the names.

Mr. Canning, after inquiring whether the noble lord (Folkestone) was disposed to acquiesce in the proposal that had been made by his right hon. friend (Mr. H. Addington), and being answered in the negative, said, that the speech of the hon. baronet had been directed to a motion long since disposed of, on the burdens which the House had been pleased

to lay on Ministers under the act enabling his Majesty to imprison such persons as he suspected of disaffection. (*A laugh.*) The hon. baronet had not attempted to shew on fair parliamentary grounds that this power had been abused, but he had endeavoured to persuade the House to lament its decision, and to express an unfounded distrust, which would give sedition new spirit and courage at a moment the most critical that could be imagined. Did any man pretend to believe that the mischief had abated? Was it not notorious that on that very day intelligence had been received of fresh plans of disturbance? Instead, however, of contributing to assist in the suppression of these evils, the noble lord (if he persevered in his motion) and the hon. baronet wished to induce the House to concur with them in declaring that the power originally given to Government for that purpose was monstrous, that it had been grossly abused, and that it ought to be recalled. He had no objection to give the number, the ages, and the places of confinement of the persons who had been imprisoned; but to give their names, would be to afford useful intelligence to the disaffected throughout the country, and to make Parliament the medium of the communication. He should therefore move as an amendment, to limit the motion to a return of the number of persons confined, their ages, and the places of their confinement.

Mr. *Ponsonby* protested that he could see little difference between the original motion and the amendment, and ridiculed the notion that to communicate the names of the persons who were confined, would afford any encouragement or available information to the disaffected.

Mr. *B. Bathurst* contended that the disclosure of the names might be attended with great mischief.

Sir *W. Burroughs* observed, that the calendars at the approaching Assizes must disclose the name of every prisoner in all the gaols in the country. Why then should the right hon. gentleman resist the noble lord's motion? It was important to ascertain, before the discussion on the proposed renewal of the Suspension, whether among the persons confined there was a single man of property or connections, as that consideration must operate materially on the question. It was the duty of that House jealously to watch every proceeding of the Executive Government.

Lord *Folkestone*, in reply, pressed the expediency of adopting his motion.

The House divided on the original question.

Ayes 53, Noes 104.—The amendment was then agreed to.

SUSPENSION OF THE HABEAS CORPUS.] Mr. *C. Dundas* presented a petition of freeholders of Berkshire, against the renewal of the Suspension of the Habeas Corpus Act.

Lord *Folkestone* said, it was signed at one of the largest meetings known at Reading,

and on a day which was not a market-day. There had been previously a strong attempt at opposition by what was called the Pitt Club, but it had no effect on the general opinion and feeling; and only two hands were held up against the petition.

After a few words from Mr. *S. Lefevre*, it was ordered to lie on the table.

GUERNSEY.] Mr. *Bennet* moved an address for a "copy of the Report made by the commissioners directed to inquire into the jurisprudence of the island of Guernsey; also a copy of the commission, and the names of the commissioners, and the expenses of the same."

Mr. *B. Bathurst* opposed the motion, as inquiry had been made, and was still proceeding in a way which he hoped would terminate satisfactorily. The island, he observed, was jealous concerning its privileges.

Mr. *Bennet* remarked, that really the island paid no taxes; at least, comparatively speaking. The motion was negatived without a division.

BOROUGH REPRESENTATION.] Sir *F. Burdett* said, he had a petition to present, which related to abuses that had been but too frequently complained of; it was from John Greenway, a voter of the borough of Haslemere, and the contents of it must shew to every man the nature of the boroughmongering system, which was so adverse to constitutional principles, to true morality, and to every sound feeling. The petitioner stated, that Lord Lonsdale had conveyed to him a certain property, on which he was to vote in that borough, as, what was familiarly called a faggot vote. These faggots, it appeared, returned the two members to the House of Commons. But this man said, that he had a scruple of conscience about delivering up the property which had been conveyed to him, and which he had sworn at the election to be his own. In consequence of this, he stated, that he had met with vindictive persecution; and after various modes of attack, had been served with an ejectment. It seemed impossible for the House, if they received this petition, not to take some steps upon it. People were on their trial in the courts below on charges of treason, and it was impossible that the House could shut their eyes to a question which involved the worst of treasons. Offences of this description led inevitably to ingratitude, to perjury, to the injury of the public morals, and to the detriment of every sacred feeling of honour and of conscience. It was, after all, only a miniature representation of the general evils of the boroughmongering system, against which the dissatisfaction of the people was loudly expressed, and which dissatisfaction Ministers wished to put down. He believed that what they called treason arose from the abuses of this unconstitutional and nefarious system. The public knew well enough, that by law no person could interfere with, or nominate, a member of the House of Commons. They also

knew that there was a resolution on the journals of that House, that it was a high breach of the privileges of that House, as the representatives of the people of England, if a peer interfered in the election of a commoner. The case stated in the petition, contained every ingredient that was disgusting, and unconstitutional, in which he might say, by way of parody, that "every devil had set his seal to give the world assurance of a fiend." He should merely move that the petition be brought up, and then read.

Mr. *Bankes* wished to know more particularly the grievances complained of in the petition, and its prayer.

Sir *F. Burdett* said, that the grievance related to the mode of electing members of that House. The prayer was for the affording of redress as far as the House might think meet.—He was proceeding to read the petition, when Mr. *Bankes* rose again, and observed, that if the petitioner complained of a vindictive spirit exercised against him, it was matter for a court of law. In that case, he did not think it a sort of petition that ought to be received.

Sir *F. Burdett* said, that if the House could not afford relief, yet it was a matter which concerned their own privileges.

Mr. *Bankes* would not enter into the question of the competency of the House; but he thought that the petition should have been tendered at a more proper period, as a considerable time had passed since the election and the circumstances which had been stated.

Mr. *Brand* said, as he understood the matter, a Committee sat on the election, and the petitioner had been a sort of agent or engine of the noble lord who nominated to this borough. The petitioner swore to the property conveyed to him, and had kept it; and it did not appear, from all the circumstances, that he had a much earlier opportunity of stating his case. The contents of the petition involved a question as to the use of burgage tenures. The practice in such matters was to correct the evil immediately. He felt it incumbent on the House to take some measures in this case; but how could the whole of it be known, unless they heard the petition read?

Mr. *B. Bathurst* did not see how the House could take up the question, so as to decide upon it. A Committee of the House had seated the two members. Would it be contended that this was wrong? In fact it was, if any thing, a legal question. The hon. bart. could say no more than that the petitioner had a legal title to his conveyed property; but that he had been served with an ejectment. The courts of law must decide whether he had a *bonâ fide* property, or *vice versa*.

Sir *H. Parnell* observed, that he knew a case in which a man was called upon to return conveyed property the day after his vote. The conveyance was made to him by the agent of a peer who nominated for the borough.

Mr. *P. Moore* desired an opportunity of

judging of the merits by hearing the petition read.

Mr. *W. Smith* protested against the doctrine, that a member was not entitled to read from a petition in the course of his speech. He remembered a good deal about the mode of presenting petitions: and what the presenter should or should not say on such occasions. It had been said that the member should have read the petition, and seen that there was nothing in it improper. The House was always in a state of embarrassment on questions of this sort. If the allegations of the petition, as far as they had been mentioned, were true, they told facts which were alike anomalous to the law of the land and the constitution of that House. A freeholder or voter should be so *bonâ fide*. This petition shewed the contrary. Yet when the subject of burgage tenure came before the House, they all felt that men had freehold or other property made over to them fraudulently, and for a particular purpose. According to an old saying of Mr. Lee, the qualification of property was nothing more than a piece of parchment, with a seal dangling at the end of it. This was to convey a *bonâ fide* right to the temporary occupier; but how did the question stand in common sense and law, when the conveying party brought his ejectment? The man to whom the property was made had it, or had it not. The man appeared to be persecuted, because he would not give up what was made over to him. Here the House were in their accustomed embarrassment on such occasions. It would be better to enact something to establish the right of burgage tenures intelligibly, for the return of members, than to leave them as they are. They were now disgracefully covered with a cloak and a concealment. This shewed the absolute necessity of some Reform. He had nothing to do with the petitioner's conscience. (*A laugh.*) While these boroughs existed, it seemed good that now and then these faggots, as they were called, should come under the notice of Parliament.

The *Speaker* observed, that he believed it to be contrary to uniform practice, for a member to read a petition, which he wished to present. He might, however, state the substance of it. It did not become him to say a word farther; other matters must rest with the House.

Mr. *Cuswen* hoped the House would not be unwilling to hear the petition read. It stated some things which went against the honour and dignity of the House of Commons, out of which some measures might spring that might be of importance to the character of the House for its own vindication. The public discontent certainly arose in some part, from an idea of the improper construction of that House.—He did not see how the petition could be refused.

Sir *R. Fergusson* observed, that no objection was taken against the Berkshire petition, though it contained strong allegations. The House, he

thought, would not consult its own dignity, by refusing to receive the present petition.

Sir F. Burdett said, he could have introduced the petition in another way certainly; but he was not at all surprised at the feelings that had been manifested. He was not astonished at the disposition shewn by gentlemen opposite, who perhaps were returned in a similar way; nor at the speech of the hon. member for Corfe Castle (Mr. Bankes). It was natural to wish to avoid a discussion on practices too detestable to be defended within those walls; but it seemed to him impossible to pass over facts which were in defiance of the Statute Law, the Constitution, and every thing else that was valuable or sacred.—The petition involved a charge against a peer of the realm, for an interference in the election of a representative of the people in the Commons' House of Parliament; and for his having made a fraudulent conveyance to attain his object, which tended to the commission of perjury. To put the whole in a small compass, the transaction appeared to be fraudulent and unconstitutional, and fit for the House to consider. The public, however, would not shut their eyes on this case: and if the petition was received, he might probably move some measure upon it.

The House divided on the question of receiving the petition,

Ayes, 15 | Noes, 47 | Majority, 32.

CIVIL SERVICES RECOMPENSE BILL.] This bill was read a third time, and passed.

GRANT TO THE LATE SPEAKER.] A bill was brought in, and read a first time, "For settling and securing Annuities on Lord Colchester, and on the next person to whom the title of Lord Colchester shall descend, in consideration of his eminent services."

MUTINY BILL.] This Bill was read a third time, and passed.

LIST OF THE MINORITY

ON LORD FOLKESTONE'S MOTION.

Burrows, Sir W.	Leeson, Sir Wm.
Barnett, James	Langton, W. Gore
Bennet, Hon. H. G.	Mackintosh, Sir J.
Byng, George	Moore, P.
Brind, Hon. Thos.	Mathew, Hon. G.
Baring, Alex.	Methuen, Paul
Birch, Jos.	Neville, Hon. R.
Calcraft, John	Newport, Sir John
Calvert, C.	Nugent, Lord
Curwen, J. C.	North, D.
Cavendish, Lord G.	Orde, Wm.
Duncannon, Viscount	Ossulston, Lord
Dundas, C.	Osborne, Lord F.
Fazakerly, N.	Ponsonby, Rt. Hon. G.
Ferguson, Sir R. C.	Peirse, Henry
Finlay, Kirkman	Pelham, Hon. G. A.
Fitzroy, Lord J.	Parrell, Sir H.
Graffell, Pascoe	Ridley, Sir M. W.
Gurney, Hudson	Ramsden, J. C.
Guise, Sir Wm.	Romilly, Sir Samuel
Hughes, W. L.	Smith, Robt.
Heron, Sir R.	Sabright, Sir John
Hornby, E.	Spencer, Lord R.
Lloyd, J. M.	Taylor, M. A.

Webb, E.
Wood, Rt. Hon. M.
Lord Mayor

Williams, O.
Williams, Sir R.
Wharton, John

TELLERS.

Lord Folkestone and Sir F. Burdett.
Mr. Shaw Lefevre and Mr. Portman paired off on the Motion.

HOUSE OF LORDS.

Thursday, June 12.

Farther evidence was given on Miller's Divorce Bill.—Proceedings postponed till to-morrow.

REPORT OF THE SECRET COMMITTEE.] At one o'clock, the Earl of Liverpool laid on the table a green bag, containing farther information on the subject of traitorous practices. The papers were referred to the Secret Committee.—At five o'clock the Earl of Harrowby presented the Report of the Committee, which was read by the Clerk at the table, as follows:—

REPORT,

By the Lords Committees appointed to take into consideration the several Papers sealed up in a Bag, and delivered by command of his Royal Highness the Prince Regent, and to report to the House; and to whom were referred several other Papers sealed up in a Bag, also delivered by command of his Royal Highness:

ORDERED TO REPORT,

That the Committee have met, and proceeded in the examination of the Papers referred to them.

It is their painful duty to report, that these Papers afford but too many proofs of the continued existence of a traitorous conspiracy for the overthrow of our established Government and Constitution, and for the subversion of the existing order of Society.

The attempts of the conspirators have indeed hitherto been frustrated by the active exertions of the Government, and particularly of the Magistrates in different parts of the country, in execution both of the general laws provided for the maintenance of the public tranquillity, and of the special powers recently given by Parliament for that purpose; but the information contained in the Papers referred to the Committee, leaves no doubt in their minds, that the same wicked and desperate designs are still actively pursued. The information from which they have drawn this painful conclusion, appears to have been collected from many various sources, often unconnected with and unknown to each other; but it is uniform in its general result, and it is corroborated by a striking correspondence in many minute particulars.

This intelligence must be considered as resting in many of its parts, upon the depositions and communications of persons, who either are themselves, more or less, implicated in these

criminal transactions, or who have apparently engaged in them, but with a view of obtaining information, and imparting it to the Magistrates or to the Secretary of State.

The testimony of persons of both these descriptions must always be in some degree questionable; and your Committee have seen reason to apprehend, that the language and conduct of some of the latter may, in some instances, have had the effect of encouraging those designs, which it was intended they should only be the instruments of detecting. After making, however, to the best of their judgment, all due allowance for these circumstances, the Committee are fully persuaded that the following is a correct and not exaggerated statement of the result of the information which has been brought under their view.

The Papers relate almost exclusively to the principal manufacturing districts in some of the midland and northern counties of England; and although the disaffected in the country appear still to be looking to the metropolis with the hope of assistance and direction, it is to the parts of the country above referred to, that the more recent projects of insurrection seem to have been confined.

The Committee think it their duty here to remark, that although in many of these districts particular causes of distress have no doubt operated to expose the minds of the labouring classes of the community to irritation and perversion, yet they are persuaded that this distress must for the most part be considered rather as the instrument than as the cause of disaffection. In some of the places where these practices have prevailed, they believe the want of employment to have been less felt than in many other parts of the kingdom; while in other places, where the pressure has been perhaps most grievous, it has certainly been sustained with a spirit of patience, loyalty and good order, which cannot be too highly commended. And your Committee cannot refrain from expressing their opinion, that it is chiefly by the means pointed out in the Report of the former Committee, by the widely extended circulation of seditious and blasphemous publications, and by the effect of inflammatory discourses continually renewed, that this spirit has been principally excited and diffused. By these the attachment to our established Government and Constitution, and the respect for law, morality, and religion, have gradually been weakened among those whose situations most exposed them to this destructive influence: and it is thus that their minds have been prepared for the adoption of designs and measures no less injurious to their own interests and happiness than to those of every other class of his Majesty's subjects.

Since the period of the former Report, Manchester and its neighbourhood have (as far as your Committee has seen) been the only places where meetings have been convened and assembled sufficiently numerous to create immediate

apprehensions for the public tranquillity. At a meeting, which was convened there on the 3d of March for the purpose of petitioning against the Suspension of the Habeas Corpus Act, and where several thousand persons appear to have been assembled, it was proposed and agreed to, that another meeting should be held on the following Monday, viz. the 10th of March, with the professed intention that ten out of every twenty persons who should attend it should proceed to London with a petition to his Royal Highness the Prince Regent.

The interval was employed in almost daily meetings of the disaffected, which were numerous attended. The real intentions of the leaders were there developed to their followers in speeches of the most undisguised violence. One of them avowed that he was a republican and a leveller, and would never give up the cause till a republican form of government was established. The people were told by others, that if their petition was rejected, they must force it: that the large towns in Yorkshire were adopting the same plan, and would meet them on the road, or at least march at the same time to London: that there was reason to believe that the Scotch were then on their march: that they should be one hundred thousand strong, when joined by the people of other manufacturing places upon the road; and that it would be impossible for the army or any thing else to resist them. These speakers appear in a few instances to have been checked by some of their associates, but their sentiments were for the most part received with strong marks of applause and concurrence.

Arrangements for the march were also pointed out at these meetings. It was recommended to those who intended to join in it to provide themselves with blankets, shoes, and knapsacks, as well as with money and food. Those who remained to work were to assist with their subscriptions. Every ten men were to choose one for a leader; and one was to be set over every hundred. Strong intimations were also given of the propriety and necessity of their providing themselves with arms; but these do not appear to have been acted upon, except perhaps in a few instances.

On the 10th of March the proposed meeting took place, to the amount, as is supposed, of from 10,000 to 12,000 persons at the least. Although some of their leaders had been previously arrested, and others were apprehended on the spot, the purpose was not abandoned; and large numbers of these deluded people marched off towards London.

A considerable body of them was stopped on the road to Stockport; some hundreds are stated to have passed through Leek; and one party proceeded as far as Ashbourne; but the activity of the magistrates in dispersing the meeting, and in stopping the progress of these bodies, effectually prevented the execution of a design which could not probably have failed to disturb the

peace of the counties through which so numerous an assemblage was to have passed; and which, if prosecuted to its full extent, must have led to consequences highly dangerous to the public tranquillity.

The discomfiture of this attempt does not, however, appear to have materially discouraged those who have planned it; their measures were uninterruptedly pursued. Within a very short time after this failure, fresh meetings were held in smaller numbers; they were composed either wholly or in part of delegates from the neighbourhood of Manchester, from the borders of Derbyshire, and from the manufacturing districts of Yorkshire. At some of these meetings reports were made of the quantity of pikes, of firelocks, and of bullets which could be provided for the intended rising. Communications were held about this time with Nottingham, Sheffield, and Birmingham by delegates, who were to give intelligence of the plans in contemplation, to excite the people of those places to similar attempts, and to ascertain the state of preparation to which they had advanced. In these proceedings the pretence of Parliamentary Reform appears to have been almost wholly discarded; they evidently point to nothing short of revolution; and it affords a dreadful proof of the extent to which the minds of many of those who attended these meetings have been inflamed and corrupted, that in public speeches the necessity of doing away with, or disposing of, (as they term it) the persons most obnoxious to them, has often been openly and unreservedly announced; and that on one occasion it is stated to have been proposed that Manchester should be made a Moscow, for the purpose of strengthening their cause, by throwing numbers of people out of employment.

It was on the night of the 30th of March that a general insurrection was intended to have commenced at Manchester. The magistrates were to be seized; the prisoners were to be liberated; the soldiers were either to be surprised in their barracks, or a certain number of factories were to be set on fire, for the purpose of drawing the soldiers out of their barracks, of which a party stationed near them for that object were then to take possession, with the view of seizing the magazine.

The signal for the commencement of these proceedings was to be the firing of a rocket or rockets; and hopes were held out that 2,000 or 3,000 men would be sufficient to accomplish the first object, and that the insurgents would be 50,000 strong in the morning.

At this period, and in other parts of these proceedings, there are traces of an intention to issue proclamations, declaring the King's subjects absolved from their allegiance, and denouncing death against all opposers; but the Committee have not found any evidence of the actual preparation of such proclamations.

This atrocious conspiracy was detected by the vigilance of the magistrates, and defeated

by the apprehension and confinement of some of the ringleaders a few days before the period fixed for its execution. The timely prevention of this desperate attempt appears to have given a considerable check to the proceedings of the disaffected in that quarter; and all the subsequent intelligence which the Committee has seen from thence continues to be of a more favourable character.

During part of the month of April an intermission appears indeed to have taken place generally, at least of the more open proceedings, public meetings in large bodies could no longer be convened, except under the regulations of the recent Act of Parliament. Numerous meetings of societies have been less frequently held in public-houses. In some districts clubs have been dissolved; in others their meetings have been suspended, or have been held in private houses, or in places remote from observation. The necessity of greater caution has been felt and inculcated; communications by writing have been discontinued; the concealment of the names of leading persons has been recommended; and it has been thought better that a few persons only should be intrusted with their plans, and should give notice to the different delegates to have their partizans in readiness to act when required and as directed. These delegates appointed from various places have met in small numbers, and thus kept up a general but verbal correspondence among the disaffected.

Towards the end of April, and during the month of May, this correspondence appears to have been carried on with increased activity. As early as the 5th of that month a meeting is stated to have been held in one of the principal towns of the West Riding of Yorkshire, and to have been attended by persons calling themselves delegates from other principal towns of that district; and also from Leicester, from Birmingham, and from Nottingham. At this meeting reports were made by the different delegates of the strength which could be collected from the districts which they represented. The numbers were stated as very large; but the Committee are well aware of the exaggeration to be expected in such cases. It was about this time that the period for another general rising appears to have been fixed for as early a day as possible after the discussion of an expected motion for Reform in Parliament. Nottingham appears to have been intended as the head-quarters, upon which a part of the insurgents were to march in the first instance. They were expected to be joined there, and on their march towards London by other bodies with such arms as they might have already provided, or might procure by force from private houses, or from the different depôts or barracks of which the attack was proposed.

At various subsequent meetings at different places, reports are stated to have been made of a great increase of numbers, so great that it was said on one occasion that they were obliged

daily to extend their divisions, and enlarge their Committee.

Concurrent information from many of the quarters from whence these delegates were said to be deputed, confirms the expectation of a general rising about the time above-mentioned, and states its subsequent postponement to the 9th or 10th of June, for which various reasons were assigned.

The latest intelligence from those quarters had made it highly probable that the same causes which have hitherto thwarted the execution of these desperate designs, viz. the vigilance of Government—the great activity and intelligence of the magistrates—the ready assistance afforded under their orders by the regular troops and yeomanry—the prompt and efficient arrangements of the officers intrusted with that service—the knowledge which has from time to time been obtained of the plans of the disaffected, and the consequent arrest and confinement of the leading agitators, would occasion a still further postponement of their atrocious plans. Subsequent intelligence leaves no doubt that the plan, in its full extent, has for the present been frustrated: but the correctness of the information which had previously been obtained has been confirmed by the recent appearance of bodies of men in arms at the precise period which is stated to have been fixed upon, and particularly in one of the districts, which had latterly been represented as determined to act without waiting for a general insurrection.

The Committee think it highly important to state, that the reports received from many of the most active magistrates, and from persons whose stations, both civil and military, have enabled them to collect the most extensive information, and to form the most accurate judgment as to the state of the country, concur in attributing in a very considerable degree the disappointment of the attempts already made, and the hopes of continued tranquillity, to the actual exercise of the powers which Parliament has intrusted to the Executive Government, and to the effect of the known existence of such powers ready to be called into action when necessity requires it,—and in representing the danger which would threaten the country, were those powers to be withdrawn at the present moment. And the Committee feel that they should ill discharge the trust reposed in them, if they did not declare their own entire agreement in this opinion. With the fullest confidence in the general loyalty and good disposition, not only of those portions of the kingdom which have hitherto remained in a great degree untainted, but of by far the most considerable part of those very districts which are the chief scenes of the operations of the disaffected—a confidence which very recent experience has satisfactorily confirmed—they cannot refrain from submitting to your lordships, as the result of all the information they have received, that the time is not

yet arrived when the maintenance of the public tranquillity, and the protection of the lives and properties of his Majesty's subjects, can be allowed to rest upon the ordinary powers of the law."

The Earl of Harrowby moved, that the Report do lie on the table, and be printed, which was ordered.

The Earl of Liverpool then gave notice, that in case the Report should be printed in time, a noble friend of his would bring in a Bill for continuing the suspension of the Habeas Corpus Act to-morrow, and move the first reading on that day.

Lord Holland presented a petition of freeholders of Berkshire against the farther suspension of the Habeas Corpus Act. This petition, his lordship stated, was agreed to at a very large and respectable meeting, and would have been much more numerously signed had it not been apprehended that Ministers intended to hurry through both Houses the bill for continuing the suspension, and that the petition might come too late.—It was read, and laid on the table.

COMMISSION OF THE PEACE, (IRELAND.) Earl Grey presented a petition of Patrick O'Hanlon, Esq. which stated, that the petitioner having freehold estates in the counties of Down and Armagh, had been appointed a justice of peace. That in 1808 his name had been struck out by Lord Chancellor Manners; that he had requested an investigation of his conduct; that Lord Chancellor Manners had afterwards written him a letter, stating that an investigation had taken place; that nothing had appeared against him; and that his name was restored in the list of commissioners of the peace. That in 1816 his name was again struck out. The petitioner stated, that in the discharge of his own duty as a magistrate, his principle was to deal with perfect impartiality between Protestant and Catholic, and that he had discouraged the Orange Societies, as well as those formed among the Catholics in opposition to them; that in discouraging the Orange Societies he had sometimes been under the necessity of acting contrary to the opinions and conduct of many of his brother magistrates; that he applied to Lord Manners for an explanation, but that all he could obtain was, a statement that a complaint had been made against him by some other magistrates, and the Lord Chancellor promised to call upon them for a specific charge; that the petitioner had conversed with the Attorney-General (Saurin) on the subject, and was informed, that the charge against him was, his discouraging the Orange Societies: that the petitioner had no occasion to call upon their lordships to vindicate his character, as that had been sufficiently cleared; but that he had petitioned the House for the purpose of directing their attention to these circumstances.

The petition was laid on the table.

HOUSE OF COMMONS.

Thursday, June 12.

COTTAGE WINDOW TAX (SCOTLAND.) A variety of petitions had been presented on this subject in the course of the session by Lord *A. Hamilton*, who repeatedly exposed the hardship and injustice of the tax. The noble lord now, with the acquiescence of the *Chancellor of the Exchequer*, obtained leave to bring in a Bill to repeal so much of the 43d Geo. III. c. 161, as relates to the tax on houses in Scotland, not having more than four windows, paying a rent not exceeding *5l.* annually.

VACCINATION.] The Annual Report of the National Vaccine Establishment was presented, (by command) and ordered to lie on the table, and to be printed.

TRINITY HOUSE.] Mr. *Birch*, disclaiming any invidious reflections on the elder Brethren of the Trinity House, endeavoured to shew that the pensions were very partially distributed, and moved for a return "of the mode of election adopted by the elder Brethren on admitting petitioners to the benefit of the funds of the corporation applicable to charitable purposes."

Mr. *Rose* seconded the motion (*a laugh*), and accounted distinctly for any apparent partiality in the distribution of the pensions.

Mr. *Curwen* thought, that the pensions should be apportioned according to the contributions; and complained, that in Cumberland no appointment was made but through the influence of a noble peer. He complained also of the terms of a letter written by the elder Brethren of the Trinity House, in answer to some inquiries that had been made.

Sir *F. Burdett* remarked, that the comity of the right hon. gentleman's manner (Mr. *Rose's*), contrasted with the asperity of the letter alluded to, put him in mind of Dryden's character of Lord Dorset, "that he was the best natured man with the worst natured Muse;" he hoped the House would see that the funds were impartially distributed.

Mr. *Money* defended the conduct of the elder Brethren of the Trinity House. They had acted on all occasions in the most disinterested and meritorious manner; particularly in removing the buoys, under the peril of being hanged, at the mutiny of the *Nore*. If the Board acted wrong, a petition against them lay to the Privy Council.

Mr. *Grenfell* believed that the funds of the society had been distributed with great impartiality, though he agreed that the distribution should be proportioned at various places to the contribution.

Mr. *Birch*, shortly replied, and

Mr. *Rose* having explained, the motion was agreed to.

SHERIFFS IN IRELAND BILL.—FORFEITED RECOGNIZANCES (IRELAND) BILL.] These bills were read a third time and passed.

CALL OF THE HOUSE.] Mr. *Tierney* moved,

that the Call of the House should be postponed till Thursday next.

Mr. *Curwen* said, the call of the House was a farce, after 70 leaves of absence had been given; either the call ought to be rigidly enforced or relinquished.

Mr. *Bennet* thought it of great importance that as full an attendance as possible should be obtained.—It was at last fixed for Tuesday next.

BRITISH MUSEUM.] In a Committee of Supply, the charge for the British Museum, (see pages 1351—1362.) was farther considered, and agreed to.

GRANT TO THE LATE SPEAKER.] Mr. *Lushington* moved the second reading of the bill for securing this grant.

Sir *M. W. Ridley* observed, that Lord Colchester's annuity was only to be diminished one half in the event of his accepting an office, equal, or greater in value than the annuity. He thought this an unnecessary deviation from the usual practice.

Mr. *Ponsonby* said, that Lord Colchester's pension was for his own life 4,000*l.* a year. Suppose him made Secretary of State, for which he would receive 6,000*l.* a year, was he to give up 3,000*l.* a year of that, or only 2,000*l.* a year from the annuity? There was a singular exception in this case to the general rule. He ought to give up what was equal to the salary of the office he accepted.

Mr. *Lushington* said, half the pension was to abate on the acceptance of office.

Mr. *Ponsonby* could see no reason for departing from the usual rule. If Lord Colchester took an office with a superior salary, he ought to receive the whole of such salary, and give up all the pension *pro tempore*.

The bill was read a second time, and committed for to-morrow.

HOUSE OF LORDS.

Friday, June 13.

Further evidence was given on Miller's Divorce Bill.—Proceedings postponed till Tuesday.

SUSPENSION OF THE HABEAS CORPUS ACT.] Lord *Sidmouth* rose and addressed the House as follows:—"The Report of the Secret Committee being now on your lordships' table, I present to your lordships a bill for the continuance of the measure called the Suspension of the Habeas Corpus Act; and in presenting this bill I beg leave to assure your lordships, that I do it under the fullest and deepest conviction of the urgent necessity that it should pass into a law. The ground on which that opinion rests, I shall state to your lordships on Monday next, when I propose, with your lordships' permission, to move the second reading of the bill.

His lordship then laid the bill on the table.

Earl *Grey*.—Following the example of the noble Secretary who has presented this bill, I shall reserve till Monday next the statement of the reasons why I am of a directly contrary opinion; but, my lords, I cannot suffer this occa-

sion to pass without declaring, that from all I have heard, and all I have seen, I entertain the strongest conviction that there is no necessity for this measure; and that if any danger threatens the country at this moment—and I do not mean to deny that danger does exist—that danger arises from this measure, and the course of proceedings pursued by the Ministers of the Crown; which, instead of being a remedy for the evils of our present situation, are in reality a high aggravation of all the dangers to which the country is exposed.

The bill was read a first time, and ordered to be printed.

Lord *Sidmouth* gave notice, that he would move the second reading on Monday next.—It was ordered that the lords be summoned for that day.

HOUSE OF COMMONS.

Friday, June 13.

Mr. *Peel* took the oaths and his seat for the University of Oxford.—The right hon. gentleman was afterwards added to the Finance Committee.

ALE-HOUSES.] The Ale-house Licence Regulation Bill was read a second time, and committed, the report brought up, the bill ordered to be printed, and the report considered on Friday next.

IRISH GRAND JURY PRESENTMENTS.] On the motion of Mr. *V. Fitzgerald*, the Irish Grand Jury Presentments Bill was read a second time. It contained a provision for the appointment of county surveyors to assist the Grand Jury in their deliberations.

Colonel *Barry* and Sir *H. Parnell* expressed their approbation of the general principle of the bill.

Mr. *Peel* thought the grand jurors should be relieved from the obligation of an oath of secrecy, so far as related to the civil business of the county; conceiving that public opinion was a greater check on misconduct than any legislative enactments.

Mr. *Courtenay* approved of the outline of the bill, but proposed to offer some modifications in the Committee.

Sir *J. Newport* urged the immediate forwarding of the measure.

Sir *F. Flood* entirely concurred in it, as far as it went.

Mr. *Croker* recommended, that if there were to be but one presentment in a year, it should be made at one assizes, and reconsidered at the next.

The bill was read a second time, and committed for Monday.

IRISH INSURRECTION ACT.] Mr. *Peel* moved that the House should resolve itself into a Committee on the bill to continue this act.

Sir *H. Parnell* wished for a Committee to examine into the matter, and particularly to consider the papers that had been presented to the

House, respecting the disturbed state of Ireland. Inquiry should be made to ascertain the danger, and whether this bill was a proper remedy. It created six new transportable offences. It was said, they might depend on the magistracy and the Government; but it was not wise to grant such powers on personal grounds. By the continuance of different acts, a sort of *gêne d'armée* was kept up, and a new system of Government seemed intended for Ireland, by military means. The law was enacted to suppress attempts at rebellion, and continued in consequence of a French party being supposed to exist in Ireland, who administered oaths tending to the subversion of Government; but in the present instance, after all the explanations that had been given, no treasonable associations could be shewn. Indeed, this was clear, by Ministers not extending the suspension of the Habeas Corpus Act to Ireland. That the ordinary course of law was sufficient, he thought evident from the trials and convictions in Tipperary in 1811, when six were sentenced to death, and twenty-seven to transportation. The procuring of evidence, therefore, could not be very difficult. In the county of Waterford, twelve were tried and sentenced capitally. In 1813, a barrack was burned in Tipperary, and thirteen persons were convicted. In two years and a half, 298 persons were tried and convicted by the ordinary process of the law, for felonious offences. The proposed measure was too violent, and therefore ought not to be applied to all Ireland. For the sake of gaining some time for examination, he moved that the bill should be committed on that day se'nnight.

Mr. *V. Fitzgerald* said, that Government had been driven to the measure by the necessity of the case. He could see no good ground for even one day's delay. The act had been passed by several successive Parliaments, and no gentleman could be supposed ignorant of its contents.

Sir *S. Romilly* said, he knew very little about Ireland, but he felt the duty he had to discharge in legislating in that House. He observed, that many benches were empty on a subject of so much importance as that of vesting the Government and magistracy of Ireland, with the power of taking away the Constitution from the people of that country, during a period of profound peace. Measures of this description were introduced, both into England and Ireland, relating both to our own subjects and to aliens, and might go on till the people became accustomed to despotic authority. At present the act was in force till the end of the session. All that had been proposed was, to defer it for a week, to give more opportunity of inquiring into the reasons of it; yet that was to be refused. As far as he understood the bill, it gave a power by which even an innocent man might be transported for seven years, because he was absent from home. It would be said, perhaps, that lawful cause of absence might be shewn. The man must prove that; but he might not be able to do so satisfac-

torily. The situation of the country might, unfortunately, be such as to require rigorous measures; but how could the House discharge its duty, without farther inquiry. From the best information he had received, he verily believed, that in Ireland the general relaxation of morals, and the mal-administration of the law, arose not from the state of the Catholic question, but chiefly from that animosity which generally existed among the people against each other. So he had been informed by persons of good judgment. The other day, the right hon. gentleman spoke of the manner in which the power had been hitherto exercised. It now appeared, that the outrages in Louth, were not the cause of its renewal. He (Sir S. R.) had understood that they were; he therefore required farther information.

Mr. F. Fitzgerald spoke to order, as the learned gentleman had no right to refer in that manner to arguments on a former debate.

Sir J. Newport thought the arguments used to recommend a measure, might be commented upon in all its stages.

Mr. F. Fitzgerald did not deny the competency of a member to refer to the reasons generally given; but objected to the going into a reply to particular arguments.

Sir W. Burroughs considered that every member had a right to notice all the arguments that were used in support of any measure.

The Speaker said, he conceived the point of order to be correctly stated by the right hon. gentleman; but infinite difficulty would evidently arise, if some latitude were not allowed beyond the strict line. This must chiefly depend upon the good sense and feeling of members.

Mr. W. Smith understood, that words used in a former debate were not to be repeated; but the case appeared different as to arguments.

Sir S. Romilly was sorry any interruption had taken place. He had understood that the transactions in Louth formed the particular ground of the bill; he had thought that that county alone was the object of it; and if so, he did not know why the act might not be confined in its operation to that district, without affecting the whole people of Ireland. It seemed impossible to divert the question of the consideration of personal confidence. Five or six gentlemen had supported the bill before, on the ground of the conduct of the Irish Government; but now this Government, it appeared, was to be changed. There was to be a new lord lieutenant, and a new secretary, and who they were to be was not yet known. The power was therefore to be intrusted to new, and as yet unknown hands.—There could be no reason for this, short of absolute necessity. Was there an English member present who could, with a safe conscience, vote this great power, without some previous information or inquiry? He asked if there was any English member who would wish to deprive Ireland of the benefits of the Constitution, any more than England? It was a reproach to the House not to have inquired more early into the state of

Ireland. No one could see the comparative number of persons committed and convicted in Ireland and this country, without acknowledging that misgovernment must exist in the former, that the magistrates did not well execute their duties, and that it was necessary to correct that system of mal-administration by which Ireland was treated as a conquered country, and not as a member of the empire. (*Hear, hear.*)

Mr. Peel observed, that the hon. and learned gentleman had mistaken what he said on a former occasion. He had merely said—that if the authority conferred on the Government of Ireland had been abused, it would have been a strong reason for refusing a continuance of it; but he never asked the grant of large discretionary powers on the sole ground, that when formerly given, they had been exercised with prudence, lenity, and moderation. He particularly disclaimed at the time any such plea, and rested the measure entirely on the necessity of the case. The hon. and learned gentleman was likewise mistaken when he said, that he referred to the state of the county of Louth alone as the only justification of the measure he recommended. His argument was, that though the country was generally tranquil, yet if there was one part of it so disturbed that the laws could not be executed in their usual course, it was necessary to arm the Government with this act, to be exercised on its responsibility, when the emergency arose. The motion of the hon. baronet, (Sir H. Parnell) appeared to be very extraordinary. He did not oppose the passing of the bill, but he proposed that it should be suspended till farther inquiry was made, and with this object he moved for a Committee. He (Mr. P.) denied that there was any reason for the appointment of such a Committee. He could conceive cases in which a special inquiry by a Committee should take place before Parliament proceeded to legislate, such as when evidence was to be examined, and facts collected; but here there was no necessity for farther information, if the statements laid before the House were at all to be credited. He had himself produced facts notorious to every Irish member, and known to the whole country. He had thus laid sufficient grounds for the measure he introduced. He had no motive for withholding information, and accordingly had given all that he knew. He called for powers that he thought necessary, and he produced evidence of that necessity. There never came before Parliament a case in which Government had more clearly offered the grounds on which it called for permission to act on its responsibility, and on which the House had received better means of judging whether that permission ought to be granted. The hon. and learned gentleman had claimed the privilege of judging on the question, and he was much obliged to him for the interest he took in it; but he was sure that he would allow the honesty of opinions of the members who had

better means of judging than himself. He (Mr. P.) could not but refer here to the discussion which took place on a former night, in which many members stated their opinions on this measure, and pleaded, though reluctantly, its justification. An hon. baronet (Sir J. Newport) allowed its necessity, though he recommended previous and more extensive examination. The declarations of other hon. gentlemen were to the same effect, with the same qualification.—Against this general concurrence of opinion, there were only three members from Ireland that opposed it—the member for Queen's county, (Sir H. Parnell)—the member for Tipperary, (General Mathew)—and the member for Colchester (Sir W. Burroughs). The two last could not be supposed to be so well acquainted with the country, as, from professional avocations in the case of the hon. and learned gentleman (Sir W. B.), and from other causes of absence in the gallant general, they had not resided in Ireland much of late. The hon. baronet had accused him of wishing to introduce a new kind of government into Ireland, but he appeared very unhappy in his selection of proofs. The present, which was called one of the new measures, was really a very old act, and would not have been produced as an instance of a change of system, if the hon. baronet had reflected upon its history. This act commenced in 1806, and had been modified in 1808 and in 1814.—Adverting to the insufficiency of the measure, as mentioned by the hon. baronet, he denied that it was inefficient; and produced facts to substantiate his statement. In one county, in the course of 3 months, 10 innocent persons were devoted to assassination; 13 houses were plundered. In the 3 months after this act was passed, only one transportation took place, although there were eight convictions. In the county of Westmeath, an atrocious murder was committed on a witness merely for giving evidence. The magistrates applied for the Insurrection Act, which was granted in November, 1815, and withdrawn in April, 1816; the county was tranquillized, and only four transportations took place. In the King's County, where the same act was applied for on the same necessity, only one person was transported in the course of four months. He did not say that one transportation was the only evil resulting from it: he knew that many individuals suffered much inconvenience; but this was more than overbalanced by the protection which it gave to the peaceable and well-disposed. In the liberties of Limerick, the act was enforced in October, 1815, and withdrawn in April, 1816, and only one person was transported. He defended the conduct of the magistrates in applying for it, and contended, that the promptitude with which they called for its being withdrawn, shewed that they were convinced of its necessity.

Sir W. Burroughs entered into an examination of the various clauses of the act; commented in strong terms on its severity; and insisted, that while it was inefficient for the purpose for which

it was intended, it produced the greatest inconvenience and oppression wherever it was enforced. He particularly dwelt on the immense disproportion between the numbers apprehended, and the numbers convicted, in the several counties; and argued, that as it was to be presumed that the Petty Sessions, so much praised by the right hon. gentleman, had done their duty, therefore all those acquitted had been justly acquitted, and had consequently been falsely and wrongfully arrested. In support of this argument he stated, that in Tipperary, 178 persons were apprehended, and 132 of these were acquitted; in another county 67 were apprehended, and 12 only convicted; in another, 11 were apprehended, and 1 only was convicted; in Westmeath, 63 were apprehended, 7 only convicted. In all, 328 were apprehended, 68 only convicted, and 268 acquitted; and therefore these 268 were to be presumed innocent persons, who had suffered on account of this act. This oppressive enactment was to be extended all over Ireland, for no other reason than because it had been before so extended. And by whom? he was sorry to say by those who called the most horrible scourgings and atrocious violence by the name of vigour. If such a system was to be continued in Ireland, he should despair of seeing that country ever return to the enjoyment of the blessings of the British Constitution, a Constitution so dear to every man who professed to know it. He should, indeed, despair if laws, which no one dare propose for the government of England, should be passed, and almost as a matter of course, to press down the people of his native country. Ireland was in a most deplorable condition, filled as it was on one hand with a depressed, and degraded population, and on the other, with an oligarchy, who were more ready to demand severe laws against the people, than the Government itself was to grant them. He should propose that the magistrates should no longer have the power of trying without a jury; and he entreated the House to consider that mere coercion, mere vigour, as it was called, would only add to the dissatisfaction which it professed to remove.

Mr. Peel and Sir W. Burroughs mutually explained.

General Mathew expressed his astonishment that so tyrannical a measure should be introduced, after the repeated refusals of the noble lord opposite (Lord Castlereagh), to extend the Suspension of the Habeas Corpus Act to Ireland.—He contended, that by the present bill, the Irishman would be subjected to greater oppression than the Englishman; for the latter had counsel allotted to him, while the former was liable to be carried off without a moment's warning, by a set of fellows well known in Ireland (he meant no disrespect to the right hon. gentleman), by the name of *Peelers*; and then to be hurried before a set of intolerant bigotted Orange magistrates; thence to be thrust into prison, where he would be half starved, and

would linger till the Government should please to transport him to Botany Bay; and all this for no other offence, probably, than for walking an hundred yards from his own house, perhaps in his own garden, and for stopping an hour or two longer than usual, to sup with a neighbouring friend. As to some of the counties alleged to be disturbed, he could say of his own knowledge, that Tipperary was perfectly quiet, and one of the members for Limerick had told him the other day, that the same was the case there, though to be sure no rents could be collected.—As to Louth, he believed that three or four of its districts were disturbed; but was [that a reason for giving the Government a powerful engine to control and tyrannize over the whole kingdom? Suppose a member for Yorkshire or Cornwall should tell the House, that three or four of the hundreds or districts in one of those counties were disturbed, for instance, by some squabbles and fighting among the miners, would a rignmarole story of this kind justify, in the eyes of the House, an enactment against the whole people of England? He did not know what were the ultimate objects of Ministers with respect to Ireland; but this he knew, that starvation, misery, and deep despair, were taking fast hold of that wretched people; that all public spirit was lost; that its commerce was destroyed; its fields laid waste and barren; its towns and villages were depopulated and desolate. Did the Ministers wish to add still farther to the miseries of that afflicted and degraded country? Was it their object to make it merely an impoverished province of England? (*Hear, hear.*) What did they mean by their cry of Protestant ascendancy? Was it their intention again to try their strength at the point of the bayonet, and force the people into insurrection for the sake of crushing them? He knew well that the late Lord Clare, when speaking of the seizure of Lord Edward Fitzgerald, had said,—“D—n the fellow, why did he not escape; we have long known what he was about, but we expected that he would get away.” This was one instance of the excellence of that notorious system of informing then so rife in Ireland, and which seemed to be spreading in a country not so distant? Did the House know, he could assure them it was a fact, that one of the most notorious informers in Ireland, was now in England, and had been one of the grand jury which the other day found a bill against the prisoners now on trial? (*Cries of hear, hear.*) Yes, this man, formerly an united Irishman, and who betrayed his associates, was now Thomas Reynolds, Esq., of Welbeck-street, a freeholder of the county of Middlesex. (*Hear, hear.*) He was now a flourishing man; and equally flourishing perhaps, hereafter, might be another informer—he meant that horrible wretch, that infamous villain, Castle! (*Cries of hear from the Opposition, and of order from the Ministerial benches.*)

Mr. Goulburn trusted that the House would feel that the gallant general was not in order.

General Mathew proceeded. He wished to repeat his question, What was meant by the cry of Protestant ascendancy? Did they mean to serve Ireland as it was served by the Deputy Mountjoy, in the time of Elizabeth, and by the savage Cromwell, who parcelled it out among his British soldiery, and hungry followers?—Was the country again to be confiscated and parcelled out? If so, the Ministers might indeed enjoy the barren triumph of reigning in gloomy silence and sullen dignity, over an universal waste, or an universal barrack, till all that remained of what once was Ireland, the scanty and wretched relics of ancient honour and ancient valour, should sink at last into a condition of such abject debasement, as, like negro slaves, to lick the very feet of the odious tyrants who trod them down. (*Cries of hear.*)

Mr. Blake, Mr. Croker, Mr. Knox, and Sir F. Flood, severally spoke in favour of the bill.

Sir J. Newport said, that the permanent tranquillity of Ireland could be secured only by an equality of political rights. The want of this he considered the basis of all the evils that prevailed. However, he believed that under the present circumstances of the country, the application of this law was necessary, and with that view he reluctantly voted for it, hoping that the business would be reconsidered early next Session.

The original question, “that the Speaker should then leave the chair,” was then put.

Sir W. Burroughs expressed his intention of proposing a clause, making it imperative on the magistrates to call a jury in all cases.

Mr. Peel thought the amendment would be inconvenient, and hoped the hon. gentleman would not attempt thus to modify the bill.

Sir W. Burroughs explained, and Mr. Peel replied, that the clause proposed would entirely frustrate the operation of the bill.

The original question was then carried, and the House went into a Committee on the bill.

On the clause that the bill should endure for one year,

Sir W. Burroughs moved as an amendment, “Till six weeks after the commencement of the next Session of Parliament.”

Sir J. Newport supported the amendment.

Mr. Peel said, the measure had been enacted on former occasions for seven years, and never less than two.

The amendment was negatived, and the House resumed, and the Report was ordered to be brought up to-morrow.

COMMITTEE OF SUPPLY.] On the motion of Mr. Arbuthnot, the House went into a Committee of Supply, when the following sums were voted: 10,000*l.* for works carrying on at the College of Edinburgh for 1817;—11,400*l.* to defray the expense of the Penitentiary House, from the 24th June 1817 to the 24th June 1818;—40,000*l.* towards defraying the expense of the building of a Penitentiary House at Millbank, for 1817;—and 40*l.* 10*s.* 5*d.* to make good the deficiency of the grant in the present

Session for printing 1750 copies of the 70th volume of Journals of the House.

To a question from Mr. *Gordon*, Mr. *Arbuthnot* said, that 120,000*l.* had been already expended on the Penitentiary. The whole sum granted was 550,000*l.*

To a question from Sir *S. Romilly*, Mr. *Arbuthnot* replied, that the prison when completed would contain 400 males and 400 females.

The Report was ordered to be brought up on Monday.

GRANT TO THE LATE SPEAKER.] The House went into a Committee on the bill for securing this grant.

Sir *M. W. Ridley* proposed that the whole pension should abate, if the noble lord should be appointed to an office, the salary of which should be equal to, or greater than the pension.

Mr. *Calcraft* supported the proposal, and thought that the retired Speaker might fairly be put on the same footing as a retired Chancellor.

The *Chancellor of the Exchequer* said, that as the bill now stood, half Lord Colchester's pension would abate in the event of his acceptance of any such office as that alluded to by the hon. baronet, to be restored on his retirement from that office.

After a few words from Mr. *Gipps*, and Mr. *D. Gilbert*, in opposition to the proposal, the bill passed through the Committee.

HOUSE OF COMMONS.

Saturday, June 14.

FINANCE COMMITTEE.] Mr. *D. Gilbert* brought up the Fifth Report of the Committee on Public Income and Expenditure, respecting Irish Estimates of Civil Services.—It was laid on the table, and ordered to be printed.

HOUSE OF LORDS.

Monday, June 16.

The Royal Assent was given by commission to the Poor Employment Bill, Bayley's and Owen's Divorce Bills, and several other public and private bills.

PERSONS CONFINED FOR TREASON.] Earl *Grosvenor* moved for a return of the persons confined under the Habeas Corpus Suspension Act, their names, numbers, descriptions and ages. He rather supposed that there would be no objection to agree to this in substance, and therefore made the motion without a previous notice. It was material that the ages and descriptions should be given, because he was persuaded that from these it would appear, that the persons in question had not been supported in whatever designs they might have entertained against the Constitution of their country, by people of any great consequence or consideration, or such as could afford to furnish them with pecuniary or any other assistance, to any great extent. Without giving any opinion, whether the prisoners

now on trial at Westminster, were or were not guilty, he might take upon him to say, having attended during the whole of the trial as far as it had hitherto gone, that the prisoners had no connexions of any consequence.

Lord *Rolle*, adverting to the observation of Earl *Grosvenor*, that the disaffected were not supported by persons of any consequence, stated, that he was of a different opinion; for the speeches of certain noble lords in that House gave a spirit and encouragement to their designs. He had supported the Ministers in these measures, which, as he contended, were necessary and expedient; and would always support them as long as they continued to promote the best interests of the country. His support was perfectly independent, for he had nothing to ask and nothing to fear. He had the fullest confidence in them, and was willing to trust them with these powers for the safety of the nation.

Earl *Grey* said, the noble lord who spoke last had represented these measures as expedient and necessary, and the only measures which, under the present circumstances, would ensure the peace and tranquillity of the country. The proper time for the discussion of that question would have arrived when they came to examine and consider the portentous proposition which was this night to be submitted to their lordships. He would, therefore, at present content himself with declaring his opposite conviction. But there was another part of the noble lord's speech which he could not suffer to pass without observation. His noble friend had said, that the miserable individuals now standing in court for their deliverance, were not connected with persons of any consequence. He (Earl *Grey*) having also attended during the greater part of the trial, was of the same opinion; and could safely say, that nothing could be more extravagant than the plans of the prisoners, if plans they had; that nothing could be more contemptible or hopeless, than their means for carrying them into execution; and that the prisoners had not been connected with any persons capable of giving them any serious assistance.—But the noble lord (*Rolle*) had said, that the disaffected had been connected with persons of consequence in secret plots and conspiracies; and instead of naming those persons, as he ought to have done, he had, in a manner which was disorderly, and incompatible with, and destructive of, the freedom of debate, dared to assert that he (Earl *Grey*) and those in that House who concurred with him, had given countenance to traitorous plots and conspiracies—an accusation which he declared to be utterly unfounded. When he, in the discharge of his parliamentary duties, stated his objections to measures proposed by the Ministers of the Crown, from the fullest conviction that their adoption would be attended with danger and mischief to the country, was he to be told, and were others who had much more powerfully urged these objections, to be told, that they, in

discharging their duties as members of that House, were encouraging and giving countenance to traitorous designs? He stated in the noble lord's face, and to his teeth, that the charge was totally unfounded; and he called upon the noble lord to specify particulars, and to prove his charge; otherwise he trusted the House would think it necessary to call upon the noble lord to retract what he had said, or to make some apology. The noble lord talked of his independence, and of the boldness with which he would oppose his Majesty's Ministers, if, in his opinion, they happened to be in the wrong. The boldness of the noble lord, however, happened to be of this character—that it had always been exerted in support of power. During all the multifarious concerns which had constituted the business of Parliament in the course of the last 30 years, never had the occasion arisen on which the noble lord found himself called upon to exercise this boldness and independence. There he left the noble lord, again asserting, that the charge against himself and his friends, of giving countenance and encouragement to traitorous plots and conspiracies, was disorderly, inconsistent with the freedom of debate, and utterly groundless.

Lord Rolle.—The noble earl has certainly misquoted and misunderstood what I said. I did not charge the noble earl and his friends with giving countenance to traitorous plots and conspiracies. I only said that the speeches of certain noble lords in this House had, not intentionally, but in their consequences, given spirit to the disaffected. I still remain of opinion that these measures are necessary and expedient; and I still say, that as long as Ministers go on to promote the best interests of the country, I will so long support them, and not a moment longer.

Earl Grey.—If the noble lord says, that I and those who concur with me, encourage traitorous plots and conspiracies, I can find no other terms in which to express my answer, than that I hold the imputation in utter contempt.

Lord Sidmouth objected, that the noble earl (**Grosvenor**) had given no notice of his motion.

Earl Grosvenor said, he had thought that no objection would have been made to it.

Nothing farther passed on the subject, and the motion fell to the ground.

SUSPENSION OF THE HABEAS CORPUS.] Lord Sidmouth moved the second reading of the bill for continuing the Suspension of the Habeas Corpus Act. He observed, that when the measure was first proposed, many persons thought there was no reasonable ground of hope that the necessity for it would cease before the end of the Session. Such, however, at that time was not the opinion of his Majesty's Ministers; for, notwithstanding the necessity under which they found themselves, of calling upon Parliament to adopt a measure of this nature, they indulged the hope that they should have the satisfaction of seeing its operation close with the Session. In that

hope they had unfortunately been disappointed: but instead of following the precedents of former times, and proposing to Parliament to continue the suspension without a preliminary inquiry, they had thought it proper to recommend a new inquiry by a Committee of that House; and to lay before that Committee new facts and additional information which had reached Government in the interval between that and the former inquiry. They had desired their lordships not to adopt any further proceeding till their own Committee should have made its Report, and that Report was now before them. After mentioning that the Committee had examined the papers, it proceeded in the second sentence to state, "that it was their painful duty to report, that these papers afforded but too many proofs of the continued existence of a traitorous conspiracy for the overthrow of our established Government and Constitution, and for the subversion of the existing order of society." The Committee then proceeded to state the several grounds and circumstances on which this painful conviction rested. They stated that the first disturbances, since the period of their former Report, took place at Manchester; and then they set forth the designs and purposes of the disaffected, that "in public speeches, the necessity of doing away with, or disposing of, the persons most obnoxious to them, had often been openly and unreservedly announced: and that on one occasion it was stated to have been proposed, that Manchester should be made a Moscow, for the purpose of strengthening their cause, by throwing numbers of people out of employment; that a general insurrection was intended to have commenced at Manchester on the night of the 30th of March; that the magistrates were to be seized; the prisoners to be liberated; that the soldiers were either to be surprised in their barracks, or a certain number of factories were to be set on fire, for the purpose of drawing the soldiers out of the barracks, of which a party was to take possession, with a view of seizing the magazine." And the most sanguinary and barbarous outrages appeared to have been intended, but this design was defeated by the vigilance of the magistrates. The leaders being seized, they thought themselves justified in issuing proclamations, which proved that the objects of the conspirators were known to them, and this desperate and atrocious attempt was thus prevented. But even on that day movements actually took place, notwithstanding the disclosure of their designs, which afforded a decisive indication that desperate purposes had been harboured. Since the Committee had made this Report, further information had reached Government of an attempt of a more formidable and comprehensive nature in the northern and midland manufacturing districts. The Monday after an unexpected motion for a Reform in Parliament was to have been made, and which, it was anticipated, would be rejected, was fixed upon for a simultaneous and general rising in these districts. Of this, Government had proof

from various quarters, and from the confession of some of the parties concerned. The execution of that plan was, for reasons not necessary to be detailed, postponed till the 9th of this month. The plan was so arranged, that the different districts should have early information of what was passing in each of them, and what took place on the 9th of this month left no doubt as to the atrocious purposes of the conspirators. That scheme, however, was also frustrated by the vigilance of the magistrates. But besides these overt acts of outrage, the secret meetings of the delegates of the disaffected shewed the atrocity and extent of their designs. The Committee stated, that "although in many of the districts particular causes of distress had, no doubt, operated to expose the minds of the community to irritation and perversion, yet they were persuaded that this distress must for the most part be considered rather as the instrument than as the cause of disaffection." And then they stated, that "they could not refrain from expressing their opinion, that it was chiefly by the means pointed out in the Report of the former Committee, by the widely extended circulation of seditious and blasphemous publications, and by the effect of inflammatory discourses, continually repeated, that this spirit had been principally exerted and diffused: that by these the attachment to our established Government and Constitution, and the respect for law, morality, and religion, had been gradually weakened among those whose situations most exposed them to this destructive influence; and that it was thus that their minds had been prepared for the adoption of designs and measures no less injurious to their own interests and happiness than to those of every other class of his Majesty's subjects." It was incontestibly true, that these causes led to the most dangerous consequences, and that certain persons made use of the distresses to which the labouring classes were exposed as an instrument to carry into execution their own nefarious purposes. Those who had been thus seduced and rendered the instruments of the machinations of others, ought no doubt to meet with comparative indulgence; not because they were excusable for suffering themselves to be involved in these practices, but because allowance ought to be made for the frailty of humanity. But what was to be said of those who thus made use of the distress of the labouring class, as an instrument to carry into effect their own atrocious purposes? He would not willingly go back to the dreadful circumstance that, on the first day of the meeting of Parliament, the sacred life of the Royal person who administered the Government in the name and on the behalf of his Majesty had been endangered. They petitioned for the meeting of Parliament, and this circumstance occurred on the first day of its assembling! What had been the conduct of Parliament since that period? They had petitioned for economy, and economy had been carried to the very utmost extent to which

it could be carried consistently with the safety of the State. They had complained of sinecures, whether right or wrong, and an arrangement was in progress respecting sinecures. He did not mean to say that these measures were adopted with any view to please them; but they were the objects of their petitions. But at the very moment when they came with those hypocritical complaints and petitions, they were planning schemes to produce revolution, misery, and horrors in the country, such as it had hardly ever before experienced. Was that then a moment to abridge the powers given to the Executive Government by Parliament, for the purpose of preventing the effects of these mischievous machinations? The Committee stated, "as the result of all the information which they had received, that the time was not yet arrived when the maintenance of the public tranquillity and the protection of the lives and properties of his Majesty's subjects could be allowed to rest upon the ordinary powers of the law." And it must be presumed that their meaning was, that there was a necessity for the continuance of those extraordinary powers given by the act which passed at the beginning of the present Session. Without making any ostentatious professions of his attachment to the liberties of his country, he must say, in the face of the noble lords opposite, that he yielded of them in attachment to the freedom of the people and veneration for the Constitution. Many other circumstances, besides those mentioned in the Report, had come to the knowledge of the Executive Government; and they knew of many individuals who were engaged in promoting atrocious designs, although the proof was not sufficient, according to the policy of the law, to convict them. What was to be done with respect to these persons? Were they to be permitted to go on from day to day, and from place to place, perverting and poisoning the minds of the people, and leading them from disaffection to sedition, and from sedition to treason, without any power in the Government, for their own sake as well as that of others, to remove them from that society which they made it their business to taint and corrupt? In those places where the schemes of the conspirators had been most advanced, the Act had been put in execution; the leaders were in custody, and the consequence was, that in those places the atrocious designs of the conspirators were frustrated and defeated. Such had been the effect of the execution of the Act: but it was not in this way only that it had been useful: the Committee stated, "that the reports received from many of the most active magistrates, and from persons whose stations, both civil and military, had enabled them to collect the most extensive information, and to form the most accurate judgment as to the state of the country, concurred in attributing in a very considerable degree the disappointment of the attempts already made, and the hopes of continued tranquillity, to the

actual exercise of the powers which Parliament had intrusted to the Executive Government, and to the effect of the known existence of such powers, ready to be called into action when necessity required it; and in representing the danger which would threaten the country if those powers were to be withdrawn at the present moment." It was with this impression that he proposed the continuance of the Suspension of the Habeas Corpus Act; and he called upon those who objected to it to say that there existed no danger, or to state what measures they would provide to meet the danger, if they admitted its existence. Some of their lordships recollected, and had a share in the measures that were adopted in 1794-5-6. At that time the same course was pursued, and in the same manner it was opposed. Efforts were then made to invalidate the reports of the Committees of both Houses of Parliament, and it was then, too, asserted, that they were founded on deception and mere absolute fictions or gross exaggerations. The two Houses, however, persevered in their proceedings, and, supported by the magistrates and the great mass of the community, they had preserved the Monarchy, the Constitution, and the Country. The Executive Government was then also falsely and slanderously charged with a desire to subvert the Constitution; but their lordships would do their duty now as they had done it before, and the same happy consequences would follow.

Lord *Erskine* said, he felt it quite impossible to give his support to this measure. The diseases of the human and the political body, and the remedies applied by the physician and the statesman, had often been the subject of comparison; but with both the proper selection of the remedies, and the success of their application, depended upon a strict examination of the cause of the disorder. Now the causes of the disorders referred to in the Report of their lordships' Committee had been examined into, and therefore it could not be expected that the remedy to which Ministers had resorted should be effectual. The causes of the disorders, in his opinion, might be shortly stated. They consisted chiefly in the distressed state of the country, exhausted by a long and expensive war; in the sudden check which had been given to the employment of capital; a reduction of the wages of labour, and a taxation almost insupportable: these were causes sufficient to account for that state of the country which was the subject of complaint, and which Ministers had made the pretext for measures so little calculated to cure it. He was perfectly ready to admit that there was a great spirit of irritation in the country. He agreed with the Report thus far: but what direction had that irritation taken? This was a circumstance which ought to be well considered before their lordships agreed to measures so totally incapable of allaying it.—The direction it had taken was towards an object which had been thought worthy of pur-

suit by some of the most illustrious men this country ever produced. The people very generally attributed the calamities of which they complained to their want of control over the representation of the country. Had they not a right to think so? Had not the greatest men in the country thought so? He did not deny that there had been excesses, nay, criminal excesses, in various parts of the country; but might not these be accounted for, though not excused, by the disregard which was paid to the feelings of the people? They had been denied what they considered their birthright, and instead of taking their petitions into consideration, the objects of their prayer had been rejected by great majorities. Whenever the people assembled in bodies, the great object to which their attention was directed, was almost always the state of the representation. Their lordships could not, therefore, mistake the cause of the irritation. Indeed, from the Report itself, it appeared, that the control which those who addressed them had over their minds was obtained by having it in their power to tell them that they were deprived of their birthright. How could it be imagined that this was to be cured by measures which evidently tended to aggravate the complaint? If the laws which protect personal liberty were allowed to remain unimpaired, the sound part of the country could, in answer to all the misrepresentations of sedition, refer to the benefits of the British Constitution: but what reply could be made when that Constitution was suspended? The noble Secretary had said, that men had been arrested on strong and well-founded suspicion, who could not be brought to trial from want of evidence; but this was no reason for the suspension of the Habeas Corpus Act. If, when that act was in force, persons were committed on suspicion of seditious or treasonable practices against whom sufficient evidence could not be immediately prepared, upon affidavit being made that the witnesses for the Crown were not ready, they must stand committed. The truth was, that the suspension of the Habeas Corpus Act served only to heighten the odium of Government prosecutions. It had been considered, that in the trials of 1794, the prisoners had a great advantage in the suspension of that act and the severe proceedings of the Government. He doubted not that the same thing would be experienced in the present times, for there would always be a feeling on the part of the public in favour of men who appeared to be suffering under arbitrary power. It had been said, that the measures to which Ministers had resorted were calculated to save the Parliament, the Constitution, and the Monarchy. Such was the language of 1794, as well as of the present day; but then, as now, the verdict of a jury had saved the liberty of England, and he thanked God for it. The noble Secretary had dwelt on the event which occurred on the first day of the Session. On that occasion he was convinced

there had been no intention to make any attack on the person of the Prince Regent. If any manifestation of unpopularity ever attended his Royal Highness, it could only arise from Ministers having endeavoured to connect him with these measures. That the people should be taught to connect in their minds the measures of Administration with the head of the Government was of all things to be avoided. But what alteration in the state of the country did the noble Secretary expect to produce by continuing the suspension of this Act? To return to the analogy with which he had set out, he would ask the noble Secretary what he would say to a physician who should address him thus :—"You are very ill, you are a great deal worse since you took the medicine I prescribed for you. You have not taken enough, and though the medicine has not yet done you any good, you must go on taking it." He did not know what the noble Secretary would say to such a doctor; but, for his part, he would tell him, that he must either change his medicine, or he would change his physician. The noble Secretary was, however, determined to act on a different principle with his medicine: he had tried the suspension of the Habeas Corpus Act, and though he found it did no good, but, according to his own confession, made things worse, he was determined to continue it. But why not resort to other remedies since this panacea had failed? Might not an attempt be made to do away the corruptions which prevailed in elections? Such a proceeding would not be revolution, but reformation. He would suffer death in its worst shape rather than consent to any measure that would undermine the constitutional monarchy of the country; but it was not derogatory to the Constitution which they had inherited from their ancestors, to say that it was capable of reform and amelioration. At any rate, he would say, do something to remove that irritation of the public mind which is said to be the foundation of the present discontents. The Government possessed sufficient power without the suspension of the Habeas Corpus Act for preserving the peace of the country. Ministers had both the civil and military power at their command; the yeomanry, the militia, and even the army, if need be; and it was their duty to employ all this force in suppressing insurrection or riot. On these grounds he objected to the second reading of the bill.

The Duke of Montrose agreed with the noble lord, that it was the duty of the Government to keep down riot and insurrection: but was it not better to prevent than suppress them? He recollected the riots in 1780, in which the metropolis was in the possession of the insurgents. The insurrection was then put down, but it was with great loss of lives. If the insurrection on the 2nd of December had been allowed to come to a height, it might still have been put down, but it was better to prevent the recurrence of such acts than to take the chance of suppress-

ing them when they occurred. The bill before their lordships was not a bill for preserving the Government or the Sovereign on the throne, but for saving the people from the effects of that madness and enthusiasm which would lead them to perdition.

Earl Grosvenor said, that if their lordships should think proper to sanction this measure, it would be vain to expect that they could conciliate the affection of the people. With regard to the Report, he confessed that it was much more candid than the last; but he could see no reason why the evidence should not be laid on the table, as no danger could arise from its production. It was true, it had been derived in many instances from informers, but were they persons to be screened and concealed? Their lordships were sensible that no human beings could be so degraded as informers. If any persons could be said to resemble Satan, it was those men who seduced others into crimes for the sole purpose of afterwards betraying them. He could imagine no excuse for the Government making use of the services of such infamous agents. In despotic Governments it was to be expected that spies should abound, because such Governments could not bear inspection; but in England, in any country possessing a free Constitution, and that Constitution well administered, nothing more merited reprobation than having recourse to such disgraceful means. The noble duke had alluded to the riots in December. He should not enter into any dispute respecting the nature of those disturbances; but he must remark thus much, that to whatever extent they had been carried, they had been suppressed without the assistance of any such extraordinary measure as that which was now proposed. It was a reflection upon the understanding of their lordships, to ask them to pass a law affecting the character and liberty of the nation upon a report of a very partial disaffection. The noble viscount (Sidmouth) had said, that it was impossible to reduce the expenditure of the country any farther; he said, on the contrary, they could and ought to reduce it considerably more. The noble viscount had said, that it was impossible to reduce the military establishment farther; he maintained, on the contrary, that ours was an enormous military force, which was not required by any foreign danger, or by the very partial domestic disaffection. The 18,000 yeomanry cavalry, the best force that could be employed, were sufficient to prevent all danger; at least in addition to the guards and garrisons, always kept up, they were more than sufficient; but if not, nothing was easier than to increase their number, although with such a force to protect us there was no old woman in the country that could feel alarm. The noble viscount had spoken of the abolition of sinecures as a proof of the anxiety of Ministers to meet the wishes of the people; the last time that subject was brought before them by him (Earl G.), the noble lord had opposed it:

so that those who then opposed it, now said, that the abolition was a proof how anxious they were to meet the wishes of the country! The bill, however, was not yet read a second time; and as he was formerly ridiculed for proposing to abolish sinecures, and as the abolition was denounced as monstrous and atrocious, he should carefully look into the character of the measure as now proposed, before he gave it his assent. A compensation was to be given in lieu of sinecures, yet we were to be told that 100,000*l.* were saved by their abolition. Merit should unquestionably be rewarded, but sinecures had not been given as the reward of merit, and there had been no great or valuable services that had not been munificently and splendidly rewarded. A Reform of Parliament was the wish of the people, and a reasonable and just wish, more particularly as to the duration of Parliament. From the circumstances that occasioned it, it was manifest that the Septennial Act was never intended to remain. Yet on this subject had Ministers manifested a disposition to yield to the prayers of the people? It was, it must be, the wish of the Prince Regent that his Ministers should attend to their petitions; but it was the conviction of the country that Ministers, and they exclusively, had for their object to establish a despotism. Had not they at present strong, very strong laws? They had the Seditious Act, the Mutiny and Insurrection Acts, laws which were found sufficient in the most dangerous times to maintain the Constitution, and the peace and security of the country. Yet now those laws were insufficient for the repression of what their own Report stated to be a partial disaffection. If this bill should be read a second time, he should move a clause in the Committee, that the Suspension be not continued beyond the duration of this Parliament. He felt it his duty, his most sacred duty, to oppose the bill, as tending to affect the fate of the empire, to increase greatly what it intended to prevent, and to produce a reaction too dreadful to be calculated or foreseen. (*Hear, hear.*)

Lord Redesdale was of opinion, that the suspension would produce general confidence, and that its abandonment would create alarm. He believed the power given to Ministers by this measure was as necessary as any power which they held. The noble lords had at one time said the whole country was disaffected, at another time only a very small part of the country: the Report stated that disaffection did not extend even over all the manufacturing districts, and over no part of the agricultural districts. The noble lord (Grosvenor) had said, that only despotic and bad Governments ever made use of persons who implicated themselves in conspiracy to detect others; but he would ask, where, in the history of the world, was there one instance of detection but by such means? What would be said of the commander of an army who used no spies or scouts, and what would be the consequence of his simplicity and

folly? The system of secrecy that had been practised, was a proof of dangerous designs. Papers and correspondence were now abandoned, individuals conversing with individuals in private houses planned these conspiracies; hence the necessity of spies. If there was no guilt, why all this secrecy? It was said that no man of property was connected with them. No: because their object was to take away property from those who had it. In 1780 the Government and the magistrates had been terrified by the cry of Wilkes and Liberty, which had previously been so vehemently rung, and which was most dangerous to liberty. At that time a man going along the Strand, met a mob crying Liberty, and was desired to join in the cry; he insisted that he should have liberty to cry or not as he pleased, upon which he was knocked down. It was to disappoint the designs of such leaders, who would give liberty to none but themselves, that this bill was proposed. The effect had already been felt in preventing the most mischievous designs in Manchester and other places, and in stopping those who were on their march to London. The noble lord had said that Parliamentary Reform was the object of those people; but this was to say that the authors of the reports had neither sense nor honesty. In 1714, (for he had inquired into the measure adopted on similar occasions,) Lord Townsend arrested sixty-four leaders of the disaffected, and in consequence the effect of the rebellion of 1715 was prevented, though it appeared it was insignificant compared to that of 1745. The liberty of the subject was not in danger, for the power thus given extended only to political offences, and no person would be arrested without plausible grounds of suspicion. The name deceived the people, as if the whole of the writ of Habeas Corpus were suspended. The people, however, did not feel so hostile to it as the two noble lords supposed.

‘Let all their ways be unconfin’d,
And clap your padlock on their mind,’

was well said when first used, but was not applicable in the present state of the country. If they yielded to the petitions of the people, if they granted Triennial Parliaments, they would subvert the Government. It was sagaciously and correctly said in 1793, “Leave monarchy and aristocracy alone; universal suffrages once obtained, all the rest will follow.” Triennial Parliament would be the reverse of benefits: they would take power from the Crown, and give it to the aristocracy. The object of the bill was to prevent the necessity of using force, to save cities from suffering the fate of Moscow, and to protect their lordships from being threatened while deliberating in that House, as in 1780.

Lord King said, he had always understood that one great cause of that attachment to the Constitution of their country, and that respect

for the laws which so eminently distinguished the people of this realm, proceeded from a sense of the excellence of the one in securing their liberties, and from a confidence in the equal administration of justice which they enjoyed under the other; but if by bills like the present they were taught that their liberties might be suspended on the slightest pretences, and that they would in vain invoke the interference of the law; if they were taught to think that Government and the Legislature were their enemies, instead of being their protectors and friends, they would lose all affection and reverence for established authority, and the blunders of the present Administration, though in other respects productive of much mischief, would appear insignificant when compared with a policy so pernicious. (*Hear, hear.*) It was foolish to say that such a measure as that before the House was rendered necessary by the existence of plots to overthrow the State. There was no systematic conspiracy or plot; there were no leaders, no means, no arrangements. The plot, if it existed, comprehended all the distressed, all the destitute, all without employment, or the means of subsistence; and for the discontents of such persons a suspension of the Habeas Corpus Act was not a proper remedy. This plot, as it was called, was a plot of people without property against those who had property; and to plots of this nature relief and kind treatment was the most efficacious remedy. To create alarms on purpose to ground on them an abridgment of the rights of the people, was always the resource of a weak and unsteady Government. It was always done to procure assistance from the ignorant and timid, when it could not rely upon the support of the wise and thinking part of the community; to make those who absurdly dreaded changes rally round the Administration of the day. During the war, the power and prerogative of the Crown had been increased: on the return of peace, it was hoped that the due balance of popular rights would be restored; but we had been disappointed, and found that the distress which followed the immense expenditure that extended the influence of Government was made a pretence for still farther encroachments on liberty. Acts were passed to abridge our freedom, and to suspend the Constitution.

Earl Grey said, the great question to be now decided was, whether the persons who were intended to be affected by this bill were capable of producing mischief to the Constitution if it did not pass?—whether they had the means of being dangerous under a due administration of the laws?—whether, in order to control their designs, it was proper to resort to a measure never formerly adopted, except in cases of paramount necessity?—and whether it was requisite, in fine, to surrender the liberties of the people to the servants of the Crown on such a Report as had now been laid before the House? Believing that the suspension of the Habeas Corpus

Act was not now the proper remedy for the discontents that prevailed, he would call upon their lordships not to entertain such a measure, for which no sufficient grounds were laid when it was formerly passed, and the justification of which had been lessened by every thing which he had since heard. What was the danger which it was intended to obviate? It was a danger arising from severe and intolerable distress, which had been excited to irritation, and led on to disturb the tranquillity of the country by wicked and designing men. (*Hear.*) Was this a species of danger similar to that which existed on former occasions, when the Habeas Corpus Act was suspended? A noble and learned lord on the cross-bench (Lord Redesdale) had argued, that the danger existing now was similar to that which existed in 1794. He had on a former occasion contended, that it was different, and he thought so still, though he did not believe that even at that period the present measure was necessary. The noble and learned lord had referred to more early periods, namely, 1715 and 1745; yet how dissimilar were the circumstances of those times. In 1715 there was a Pretender to the Crown, supported by the power of France, and countenanced and aided by a powerful faction within the kingdom. This Pretender landed in Scotland, headed a formidable rebellion against the Government, drew numerous partisans to support his pretensions, and collected under his banners persons of high rank, extensive influence, and powerful connections. Even in the two Houses of Parliament he had his friends; and the spirit of disaffection was widely spread among all ranks of the community. Yet, even at that period, when a dangerous conspiracy, favoured and supported by foreign influence and foreign forces, prevailed; when a family recently seated on the Throne found their pretensions disputed by a rival, the suspension of the Habeas Corpus was opposed, and the Act was only passed for six months. (*Hear.*) In 1745, a dangerous rebellion again raged—not headed by men without means, without influence, without money, without resources, without plan or force, like those who had lately disturbed the public tranquillity, but assisted by an expedition prepared in France under Count Saxe, encouraged by increasing numbers, flushed with partial success, and particularly by the victory of Preston-pans, and favoured and joined not only by noble families and distinguished individuals, but countenanced by those great and learned corporations, the Universities, to such a degree that the streets of Oxford had been said to be paved with jacobinism (*hear, hear*): but even then this Act was passed with reluctance. He allowed that he could easily conceive a case of danger so great as to justify this measure, and that was, when a foreign enemy conspired with domestic treason to overthrow the Government. He should then submit to a temporary suspension of the Constitution, to effect its final preservation. Yet even on such occasions, so dear

was the Act, and so necessary as a safeguard to every valuable right, that the suspension of it was opposed by many members of both Houses, and among the rest by a man (Mr. George Grenville), for whose character most of the noble lords who heard him must entertain the highest respect. The noble Secretary, who introduced this measure, had said, that he (Earl G.) had on a former occasion acknowledged the existence of the dangers that threatened the country. He had indeed acknowledged that dangers existed, but he had denied that they were of a kind to be suppressed or extinguished by the present measure. Instead of acting as a remedy, he was convinced that it would aggravate their violence. They arose—as had been truly stated by a man, (Lord Erskine) who had rendered considerable services to his country, and had produced great public good—from a long and expensive war, which had stimulated every branch of industry to a strained and unnatural vigour, in which we had succeeded beyond expectation; but which, by the load of taxation with which it had burdened us, and which we were only able to support by the energy and extraordinary resources which the contest called into exercise, now left us oppressed and exhausted. This war, in its transition to peace, had produced still greater evils; it had disturbed all the elements of society, it had left our manufacturers without employment, and our agriculturalists without means or a market; and what was now the remedy proposed for the natural discontents that arose out of this state of things?—to suspend the Constitution. Because there were a few designing persons ready to take advantage of the distressed to urge them to acts of violence, the whole people of England were to be deprived of their liberties, and those discontents aggravated which a wise Government should endeavour to remove. While man was man, distress would always furnish the means of irritation. A noble duke had said, that prevention was better than punishment; and this was a maxim which, in its proper application, he was not disposed to controvert or deny, but which, when pushed to its full extent, would go the length of justifying a total deprivation of liberty. Because liberty might be abused, and lead to licentiousness, therefore, according to this kind of reasoning, it ought not to be enjoyed; and every excess of despotism might be justified, as a means of preventing the evils of insubordination, and as an exercise of humanity. The noble duke was, however, in a mistake, when he supposed that the Suspension Act was the only means of prevention. The ordinary laws were sufficient: and this Act, if properly enforced, gave in this respect no powers beyond what the ordinary laws conferred. Under it no man could justly be arrested for treason who could not be arrested without it—it gave the power of detention without trial, but not of apprehending without evidence of guilt. The noble lord on the woolsack, he was sure,

would assent to this doctrine, and would not claim for Government the authority by this bill of confining innocent persons, or persons against whom no proof existed. He (Earl Grey) knew, however, that the practice was not so limited. He knew that innocent persons might be imprisoned; he knew that respectability was no defence; he knew that though they might afterwards bring an action for false imprisonment, they could obtain no redress for their sufferings, because he was assured that a bill of indemnity would be brought in to screen their oppressors; and that, after being confined for years, after being carried from one prison to another, after being debarred the sight of their friends, and even excluded from the visit of the magistrates (*cries of hear, hear*), they would come out of their cells without any prospect of reparation for their calamities, or any means of establishing the innocence of their conduct, deprived of the power of punishing their enemies, or of obtaining that justice which they had a right to invoke. He asked, were there no other means of prevention? Had not the magistrates the power of arresting and confining? and had any case occurred for which this was an insufficient remedy? He had thought that this measure was not necessary before, when a more threatening Report was drawn up, the allegations of which had been materially contradicted. It had been impeached in what it said about Glasgow and the manufacturing districts; it was impeached in what it said about the London Union Society, the secretary of which offered to disprove its statements at the bar of the House; and it had been impeached by the grand jury of Norwich. (*Hear, hear.*) The very person who gave information from Norwich, and calumniated that city, had published an atrocious hand-bill, that menaced the public peace, and had passed unpunished. The same Report was impeached by the proceedings of the circuit in Scotland. Glasgow was one of the places where treasonable practices were said to prevail to the greatest extent; and yet there, only 50 were taken up upon a charge of swearing unlawful oaths; and these oaths, there was no doubt, were administered by hired spies and informers. (*Hear, hear.*) Ten of these persons had been confined and liberated; only one was brought to trial, and against that one there were three indictments, a circumstance sufficiently indicative of the weakness of the Government. Another case in that city was that of a man (Neil Douglas), accused of uttering seditious expressions from the pulpit; this charge was supported on the testimony of six hired informers, who were contradicted in their evidence by such numerous and respectable witnesses, that the public prosecutors gave up the cause with shame. Here was another impeachment of the former Report on which our liberties were suspended (*hear*); and such contradictions proved how cautious the House ought to be in legislating on the in-

formation of such agents. He (Earl G.) had attended to the evidence on another trial (that of Watson); and supposing every word of it to be true, he could not say that the characters implicated were of a kind to excite alarm, or to call for any measure for their control, except the common administration of the laws. When he reflected that the whole people of England were to be impeached and condemned unheard, for the crimes or the absurdities of such men, he did not know whether contempt or indignation should most take possession of his mind. (*Hear, hear, hear.*) These men were without means, without influence, support, or plan; yet it was said, they meant to barricade Oxford-road, to block up the streets leading to the Bank, to seize the shipping in the river, and to attack the Tower without cannon, which, after all, was summoned to surrender by a single individual. (*A laugh.*) The plan, such as it had been described, was carried into execution; and the very manner of its execution shewed the weakness and contemptibility of the plan. Supposing all that had been stated to be true, he had heard the proceedings described by two respectable witnesses in the Court of King's Bench; one of them, Mr. Hall, (High Sheriff of Essex) stated that the whole transaction was so ridiculous, that twenty men might, at any time, have dispersed the whole mob. He himself went to the officer on duty in the Tower, and requested a file of no more than twenty men; he considered that number quite sufficient to protect the gunmakers' shops from injury. The officer on duty, having no orders to send out soldiers, very properly refused to do so: but he (Earl G.) must say, he wondered that Ministers, having intelligence that the Tower was to be thus attacked, had permitted such excesses to take place. Another respectable tradesman, (Mr. Brander, gunsmith, Minories,) had affirmed, that he thought six men would have been sufficient to quell the tumult; and that the mob seemed to have so little of a settled design, that they discharged their pieces in the air. When we saw such effects the result of such plans, could it be said that the danger now existing at all resembled that which existed in 1793? But we were now told, that although the same clubs and meetings did not exist as in the winter, the same designs were still cherished, and the same spirit prevailed; that a system of delegation was still persevered in, and that a general rising was in contemplation; and what foundation was there for these allegations? Here we had an answer from the Report of the Committee itself. The information was derived from parties engaged in the transactions, either on their own account, or with a view to the profit to be derived from information. Such testimony was always suspicious, and the Report of the Committee admitted that the language and designs of persons of the latter description had had some effect towards inflaming the general disorder. A noble friend of his (Earl

Grosvenor) had reprobated the employment of spies, but he had been answered, that they were a necessary evil; and that it was quite Utopian to expect to unravel a conspiracy by any other means. He (Earl Grey) had thought that this practice had been condemned by orators and statesmen, by writers and great men of every age and nation; that it was a practice sanctioned only by the most despotic Governments; that it poisoned the sources of confidence between man and man; that it was destructive of domestic happiness and individual security, and altogether inconsistent with the existence of public freedom. Mr. Burke had said, (he had not the whole of the animated passage then with him) "that where spies were employed, men were obliged to fly from their very species*," and if these persons, sent to penetrate into the designs of others, were to instigate and impel them to the commission of crimes (*hear, hear*), he would ask, what must be the state of society to sanction such a proceeding; a proceeding hitherto considered at variance with every principle of social order and happiness? Would the Government, having employed spies, and found that they thus conducted themselves, any longer connive at such proceedings, or hesitate to bring such offenders to justice? (*Hear, hear.*) Would it be endured that these men, enriched with the blood-money of their fellow-subjects, these harpies, who contaminated and polluted more than they destroyed, should continue thus unmolested to infest and destroy? (*Loud cries of hear.*) He maintained that they ought forthwith to be consigned to the punishment their offences demanded. Was what he alleged with-

* The following is the passage in Mr. Burke's writings, to which the noble Earl referred.—"A mercenary informer knows no distinction. Under such a system the obnoxious people are slaves, not only to the Government, but they live at the mercy of every individual; they are at once the slaves of the whole community, and of every part of it; and the worst and most unmerciful men are those on whose goodness they most depend. In this situation, men not only shrink from the frowns of a stern magistrate; but are obliged to fly from their very species. The seeds of destruction are sown in civil intercourse, and in social habitudes. The blood of wholesome kindred is infected. Their tables and beds are surrounded with snares. All the means given by Providence to make life safe and comfortable, are perverted into instruments of terror and torment. This species of universal subservieney, that makes the very servant who waits behind your chair the arbiter of your life and fortune, has such a tendency to degrade and debase mankind, and to deprive them of that assured and liberal state of mind, which alone can make us what we ought to be, that I vow to God, I would sooner bring myself to put a man to immediate death for opinions I disliked, and so to get rid of the man and his opinions at once, than to fret him with a feverish being, tainted with the jail-distemper of a contagious servitude, to keep him above ground, an animated mass of putrefaction, corrupted himself, and corrupting all about him."

the foundation? Had not Castle, a man of the most infamous and detestable character, been relied on as a witness on the late trials? a man who had lured one, and transported another accomplice in forgery; who had been imprisoned two years for assisting in the escape of a French prisoner, and punished for having tempted another to break his parole; who (though it had not been exactly proved) lay strongly under the imputations of bigamy and perjury; and who had lived in and been bully to a house of infamous deception. It had very soon been suggested, that the things which he charged others to be guilty of might have been perpetrated by himself: and so, in truth, they were. It was he who put the ammunition, as it had been called, into the waggon. The ammunition, indeed, was of such a nature and quantity, it could have been placed there with no other view but that of supplying some ground for an information; and there was the strongest presumption for believing that it had been placed there by him alone, and without the knowledge of any of his acquaintance; for when the party proceeded to the town, they left their ammunition behind them. (*Hear, hear.*) Besides, on all occasions he was the most forward. It was he himself that uttered the most seditious language, and gave the most inflammatory toasts. From this example it was not an unreasonable inference to suspect, that the information on which the whole body of the people was to be put out of the pale of its liberties was not of a very different description. He himself (Earl G.) had seen the evidence of the correspondence between the delegates, and it appeared, that there was one man who carried on the communication from Sheffield to Glasgow, and thence to other places. Would the noble lord say, that the plans of the conspirators were not encouraged by the very person he was now describing, and that he was not in correspondence with Government? (*Hear, hear.*) And then, with these instigations to impel them, who could read of the blunt despair of those wretched persons who were described as having laid down their arms, and having retired to rest their exhausted frames by the road side, deprived of the power of attack or resistance, without being deeply affected, without thinking that they were led on to their destruction by these participators of their guilt? He should now communicate to the House a statement he had received from Sheffield. If the person principally named in it, one Oliver, was not in the pay of Government, he would give up the whole. (*Loud cries of hear, hear.*) He wished that his name might be recorded as the foulest of traitors, and the most atrocious of criminals: a person setting at defiance the laws of God and man, and converting the death and destruction of his fellow-creatures into his own emolument. (The noble earl here read from the *Lords Mercury* a statement respecting Oliver,

in Yorkshire to commit acts of riot and sedition, and commented on that person's conduct in terms of the greatest severity; complaining it with Castle's when he came from the Tower, and meeting Mr. Hunt, informed him that the rioters had been in possession of it an hour. He urged that this Oliver had held out the strongest instigations to sedition; and, though he did not mean to impute to Ministers the guilt of this man's conduct, he dwelt on it to shew the nature of the evidence on which it was proposed to ground the sacrifice of all our liberties, and to insist that Ministers were bound to bring this man to punishment. He dwelt on it, to shew the danger of employing men of this description; to shew that it was incompatible with the security of mankind; and, above all, with the happiness of a free country. He asked, whether it did not shake to the foundation the Report of the Committee, and convey strong suspicions that the secret conspiracies to which these unhappy men seemed prone, from the want of employment, and the distress consequent on the cessation of a long war, was not produced, fostered, and supported by the agents of Government itself? On the statements now laid before them the House ought at least to pause, before they gave full credit to the Report of the Committee, and at least inquire into the proceedings of this Oliver. But, even if the act were not as he contended, if these disturbances had not been instigated by the agents of Government, still the character of the persons concerned, persons of the lowest order only, without power, property, connexions, sufficiently negatived the possibility of any danger. If the laws of the country were not sufficient against persons of this description, when should we hope that they could possess any efficacy? As to the evidence and correspondence from magistrates, he begged not to be considered as throwing out any imputations against that body, but he thought their recommendations should be attended to with suspicion; they all resided in the disturbed districts, they were all alarmed, and all prone to look for remedies in extraordinary exertions of power. All the documents tended to shew the necessity of discarding a practice that had never been tolerated in any period of society—the encouragement of and reliance on informers. In Ireland a proceeding of the same sort, in the case of Mr. Hamilton, 1806, had nearly terminated in the destruction of 14 Catholics; they were on the point of being convicted when the falsehood of the whole testimony was accidentally discovered; he, Attorney-General relinquished the prosecution on the spot, and placed the informer immediately on his trial for perjury. He had been led to recollect this business in Ireland, for the encouragement of informers had there produced that system of despotism to which we were but too rapidly approaching here. He was persuaded that all these disturbances might have been put down without the employment of any

such means. But we all knew that crises of disaffection were always convenient to Government; and when the demand for retrenchment became too importunate, when it was almost necessary to abandon some of the fortresses of corruption, these measures were resorted to, in order to suppress the public voice. He wished to accuse no man; but it had been his misfortune to view many invasions of the Constitution; and sitting there as a member of Parliament, with that constitutional jealousy of the proceedings of Ministers which used to be thought a part of the duty of Parliament, he still saw encroachments which rendered him distrustful of the measure now proposed. He lamented to see in that House, as well as in the other, and in the whole community, a sort of apathy and disregard of the conduct of Ministers, and a disposition to fly to force as a cure for those evils for which the law had appropriated milder and more efficacious remedies. By those laws, in all ordinary cases, where the disaffected were not supported by persons of wealth or power, or assisted by correspondence from abroad, the means of Government were quite sufficient to subdue any ordinary tumult. For his own part, he had been utterly unable to discover the danger that was now insisted on. The Report of the Committee owned that there was not only a great body still sound and loyal, but that even in the disturbed districts the majority of the people were well affected. In the very scene of disorder, the farmer, the yeoman, and all above the very lowest class, had joined in support of the magistrates, and 20 hussars had been sufficient to quell every appearance of disturbance. With these facts, was the case made out which was to justify the suspension of the liberties of the country, and to place every man at the disposal of Ministers?—for what time the noble lord had not stated, but it was held out, to some time after the next meeting of Parliament. He trusted the bill would not pass; but that if it did, it would not pass without an amendment, limiting its duration to a shorter period. At all events, he as an individual should feel it his duty to oppose it; and to support those principles on which he and his colleagues had ever acted. He had no object to gratify, no passion to indulge; he felt himself declining in years and strength, and this might perhaps be the last duty he should perform for his country; but he conjured the House to consider maturely the evidence before them, and to advert carefully to the facts which had arisen out of a purpose for detecting disaffection, but which had been encouraged by the very means employed to farther that intention. (*Hear, hear.*)

Lord *Liverpool* admitted, that in considering the evil to be guarded against, a stronger remedy ought not to be applied than the case required. But what was that evil? The real question was, whether there did not exist, in the judgment of that House, an organized conspiracy for the purpose of overturning the Govern-

ment? The noble earl had urged, that on former occasions of disturbance the Government had not attempted to apply the same remedy. It was true, that where those disturbances consisted of nothing more than an unlawful conspiracy for the destruction of frames and machinery, they did not apply the remedy now suggested, because they thought it inapplicable to such a purpose. The noble earl had seemed to consider, that the disturbances had entirely grown out of distresses, the existence of which we were all too well acquainted with: but it was clear, that these distresses, instead of being the real cause of the disturbances, had only afforded a handle to those who wanted to turn them to the furtherance of their own wicked purposes; for in districts where there was no distress, where manufactories and trade still flourished, there was more disaffection than in districts where the deepest distress was experienced; and in many other places where there was the greatest portion of suffering, there still prevailed the most loyal spirit. With respect to the nature of the conspiracy, it was not confined to one town, to one county, or to one district. It pervaded seven or eight counties: the disaffected were acting by associations, by correspondence, and by sending delegates from one meeting to another: the House knew the mischief which some of the disturbed districts had suffered. In March last, the town of Manchester contained bodies of armed men: muskets, pikes, and other weapons, were prepared in large quantities, and every thing was carried on under a regular system. But the noble earl's argument practically came to this—that if no persons of property or consequence were engaged in these transactions, there could be no necessity for this measure; and he had stated, that in all former periods the question for the Suspension of the Habeas Corpus Act had rested on that ground. However, before he discussed that point, it would be necessary to say a few words as to the employment and conduct of spies. The noble earl had asserted that all orators, statesmen, and writers, had, in all ages, condemned this practice. Whatever might have been said or written, he (Lord L.) knew that, in practice, this weapon had been always employed. The employment of it appeared in all the free States of antiquity, and in all the State Trials of this country. In those trials the whole basis and foundation of the proceeding had always rested on the information of persons in the employment of the State; otherwise it would have been impossible ever to detect offences. That this was an evil he was ready to admit; but he considered it unavoidable, and he knew that it had existed in all times. We had on this subject the recognition of our own statute book. By the civil list act, a provision was made for secret services; and the Secretary of State was obliged to depose on oath, that he had employed this money in foreign correspondence, or in

the detection of conspiracies at home. He was ready to admit, that considerable difficulty existed in the application of this principle: but it was almost impossible, without such means, to secure the information necessary for public tranquillity. The noble earl had referred to a paragraph in one of the journals, and had detailed circumstances which, if they were true, he as much deplored as any body could; but with respect to the evidence brought forward in the late trial for high treason, he declared that the person alluded to (Castle) was not known to Government till long after the proceedings had commenced; and he would ask whether Government could reasonably refuse the evidence of an accomplice, when it afforded a probability of detecting all the guilt that had existed? As to Oliver, (of whom the noble earl had spoken so much,) this was the first time that he had ever heard of his being implicated in the degree so justly reprobated: he could only say, that that individual had rendered the most essential services to Government during the last three or four months. To a certain extent he had certainly been employed by the Administration: but instead of being incited, he had been particularly discouraged from acting in any way analogous to that described by the noble earl. The statement which had been read was *ex-parte* testimony: it might be correct, it might be otherwise: but even if true, he [Lord Liverpool] was prepared to assert, that spies and informers had been at all times employed by all Governments, and ever must be. And this being granted, it would, and must sometimes happen, that such persons, from zeal in their business, would go farther than they ought (*Hear, hear, from the Opposition.*) But the consideration of this point could not influence the present question, because the proposal for a general rising had been entertained before this person (at least he believed so, he could not say positively) had meddled with the counsels of the disaffected. He would now revert to the general question, which was, whether it was necessary, in order to constitute a dangerous insurrection, that there should be engaged in it men of character, property, and rank. If the affirmative of this question were true formerly, it was not so now, because, as a noble baron (Redesdale) had stated, there was now, by means of clubs and different societies, that system of organization among the multitude which gave to disorder the effect of order, to ignorance the effect of intelligence, and thus enabled a mere mob to do what it had never been capable of doing before. If true therefore, formerly, our own experience proved that circumstances had arisen that made it true no longer. But was it entirely true, even with respect to former times? Had there been no conspiracies, ancient or modern, which, though composed of the mere dregs of the people, had brought great States to the very brink of ruin? Had

forgotten the servile war of an-

cient time? or, to come nearer home, in an early period of our own history, when the power of the Crown was much greater than at present, and when it had been increased and sanctioned by the glorious victories of Edward III., was it not true that the country was then brought to the very brink of perdition by an insurgent mob, headed by a blacksmith, and were not many of the principal persons in Church and State horribly murdered before the tumults could be suppressed? Surely this proved that it was not necessary that men of high rank and property should be joined in a plot in order to make it dangerous. Had we not seen in modern times, he would not speak of the French Revolution generally, but had we not seen that in the dreadful disturbances of the memorable September and October, the mere mob did all the mischief, unled by men either of property or rank? True it was, that a populace once entirely roused would soon find leaders—he could say on his honour that he had no particular individuals in his eye; but men of property would soon join the rebellious rabble, not from approbation of their plans, but from fear of their vengeance. (*Cries of hear.*) Soon, however, it would be seen, that it would not be the chiefs that would govern the people, but the people that would govern their chiefs. (*Loud cries of hear.*) Instead, therefore, of thinking that a rabble, unheaded by men of consideration, would be less dangerous, he believed that it would be the more dangerous on that very account. The noble earl had asked whether we were so circumstanced that a multitude, unaided by rank or property, could overturn the Government? To this question he would merely say, that he should not like to try the experiment. But suppose this should not be done, was there nothing short of absolute subversion? Was it no evil to a commercial people that, in the language of the Report, “Manchester should be made a Moscow?” Was it no evil to a generous people that assassination should be inculcated as a regular duty? (*Hear.*) The noble earl had asked, whether, assuming the danger to be great, the present measure was the proper remedy; whether, in fact, the Government had not by law already the power of apprehending all persons suspected of treason? True, it was so; but without this measure there was no power of detaining those who were apprehended: and he would boldly assert, that one power would at this time be perfectly nugatory without the other. He firmly believed, that this power of detention without trial was the effectual and only cure for the existing evils. It operated not merely in the case of the persons detained, though he had amply seen its usefulness in that respect, but also on all persons who were conscious that they ought to be suspected. And if the state of Manchester was different from what it was before March last, he believed that to this measure alone the happy result was to be ascribed. It was, therefore, what it had

been aptly called, a measure of mercy, a measure which every good man should had as the safeguard of his property and his freedom. If there was any one reason which weighed more than another with him, it was the love of the Constitution which he believed this measure would mainly tend to save. In the name of internal peace, in the name of morals, in the name of good order, and above all, in the name of security and liberty, he called upon their lordships to adopt it. The history of the world, more especially the recent history of France, proved that what was called liberty was so identified with anarchy, that its very friends, in self-defence, were compelled to throw themselves, for comparative safety, into the arms of the first despot that would rule over them. (*Hear, hear.*) The noble earl had expressed a fear, and it was a fear founded in reason, that the magistrates would, by the perpetual renewal of this bill, become used to a set of measures unlike the spirit of the British Constitution; but he would entreat their lordships by their love of the laws, by their love of tranquillity, by their love of liberty, to check, before it became too late, that dreadful spirit of disaffection and disorganization which he veily, and in his conscience, believed was far more destructive to the Constitution than such temporary suspensions of it as he now felt it his duty to propose. (*Hear, hear.*)

The Marquis of Lansdowne said, that in addition to what had been so justly observed, respecting the infamous character of informers, employed not merely to communicate but to create disturbance, he would illustrate the nature of such evidence by a particular circumstance which had come within his own knowledge. In the year 1812 he had himself the honour of being a member of a Secret Committee, which sat to inquire into the origin and effects of certain disturbances very similar to the present, and indeed the very root and foundation of them. A report was made to the House, which was in strict conformity to truth, as far as concerned the testimony given before the Committee; yet that report was in some particulars essentially false, because the evidence on which it was founded was untrue. A Mr. Horsfall had been murdered in one of the disturbed districts, and one of the principal witnesses who undertook to furnish the Committee with an exact account of the state of the popular spirit and feeling, positively asserted that Mr. Horsfall was murdered in the day-time, and in the presence of vast numbers of people, none of whom assisted him, but surrounded him and exulted in his fate. Now what was the truth? The murderers of Mr. Horsfall were taken, and soon afterwards were tried at York; and on their trial it was distinctly proved, that, when fatally wounded, he was not surrounded by an exulting populace, and for this plain reason, that there was no populace near the spot: there was no witness to the actual murder, nor did any one pass for some time: at length two passengers saw Mr.

Horsfall on the ground, and they immediately ran to him and afforded all the assistance in their power. (*Cries of hear.*) He mentioned this as a striking illustration of the necessary fallibility of an informer's testimony; and he had little doubt that the evidence on which the report rested would, if well sifted, be found to be of the same fallacious nature. (*Hear, hear.*) He now thought it necessary to ask their lordships, whether those countries had been the most free or tranquil where such powers as were now asked for had existed?—whether, on the contrary, such countries had not been the theatres of the most bloody, dangerous, and fatal revolutions? The noble earl opposite had referred to the French revolution; but surely that did not take place for want of such powers. (*Cries of hear, hear.*) Was it not rather the existence of such powers that instigated that revolution? The noble earl had been no less inappropriate in his reference to the disturbances of the fatal September and October. Those horrid scenes were not the mere work of a mob, but the first causes of them were to be traced to plots in which several persons of property, and rank, and talent in that nation were implicated. (*Hear.*) Let their lordships look to the allies of England, and see whether the most despotic government was the most secure. If utter indifference to the liberty of his subjects, if the perpetual exercise of a power like that now called for could make a monarch secure, then Ferdinand of Spain sat on the most stable throne in Europe. Was not, however, the direct contrary the case? But suppose it otherwise, would this country ever stoop to accept security on such abject conditions as were a disgrace even to Spain? He would now turn from the example of a despotic to that of a free government. The noble lords on the other side would probably admit that the executive government of America was too weak. He would remind them, therefore, that not many years ago, when a conspiracy (the noble marquis alluded to the case of Colonel Burr) of a formidable and extensive nature was discovered, and it was proposed in consequence to suspend the Habeas Corpus law, the proposition was almost unanimously rejected; and yet what evil consequences had resulted to the government of the United States? Was it likely that the mere detention of individuals at the pleasure of Ministers would suppress the danger which had been described? Was it not calculated to foment rather than to allay irritation? He was disposed to concur in the opinion, that a system of clubs and societies, such as at present existed amongst the labouring classes, was a pernicious system; but he could not agree that the evil would be most effectually prevented by the power of arbitrarily imprisoning the presidents and secretaries of such clubs, for new presidents and secretaries would soon present themselves.

Uno avulso non deficit alter
 Aureus et simpliciter frondescit honore.

They were all equally convinced of the necessity of punishing crimes; and the important question now was, whether the best mode of punishing and preventing them was not by the regular administration of law and justice, rather than by a system of arbitrary police? (*Hear.*) Whilst he recognized the existence of a certain extent of domestic danger, he felt himself bound to look also to its quality; and the result of this comparison and inquiry was, that the due exercise of the powers of the law tempering justice with mercy, aided by the influence of property, character, virtue, and talents amongst the higher orders, would form the best security against the danger. He should be sorry to consider even those who might have been engaged in some criminal transactions as irreclaimable; but when it was confessed that the great body of the people were sound, and when it was remembered with what fortitude they had supported their difficulties and privations, he felt himself justified in requiring for them the full enjoyment of that freedom which was their birthright, and of those constitutional advantages which could not be surrendered without some hazard of losing them altogether. The great body of the people were, he believed, inclined and able to put down any partial rebellion; and the surest means of preventing that calamity altogether was a general conviction of the excellence of a Constitution combining more personal liberty than ever had before been made consistent with the preservation of public peace. (*Hear, hear.*)

Lord Grenville declared, that in giving his best support to the measure now under consideration, he was induced to do so from a sincere belief that he was at the same time contributing his best support to the cause of freedom itself, as well as to the happiness and security of the country. When he assented to a similar proceeding three months ago, he had indeed but little expectation that in so short a period there would be such a change in the circumstances and dispositions upon which it was founded, as would render it unnecessary subsequently to prolong its duration. He concurred, however, in the necessity of passing it for a limited period, because he deemed it right that Parliament should reserve to itself the power of acting upon new information, in the event of new and important information being obtained. He must also declare, that he did not feel his character involved in the Report of the Committees of which he had been an humble member. It was not a pleasing duty to perform; but they had all, as he believed, as he was conscious he for his own part had done, proceeded with the best views upon the information before them. He was soon about to withdraw from the discharge of his accustomed public duties; he could have no inducement on this occasion to act upon any other principle than a sense of public duty; and although it would only be with life itself that he should entirely abandon pursuits, and desert a cause in which

he had been engaged for five and thirty years; yet it was not improbable that this might be one of the last occasions on which he should have to claim the attention of their lordships. Whilst he concurred in much of what had been said as to the danger of the powers which the Executive Government required, and as to the misconduct of persons who instigated the crimes which they were employed to detect, he could not admit that intelligence derived from such quarters, and the credibility of which was supported by coincident circumstances, was not a fair and even necessary ground in some cases of legislative interference. (*Hear.*) Whether there had been misconduct or not on the part of Ministers, he could not doubt of the result of the examination, taking into view the whole of the circumstances. A conspiracy existed for objects detailed in the Report, and the progress of which their lordships were imperiously called upon to stop. The prevention of dangerous offences was certainly better than the punishment of them. In fact, it might appear to the eye of the moralist, that prevention formed the whole ground on which punishment was defensible. Arguments on all subjects might be pushed to the greatest extent. The question was, as to the proper application of them. In order to prevent crimes, a power should not be given, and exercised, which was in itself, and generally, injurious to society: but in the present case, if asked what were the grounds of his conviction in favour of the measure, he should say, that he thought this important and awful measure necessary for the prevention of great evils. That was his answer to his own mind, notwithstanding what might be said of the description of persons accused or suspected; and of their character, influence, and means, if employed in the attempt to overturn the Government. That these persons were at present important, he would by no means say; but yet there might be great danger in leaving them to work out their designs till the moment of complete exposure. He had too high an opinion of the good sense of the country to fear great dangers; but these dangerous practices would operate as an example and encouragement to all whose minds might be turned to disaffection. If a habit of provoking and insulting the Government were allowed to go on, it might be employed by the artful for the purpose of detaching the people from their regard for the Constitution. Perhaps the taking of the Tower was improbable; but yet enormous mischiefs might have occurred. The present times were different certainly from those of the Revolution, or of 1715 or 1745; but the peculiar nature of the dangers demanded a remedy. A medicine might be excellent for a fever, but might be of no use if delayed to an extremity. However painful it might be, he felt it his duty to support the measure.

Earl Spencer said, he felt great pain in differing from the noble baron, for whose opinions and

character he had entertained for many years the highest respect; but on this occasion he could gather no solid grounds of argument in favour of the awful and dangerous experiment that was proposed. The subject had been so fully treated; that at so late an hour it would be presumption in him to enter into details. He had before said, that nothing short of absolute necessity could justify the measure; and that necessity had not been shewn. It was vain to talk of the responsibility of Ministers on a measure which gave them arbitrary power; they would come afterwards with a bill of indemnity. The matter rested entirely with the consciences of their lordships. He would venture to say, that the ground now laid for the bill would be stated again at its expiration, whenever that might happen, in favour of its renewal. Not one good argument had been adduced to shew that the country would speedily be in a better state.

The Duke of *Sussex* observed, that he did not wish to press any observations on the House; but the question struck him forcibly in a moral point of view. The effects of rigorous laws in despotic Governments were very observable. Thank God, as yet in this country, poisoning and assassination were but little known! He was strongly impressed with the idea that where the public feelings could not be openly and publicly expressed, they would be displayed in another and a more dangerous manner. If sufficient evidence could be shewn for this measure, he would readily submit to it; but if not, he must oppose it in every stage. He had read the Report of the Committee with deep regret. He ascribed no unfair motives to the framers of it; but it contained contradictions, and stated facts without proofs, on the evidence of improper witnesses. On all that had appeared, he could not consent to vote away the liberties of the subject.

Their lordships then divided—

Contents . . . 109—Proxies, 81—190
Not-Contents . . . 27—Proxies, 23— 50

Majority 140

NOT CONTENTS—PRESENT.

Dukes—*Sussex*, *Somerset*, *Grafton*, *Bedford*.

Marquises—*Lansdowne*, *Wellesley*.

Earls—*Essex*, *Darlington*, *Albemarle*, *Ilchester*, *Spencer*, *Grosvenor*, *Donoughmore*, *Rosslyn*, *Grey*, *Lauderdale*, *V. Torrington*, *Clifden*.

Lords—*St. John*, *Says and Sele*, *King*, *Montford*, *Holland*, *Foley*, *Grantley*, *Auckland*, *Erskine*.

PROXIES.

Dukes—*Devonshire*, *Argyle*, *Leinster*.

Marquis—*Downshire*.

Earls—*Suffolk*, *Thanet*, *Jersey*, *Cowper*, *Waldegrave*, *Darnley*, *St. Vincent*, *Carnarvon*, *Challemont*.

Viscounts—*Hereford*, *Bolingbroke*, *Anson*.

Lords—*Byron*, *Dundas*, *Cawdor*, *Hutchinson*, *Crew*, *Ponsonby*.

HOUSE OF COMMONS.

Monday, June 16.

Sir *L. Holmes* presented a petition of inhabitants of the Isle of Wight against a renewal of the suspension of the Habeas Corpus Act.—Ordered to lie on the table.

Lord *R. Seymour* presented a similar petition of the Portreeve, Freeholders and Inhabitants of Tavistock.—Ordered to lie on the table.

ROMAN CATHOLICS.] It was ordered that the following petition of protestant freeholders of the county of Cavan, (presented on the 2d May) should be printed:—"That the petitioners, the there-undersigned protestant freeholders of the county of Cavan, beg leave to express to the House their perfect concurrence in, and assent to, the petition presented during the last session to the House from a meeting of Catholic nobility and gentry, assembled on the 13th day of February at the house of Lord Trimblestone at Dublin; the petitioners beg to assure the House, that they join most heartily in the prayer of that petition, which they hope may again come under the consideration of the House in the ensuing session, and from the granting of which by the House they anticipate the most happy effects, by the restoration of peace and unanimity to this country, without the possibility of its affecting, in the most distant degree, the perfect security of the Protestant establishments of these countries, to which they take this opportunity of expressing to the House their warmest and most devoted attachment."

INSURRECTION ACT CONTINUANCE (IRELAND) BILL.] This bill was read a third time, and passed.

LORD COLCHESTER'S ANNUITY BILL.] This bill was reported, and ordered to be read a third time to-morrow.

SMALL DEBTS BILL.] This bill was read a second time, and committed for Wednesday next.

USURY LAWS REPEAL BILL.] This bill was considered in a Committee, and reported. The report to be taken into further consideration on Monday next, and the bill to be printed, as amended.

SPIES AND INFORMERS.] Sir *F. Burdett* rose to call the attention of the House to a subject of the greatest importance, both to the welfare of the Government and the liberties of the country. He had found it stated in a second edition of the Leeds Mercury of the 14th instant, which he had read this morning, that a person of the name of Oliver had been in the north, trying to excite people to illegal acts, for the purpose of entrapping them. It was stated that this Oliver was a spy of Government; and the Report which had been recently produced in another place acknowledged that such persons had been actually employed by Government. (*Hear, hear.*) The greatest exertions, it appeared, had been

used by such characters to excite others to illegal acts, and for this they were paid and rewarded by Ministers. Nothing, he thought, could be more atrocious, especially in these times of wretchedness and distress, than for Government to hire and pay people to excite sedition. This was, indeed, an act so atrocious, so infamous, so diabolical, that he was almost ashamed to say he could give credit to the statement that Ministers had been guilty of such transactions. The fact, however, of such persons having been engaged, and afterwards rewarded by the Government, could not be denied. The character of Mr. Reynolds had been lately before the House: he was a most notorious spy, and had committed the most atrocious acts—acts at which human nature shuddered; but now he was under the auspices of Government, and had become a person of great splendour and affluence. (*Hear, hear.*) Aye, and had even been summoned (was it credible in such a country as this?) to act as a Juror, and had been one of the Grand Jury who found the bill against the four unfortunate men, whose trials were now pending in the adjacent hall, and against whom evidence of the same infamous cast had been adduced. (*Loud cheering from the Opposition benches.*)

Mr. C. Wynn here interrupted the hon. baronet.—He did not mean to insinuate that the speech of the hon. baronet was out of order, but he (Mr. W.) should be equally in order if he now moved that the standing order for the exclusion of strangers be enforced. (*Loud cries of hear, from the Treasury benches, re-echoed by the Opposition.*) The gallery was then cleared.

Mr. Brougham rose and moved an adjournment. He said, his reason for pursuing that course was, that he was determined to resist the attempt made by the hon. and learned gentleman (Mr. Wynn), to imitate a practice which had been of late adopted elsewhere—(*hear*)—a practice most illegal—and tending immediately to sap the very foundations of criminal justice. (*Hear, hear.*) It was true, it was a proceeding that could be enforced by the law of contempt in the place to which he had alluded; but it was unjust, and too unfair to be imitated in that House. (The hon. and learned member alluded to an order made by the Court of King's Bench, that no part of the State Trials should be published, till the whole of the prisoners had been tried.)

Lord Castlereagh rose to order. He declared he must protest against the speech of the hon. gentleman, who was endeavouring to degrade and vilify the courts of law, (*hear, from the Opposition benches*) and to attack the privileges of Parliament.

Mr. Brougham continued: he said, whatever impropriety the noble lord might attach to the observations he had made, they could never be construed into a breach of the privileges of the House. It might be a contempt of the Court of King's Bench—that question he would not then discuss. That Court could make its com-

plaint, and he should be ready to answer it at the proper time, and in the proper place. But he was not to be told that it was a breach of privilege. He had said nothing to affect the trial that was then proceeding, nothing to impute motives to the judges who presided; his observations were solely directed against the illegal and unconstitutional act of preventing accurate information being given to the public—a public, who had a right to be present, and who would have been present, had there been the possibility of providing adequate accommodation. The hon. gentleman (Mr. Wynn) having cleared the gallery, and caused the proceedings of that House to be carried on with closed doors, he should move that the House do immediately adjourn.

Lord Castlereagh repeated his former observations. The motion, he said, was contrary to the orders of the House, and the hon. gentleman's purpose was evidently that of vilifying the courts of law.

Sir F. Burdett contended that his hon. friend was perfectly in order, and acting in the most constitutional way, in resisting the attempt made by the hon. and learned gentleman (Mr. C. Wynn.)

The Speaker said, with reference to the point of order, that if the hon. gentleman (Mr. Brougham) had impugned the standing order of the House, relative to the exclusion of strangers, he was clearly out of order. If he had not, the reference he had made to the courts below was certainly not irregular.

Mr. C. Wynn felt desirous of stating his reason for excluding strangers. He was conscious that within 50 yards of them a trial for a capital offence was going on. The hon. baronet was remarking on the testimony that had been adduced; and he (Mr. W.) considered it as highly improper that any remarks should be made on a trial while it was yet pending. He protested against the motion of Adjournment, if it was made solely on account of the gallery having been cleared by him. It had been cleared in consequence of the extreme delicacy of the subject under discussion. (*A laugh.*) He asserted, that there must be an end to the independence of the House, if that right could not be exerted without being thus attacked.

Some further discussion took place, during which Sir F. Burdett observed, that his observations could not affect the trial, as the Jury had been locked up an hour before he rose to speak.

The House then divided—For the Adjournment 29—Against it 102—Majority 133.

The order of the day, that the House should resolve itself into a Committee of Supply, was then read.—It was immediately moved, "that this House do now adjourn." The House divided—For the Adjournment 26—Against it 157—Majority 131.

A motion was then made, "that Mr. Speaker do now leave the chair."—It was again moved,

"that this House do now adjourn." The House divided—For the Adjournment 26—Against it 136—Majority 110.

The question, "that Mr. Speaker do now leave the chair," was again put, when an amendment was proposed to leave out all the words after the word "that," in order to add, "this House will, upon this day three months, resolve itself into the said Committee." No division, however, took place, and the main question having been again put and carried, the House resolved itself into the Committee, and strangers were re-admitted.

It was moved, that a sum of 300,000*l.* be granted to his Majesty, "to provide for such expenses of a civil nature as do not form a part of the ordinary charges of the Civil List."

Mr. Bennet immediately rose, and asked the noble lord (Castlereagh) whether Mr. Reynolds, of infamous memory, had been appointed consul-general to Malta? (*Hear, hear, hear.*)

Lord Castlereagh said, he did not know why that question was put to him on those terms. He believed that several juries had given credit to Mr. Reynolds's testimony, and he did not understand why the honourable member should attach infamy to his character, unless it rendered a man infamous to be instrumental in the discovery of treasonable practices. Mr. Reynolds had been employed in his Majesty's service in Portugal, and also as postmaster-general; and had performed his duties with great credit and integrity; and therefore he (Lord C.) had no hesitation in recommending him as consul-general to Malta: he conceived he was justified in so doing, unless every man's character was to be blasted for assisting in the detection of such crimes.

Mr. Bennet said, that he did not impute any discredit to a man for coming forward and giving his evidence on such occasions; but he held, that a man who had been an accomplice in the crime, and who betrayed his associates, was an individual on whom no reliance could be afterwards placed. (*Hear, hear.*)

Lord Castlereagh repeated, that he did not consider it any degradation to a man to give evidence in a court of justice in support of the laws. He had never heard any imputation against Mr. Reynolds's personal character, or the evidence which he had given; nor had he heard of any act discreditable to him, except his having been engaged in a rebellion (*hear*), for which he had made the best atonement in his power. (*Hear, hear.*)

Sir F. Burdett allowed, that every man was bound in duty to assist in the detection of treason; but he had always understood that Mr. Reynolds was a man of notoriously infamous character. (*Hear, hear.*) It had been proved on a trial, in which he gave evidence, that he had been guilty of the most atrocious crimes. (*Hear, hear.*) Captain Lymington and his brother asserted, that he had poisoned their mother;—

this stood recorded on the printed trial; and that he had broken open some private drawers, from which he took many hundred pounds. (*Hear.*) Many other circumstances were sworn to, as appeared in the printed trial. It was sworn on that occasion, that he was not worthy of being credited on his oath (*hear, hear, hear*); but he had since become an important personage, and the protégé of his Majesty's Government. This was an infamy attaching to the noble lord and all his colleagues, which they could not get over without explanation. He should speedily take some means of bringing the subject under the consideration of the House, as it was necessary that this heavy charge against Government should be cleared up; but he could not, at present, state the precise nature of his motion.

Lord Castlereagh said, that such a motion would unquestionably be strictly parliamentary; but he must be allowed to doubt, whether tenderness to his Majesty's Government would influence the hon. baronet in making it. As to the assertion on the trial, that Mr. Reynolds ought not to be believed on his oath, successive juries had believed him on his oath, and Parliament also had believed him. He did not think Mr. Reynolds's character was tainted with any thing more than rebellion, (*hear, hear, from the Opposition*), though that was a great taint; but he had avowed his error (*a loud laugh*), had expressed his contrition, and had manifested his sincerity in a court of justice, by bringing traitors to deserved punishment. (*Hear, hear.*)

Sir F. Burdett said, his view of this matter had no reference to any particular Government; he would reprobate such conduct by whatever Government it might be countenanced. With respect to what the noble lord had said of the general character of spies and informers, he would only observe, that they might merit their reward; but to hold them up as objects of respect was most extraordinary; and in regard to the credit due to their testimony, no jury ought to believe it, unless it were strongly corroborated by other witnesses of unimpeachable integrity. (*Hear, hear.*)

Mr. C. W. Wynn desired that the question before the House might be read. (*Hear, hear, from the Opposition.*)

Mr. Brogden (the Chairman of the Committee) then read the question relative to the Supply.

Mr. Bennet rose and said, that a debate had arisen on a question put to the noble lord opposite.

Sir F. Burdett apprehended, that the subject was quite open to discussion. He now asked the noble lord, did Reynolds receive a pension from the Government? (*Hear, hear.*)

Lord Castlereagh gave no reply.

Mr. Brougham then rose. He observed that, notwithstanding the enforcement of standing orders (*hear, hear*), every question of Supply was necessarily connected with the state of the griev-

of the people. The Crown demanded money; the Commons had a right to demand redress of grievances (*Hear, hear*), and it was no light matter to have persons like Reynolds quartered upon them as pensioners. What would the country say, when they heard that the noble lord intended to send forth a person of this degraded cast as his Majesty's consul-general? (*Hear, hear.*) What would the continental ministers say, when they became acquainted with the character of this representative of the Government? In all commercial concerns, he was to represent the Government, at least so far as concerned the merchants of this country. Was it to be maintained seriously, that a person clothed in the character of a spy and an informer was to hold this situation? This, he believed, was the first time that any man had ventured in that House to pass a panegyric on spies and informers (*hear, hear*); persons of such infamy, that no one judge in England, or in Ireland either, would desire a jury to take cognizance of a case where their evidence was not fully and clearly corroborated. This Mr. Reynolds, it appeared, had for lucre come forward to swear (no matter whether truly or falsely) against his associates: he had turned informer, and this was sufficient to stamp him with all the infamy that attached to such characters, notwithstanding all the subtlety of the noble lord. He (Mr. B.) could not sufficiently express his abhorrence of such a character, nor his grief to hear the eulogium which the noble lord had thought proper to pronounce on it. (*Hear.*)

Lord Castlereagh appealed to the House whether he had pronounced any eulogium on Mr. Reynolds. He had said, that Reynolds had been engaged in the rebellion, but that he had afterwards avowed his error, and discharged his duties with great fidelity.

Mr. C. Wynn said, that if the hon. baronet had objected to the Supply, because the question of grievance had not been answered, he should not have interfered. He did not think, however, that the question of what credit a jury should give to a witness was a grievance. Certainly that House had always held, that grievances might be inquired into when the Crown came to demand a Supply. (*Hear, hear.*)

Mr. Curwen thought it most disgraceful to Ministers to employ such a man as Mr. Reynolds in any public situation. He trusted that the noble lord would undo what had been done on this subject; because, though Mr. Reynolds might be rewarded for his services, it certainly was not fit to hold him up as a person to be employed in a public capacity. (*Hear, hear.*)

The resolution for the Supply was then agreed to, and the following sums were likewise voted: 1,400,000*l.*, "to defray the extraordinary expenses of the army for Great Britain for the present year."—100,000*l.*, "to defray the extraordinary expenses of the army for Ireland

for the present year."—25,000*l.*, "for defraying the expense of making an inland navigation from the Eastern to the Western Sea, by Inverness and Fort William, for the year 1817."

The House resumed, and the resolutions were ordered to be reported to-morrow.

PRISONS (IRELAND).] A bill was brought in by Mr. Peel, and read a first time, "to amend an Act of the 50th year of his present Majesty's reign, for repealing the several laws relating to prisons in Ireland, and for re-enacting such of the provisions thereof as have been found useful, with Amendments."

TITHES LEASING BILL.] This bill went through a Committee, and the report was brought up, and ordered to be taken into farther consideration on Thursday next.

CLERK OF PARLIAMENTS, SIGNET, AND PRIVY SEAL OFFICES REGULATION BILL.] The order of the 5th of May for this bill (see page 827) was discharged, and another bill ordered to be brought in by Mr. D. Gilbert, Mr. Bankes, and others. Accordingly, a bill was now introduced, and read a first time, "to regulate the Offices of Clerks of the Signet and Privy Seal."

LIST OF THE MINORITY

ON MR. BROUGHAM'S MOTION OF ADJOURNMENT, IN CONSEQUENCE OF MR. C. WYNN HAVING MOVED THE STANDING ORDER FOR THE EXCLUSION OF STRANGERS.

Brand, Hon. T.
Brougham, H.
Barnet, J.
Curwen, J. C.
Calvert, C.
Carter, J.
Duncannon, Lord
Gordon, R.
Hughes, Col.
Heathcote, Sir G.
Lambton, J. G.
Lefevre, Shaw
Langton, G. Col.
Latouche, R.
Mathew, Gen.

Martin, J.
North, Dudley
Ossulston, Lord
Parnell, Sir H.
Pierse, H.
Ponsonby, Hon. F.
Russell, Lord William
Rancliffe, Lord
Ramsden, J.
Sefton, Lord
Symonds, T. P.
Tavistock, Lord
Waldegrave, Capt.
Wood, Rt. Hon. M. (Ld. Mayor)

TELLERS—Sir F. Burdett and Hon. H. Bennet.

HOUSE OF LORDS.

Tuesday, June 17.

The evidence was finished on Miller's Divorce Bill.

EDINBURGH CANAL.] The Earl of Lauderdale moved the second reading of the Edinburgh and Glasgow Canal Bill.

The Earl of Morton objected to it, on the ground that the standing order, requiring a subscription for four-fifths of the work before a bill of this kind passed, had not been substantially complied with.

The Earl of Lauderdale said, that the order must be, and was substantially complied with.

The House must be satisfied of that, before the bill could pass: but this bill was one which would be attended with great public benefit, and there was nothing to prevent the second reading.

The Earl of *Morton* observed, that he objected to the principle of this bill, which was pervaded by a spirit of jacobinism; but he would reserve the statement of his objections till the third reading.

The Earl of *Lauderdale* replied, that the subject of this bill had been more fully discussed out of doors than that of almost any other bill of the same nature, and had received the general concurrence and support of the freeholders of the counties through which it was to pass. It would be curious to hear how the noble earl, at the third reading, would support his objections. A canal, if made by a certain party of some consideration at one time in Scotland, might be called a jacobite canal; but how it was to be made out that this would be a jacobin canal he could not conceive.

Lord *Melville* corroborated the statement of the Earl of *Lauderdale* as to the consideration which had been given to the subject, and thought that his noble friend ought to postpone his objections till the bill should be committed.

The bill was then read a second time, and ordered to be committed.

CHESTER PETITION—HABEAS CORPUS ACT.]

Earl *Grosvenor* presented a petition of inhabitants of Chester, in Common-hall assembled, under a requisition to the mayor, against the continuance of the Suspension of the Habeas Corpus Act. The meeting, he said, was numerous and respectably attended, and the petition was adopted by a great majority.

It was read, and stated, among other things, that the traitorous conspiracies, which were said to be every where, were to be found no where, and were an *ignis fatuus*, which always escaped the pursuer.

The Bishop of *Chester* said, that the petition did not express the opinion of all the people of Chester. On the contrary, a counter-petition, very numerous and respectably signed, was soon to be presented to that House.

Lord *Holland*.—Did the right reverend prelate mean to say, that a petition from Chester was to be presented, begging of the House to suspend the Habeas Corpus Act?

The Bishop of *Chester* replied, that a counter-petition was to be presented.

Earl *Grosvenor* said, that those who were adverse to the petition had an opportunity of stating their objections to it, and opposing it at the Common-hall. They had opposed it, but it was adopted by a considerable majority.

The petition was laid on the table.

PERSONS CONFINED FOR TREASON.] Earl *Grosvenor* moved for an Address to the Prince Regent, praying there might be laid before the House an account of the names, ages, and de-

scriptions of the persons arrested under the powers given by the suspension of the Habeas Corpus Act, specifying those who had been discharged, and those who still remained in custody.

Lord *Sidmouth* objected to give the number, as it might operate against the persons themselves. The number detained he was willing to produce, nor did he object to the ages being stated, particularly as there had been much misrepresentation on that point.

Earl *Grosvenor* stated, that he was anxious to have the description of the individuals.

Lord *Sidmouth* said, he could not agree to that part of that motion.

The Duke of *Sussex* observed, that he did not suppose his noble friend meant a description of their hair and eyebrows, but whether they were married or unmarried, &c.

Earl *Grosvenor* wished to have at least their situations in life, as it would shew that there were amongst them no persons of any consideration in the country, and therefore that no danger existed to call for the measures which were now proposed.

Lord *Holland* deeply regretted to hear that the noble viscount objected to disclose the names, as it thus appeared that Ministers not only had ordered, but that they intended to order the arrest of individuals, without any intention whatever of bringing them to trial.

Lord *Sidmouth* said, the noble lord might put what construction he pleased upon the conduct of Ministers; but he should feel it his duty to abstain from giving any further explanation. It must be evident that it would be highly improper to disclose the names.

The Earl of *Donoughmore* regretted that the noble viscount should have displayed any warmth, the charge not being against him, but against the measure of the Suspension of the Habeas Corpus. If it could be proved, that persons of rank, or of superior talents, were implicated in a conspiracy against the Government, he would most readily concur in giving every power that the security of the country might require; but when there were no persons concerned but individuals without rank or property, or without any name derived from their talents, what was to be apprehended; what was the danger that could call for the measures now proposed by Ministers?

Lord *Sidmouth* said, he could only agree to a part of the motion; and he therefore moved to leave out all the words after the word Address, and to insert merely an account of the number and ages of the persons detained.

Earl *Grosvenor* urged the propriety of agreeing to the original motion; but, under the circumstances, he was disposed to obtain what he could, and therefore he would withdraw his motion.

The motion being withdrawn, Lord *Sidmouth's* amendment was agreed to.

Lord *Sidmouth* then moved the order of the day, and the House resolved itself into a Committee on the Habeas Corpus Suspension Bill.

On his lordship's motion the blank for the duration of the bill was filled up with "until the expiration of six weeks after the commencement of the next Session of Parliament."

Earl *Grey* gave notice of his intention to move an amendment in a subsequent stage of the bill, to the effect, that it should expire in case of a dissolution of Parliament.

Lord *Holland* said he did not mean to discuss the bill now; he merely wished it to be understood that noble lords were not precluded from moving amendments in a subsequent stage. His noble friend had already given notice of one amendment, and another was intended to be proposed, to limit the duration of the bill to a still shorter period.

The Earl of *Donoughmore* intimated an intention of proposing an amendment, which would have the effect of producing the meeting of Parliament at an earlier period than it had been of late customary to commence the Session, by limiting the duration of the bill to a certain day, unless Parliament should assemble in the interval.

The bill then passed through the Committee, with the amendments proposed by Lord *Sidmouth*, and the House having resumed, the Report was ordered to be received to-morrow.

HOUSE OF COMMONS.

Tuesday, June 17.

The order for calling over the House, standing for this day, Mr. *W. Dundas* moved "that the said order be discharged."

The House divided—

Ayes, 126; Noes, 41.—Majority, 85.

CHESTER PETITIONS.—HABEAS CORPUS.] A petition of inhabitants of Chester was presented, against the farther Suspension of the Habeas Corpus Act; also, a counter-petition of the Mayor, &c. of Chester.—Ordered to lie on the table.

NEWFOUNDLAND TRADE.] A petition of merchants and inhabitants of Dartmouth, praying the House to protect the Newfoundland Fishery, was presented, and laid on the table.

Mr. *M. A. Taylor* then rose to call the attention of the House to the state of the Newfoundland Trade; the extent and magnitude of which ought to render it an object of deep Parliamentary solicitude. In this trade were employed no less than 300 vessels, navigated from this country, and manned by more than 6,000 men; who were thus educated for the naval service. It was a fact, highly deserving attention, that all the supplies of Newfoundland were derived from this country and Ireland. The returns made by Great Britain from this settlement were very great. The fish caught and cured in two years amounted, when sold in the European markets, to two millions sterling, all re-

mitted in specie or bills of exchange; being the only description of trade by which a return similar in kind was made to the mother-country. He disclaimed all hostility to Government, or to the Board of Trade, in the motion which he was about to submit; but he pressed upon the House the indispensable necessity of taking some vigorous steps to relieve the place from its present distresses. By the last accounts it appeared, that of a population of 60,000 persons 5,000 were out of employ, and in a state of beggary. Famine and misery staring them in the face, they were prompted to acts of violence. They ransacked and plundered the warehouses, there was no security for the peaceful inhabitants by day or night, and provisions and other supplies were taken by force. If not promptly relieved, the settlement in the ensuing season would present a scene of horrible civil warfare. The merchants in this country, finding the trade of Newfoundland in so depressed a state, would not send out the ordinary supplies; and the place itself was incapable of any produce. Under these circumstances it was most important that some legislative measures should be adopted for the support of the trade; for it required capitals so large, that if once it were allowed entirely to sink, it would be a most difficult matter to revive it. One great cause of its depression was, the permission injudiciously given by treaty to the French to fish at Newfoundland. Another was the high duties imposed on the importation of the fish in Spain and Naples.—Strong representations ought to be made on this subject to the Kings of those countries, who having both been placed on their thrones by the arms of England, ought in gratitude to abstain from imposing on this Trade a duty so high as to amount nearly to a prohibition. The Pilchard Fishery, and the Whale Fishery, were protected by bounties, but the Newfoundland Fisheries were left without any protection. The French trade, on the other hand, was encouraged by bounties, which had nearly rendered the French our rivals in the markets of the Mediterranean. France gave a bounty not only on the fish caught, but on the ships and men employed; thus pursuing a wise policy, which he strongly recommended to the adoption of our Government. [The honourable member then read a list of the French bounties on their own Newfoundland trade, and a list of the Spanish Importation Duties on ours.] Reverting to the large part of the population of Newfoundland unemployed, and perishing for want of food, he observed, that Government had proposed to send 1000 of them to Brunswick and New Canada. More might be sent thither with advantage. Their absence would relieve the settlement, and they would assist in clearing and improving the colonies to which they might be conveyed. There were various modes in which the difficulties of the Newfoundland Trade might be mitigated, if not

removed; but if no effort were made, that most valuable branch of our commerce must soon be at an end. Mr. Pitt, and afterwards Mr. Perceval, had shewn themselves fully sensible of the importance of the subject; and had agreed to the grant of some bounties, the expense of which was as nothing, compared with the benefit derived from their operation. He trusted, that when the Committee, for which he was about to move, had made their Report, the evidence attached to it would be generally read, as it would clearly prove the distressed state of the inhabitants, and the necessity of adopting some immediate measure for their relief.—He concluded with moving, “that a Select Committee be appointed to inquire into the state of trade to Newfoundland, and into the situation of that settlement, and to report the same as it shall appear to them to the House.”

Mr. *Protheroe* seconded the motion; complimented the hon. and learned gentleman for the clear and impressive manner in which he had represented the distressed state of the settlement, and urged the expediency of taking vigorous and prompt measures to relieve it.

Mr. *H. Davis* also supported the motion.

After a few words from Mr. *Goulbourn* and Mr. *Wilberforce*, the motion was agreed to, and Mr. *M. A. Taylor*, Mr. *Protheroe*, Mr. *F. Robinson*, Mr. *Goulburn*, and several others were appointed to form the Committee.

WATCHMAKERS.] A petition of Watchmakers of Coventry, respecting the distressed state of their trade, was presented and laid on the table.

Another petition of Watchmakers of Coventry, respecting their trade, was then presented, ordered to lie on the table, and to be printed. It was as follows:—“The humble petition of the truly distressed Watchmakers of the City of Coventry, being counter to one already sent by a number of persons calling themselves such. The petitioners beg leave to approach the House with all the emotions of genuine respect, which should ever characterize the conduct of petitioners to such an assemblage of their country’s rulers; and though their feelings are depressed by poignant sorrow, still they encourage the exhilarating hope that their distresses will find an avenue to the wise discussions of the House, doubting not but they will exert their ablest efforts to relieve the present unprecedented distresses of the petitioners. The petitioners intreat permission to represent to the House, that the double licence on plate operates materially to their injury, by preventing numbers from retailing watches; but what is principally to be lamented is the introduction of foreign watches, which contraband traffic is still continued, to the great injury of their trade. The petitioners deem it necessary to state to the House, that a former petition of the distressed Watchmakers of the City of Coventry, reproaching the system of apprenticeship, was not the petition of persons confined to the trade,

but a considerable proportion of other inhabitants of Coventry, not conversant with the business, nor in the least interested with it; and in several instances, names were introduced of Watchmakers who never sanctioned it, or even knew of such petition; that the petitioners beg leave to inform the House, that their present depression does not arise from the large establishments of apprentices (which they term the nurseries of vice and the poor-house); the manufactories of Coventry have been the prolific soil for genius to flourish in, and have produced mechanics which are an ornament and honour to our native country, men who in point of sterling merit will yield the palm to none; as a proof of which they beg to observe, that the London manufactories constantly send watches to Coventry to be manufactured; thus the petitioners contend, that it is neither the demerit of their work, or the system of apprenticeship, that causes the present calamity, but the causes above stated, in addition to the general distress that pervades a great part of the universe. The petitioners feel in duty bound, that whilst they are troubling the House to embrace this opportunity of rescuing a respectable class of individuals from calumny, as the present stagnation in their trade does not arise from any causes connected with the manufacturers, they beg to correct a misstatement in the former petition, respecting the number of hours the apprentices are at their labour, which does not amount to twelve hours per day, taking the year round, instead of fourteen hours as there stated, and also in respect to their weekly allowance, which is there stated at four shillings and four shillings and sixpence, when they are allowed to earn from five shillings to one pound each per week in addition, thereby tending to alleviate their parents’ burthen, adding to their own comforts, and imbibing habits of industry which are retained through life: the petitioners therefore humbly pray, that the House will condescend to discriminate between the real and supposed evils, and to grant that relief which the House, in its wisdom is ever ready to afford.”

Mr. *P. Moore* and Mr. *Butterworth* confirmed the statement respecting the distressed state of the trade, and hoped that some measures would be adopted for its relief.

OFFICES (SCOTLAND) REGULATION BILL.] The House having resolved into a Committee on this bill, a conversation ensued, in which Mr. *Tierney* contended, that the office of Muster-Master-General, 4,000*l.* a year, not being a reward for civil or military service, did not confer a vested interest; that it was similar to all other offices held during the King’s pleasure, and that there would be no injustice or hardship in abolishing it immediately, without waiting for the decease of the person who now enjoyed it.

Mr. *D. Gilbert* maintained, that it was such an existing interest as could not be abolished, without great injustice to the party who held it.

Mr. *Tierney* insisted that the possessor of the

office would suffer no greater injustice on its abolition than a Minister on leaving office. The party himself never expected to hold the place for life, and to continue it was a downright tax on the country of 4,000*l.* a year, and a most indecent waste of the public property, after all the talk about economy.

The Report was ordered for Thursday next.

MINT OFFICES' REGULATION BILL.] This bill was read a third time and passed.

LORD COLCHESTER'S ANNUITY BILL.] This bill was read a third time and passed.

CLERGY RESIDENCE BILL.] The Report of this bill was further considered; the bill recommended, and considered in a Committee. Some new clauses were proposed, when the Committee being told, and forty members not being present; and then the House being counted by Mr. Speaker, and forty members not being present, it immediately adjourned.

HOUSE OF LORDS.

Wednesday, June 18.

CHESTER PETITION—SUSPENSION OF THE HABEAS CORPUS ACT.] Lord *Sidmouth*, in the absence of the Bishop of Chester, presented a petition of certain inhabitants of Chester, expressing their confidence that the Executive Government would not ask for the extraordinary powers given them by the act for suspending the Habeas Corpus, unless such powers had been necessary for the preservation of public tranquillity: also expressing their disapprobation of petitions against the continuance of these powers, when the petitioners could not be aware of the evidence and circumstances; and then expressing their hope that the powers would be continued, in case it should appear that the state of the country required it.

On the motion of Lord *Sidmouth*, the Habeas Corpus Suspension Bill was reported, ordered to be engrossed, and to be read a third time to-morrow, and the lords to be summoned.

HOUSE OF COMMONS.

Wednesday, June 18.

REPEAL OF THE SEPTENNIAL ACT.] Mr. *Brougham* postponed his motion relative to the repeal of the Septennial Act, till to-morrow at night.

MACHINERY.] A petition was presented of Mechanics, Artizans, and others, of London and Westminster, complaining of the excessive use of Machinery.—Ordered to lie on the table.

SUSPENSION OF THE HABEAS CORPUS ACT.] The following petition of inhabitants of the Borough of King's Lynn, in the county of Norfolk, was presented, laid on the table, and ordered to be printed.—“That the petitioners have learned, with deep regret, that it is the intention of his Majesty's Ministers to propose to the House the renewal of an Act for suspending

the Act of Habeas Corpus; without presuming to offer an opinion, respecting any necessity for the recent suspension of the liberties of his Majesty's subjects, they beg permission to submit that the circumstances of the country do not require any further transfer of British liberty; at a time when universal tranquillity prevails, amidst general and unparalleled distress, such an Act as that which is in contemplation would, in the opinion of the petitioners, instead of consolidating and perpetuating an attachment to his Majesty's Person and Government, increase the evil of disaffection (supposing it to have had any existence), and be productive of mischief in every district of the Empire, and amongst all classes of his Majesty's subjects; these opinions, they beg further to state, are founded upon matter of fact, for, disgusted and dispirited, many valuable members of society, and loyal and truly patriotic subjects of these Realms, have emigrated from a Country whose Constitution could no longer secure their protection, others are unquestionably preparing to imitate their example, and those who remain do and must deplore the causes, which, while they are suffered to operate, leave the British Constitution with only a name, place the liberties of a free people at the disposal of a few individuals, and create a powerful temptation to attempt a transfer of wealth and talent and trade to other nations: the petitioners beg that the House will not construe this honest expression of their sentiments into the language of disrespect; as Britons they feel, as faithful and loyal subjects they fear, as acquainted with the source of relief, they apply to it for succour; as suppliants, they do most earnestly intercede with the House to pause before it listens to a proposal for any further suspension of the liberties of the people; and to reject, as unnecessary, as degrading, and as incalculably injurious, an Act, which, if it strengthen the executive arm, must paralyse the whole body.”

RIGHT OF VISITING PRISONS.] Lord *Folkestone* rose to make a motion, of which he had given notice some days ago, and expressed his regret that he should have to make it in so thin a House, and during the absence of those who ought to have been present, if they wished for an opportunity of justifying their measures. It had been the practice of Ministers to delay coming down to the House for an hour after business commenced, a practice that was often attended with great inconvenience; but as that time had now expired, and as they knew it was his intention to bring forward his motion on this day, he hoped he should stand acquitted of all unfairness, if he now pursued his original intention. (*Hear, hear.*) The motion which he was about to make was one of very serious moment, and he lamented exceedingly, that it had not attracted a greater attendance of members, how humble soever the abilities of the individual who felt it his duty to submit it to the consideration

of the House. The object which he had in view was, to procure copies of all instructions sent by the Secretary of State for the Home Department, to all officers, gaolers, and magistrates, respecting the custody and treatment of persons confined under the act for suspending the Habeas Corpus; and the circumstances which had called for this motion on his part were these. There were three persons under confinement in Reading-gaol, upon a charge of treasonable practices; they were called State prisoners: and, in consequence of some orders transmitted by the Secretary of State to the gaoler, the visiting magistrates of Berkshire were not allowed to visit them. Now he (Lord F.) as one of those magistrates, felt himself entitled to complain, that he was deprived of the right which he had, as a magistrate of that county, to visit that gaol; and he had no hesitation in saying, after the best consideration which he had been able to give the subject, that the authority which had been assumed by the Secretary of State on this occasion, was a gross violation of the law. With the leave of the House, he would read the clause in the Act of Parliament, under which he claimed the right of visitation. By the 31st of the King, ch. 46, it was expressly declared, "that, for better preventing all abuses in county gaols, the magistrates for the county, of their own accord, and without being appointed visitors, might, from time to time, enter into such gaols, and examine into the treatment of the prisoners: and if they saw any abuse, that they should report the same to the Quarter Sessions, and no abuse so reported, should be allowed any longer to continue." When the House found that this act remained on the statute book unrepealed, what would they say to the order of the Secretary of State, who had taken upon himself to prevent the magistrates from visiting the county gaols? The power thus arrogated was most illegal and unconstitutional: it was a direct violation of that clause in the Bill of Rights, which declared, that the laws of the land shall not be suspended or dispensed with, without the authority of Parliament; it was, in fact, a complete breach of the contract made between the King and the people, and, as such, it deserved the most grave and weighty consideration. He should have thought, that when he had stated this, he had said quite enough to put his Majesty's Ministers upon their justification; but he would examine some of the arguments which, he understood, were intended to be set up in their defence. It was said, that all gaols were the King's; that they were regulated by Royal prerogative, and that the power now exercised, had been always adopted with respect to State prisoners. Precedent might be quoted of the exercise of this power at the beginning of the last century; but the act to which he had alluded, was passed so lately as 1791, and, therefore, any precedent of previous practice could not apply, or be of any avail. In

support of this argument, he must beg to observe, that, in the first place, every gaol in the kingdom was now made, a State prison, which was not formerly the case. State prisoners, as they were called, were then committed to the Tower, which was a military fortress, under the power of the Crown, into which no magistrates or justice of the peace had a right to enter; but, by the late act for suspending that great bulwark of our liberties, the Habeas Corpus Act, prisoners might be confined in any gaol, and removed from gaol to gaol, at the pleasure of the Crown. Now, to a certain extent, he admitted the rule, that the prerogative of the Crown could not be affected by an Act of Parliament, unless it were particularly specified in that act. He believed, however, that there were some very important exceptions to this rule, and supported by very great authority. In Atkins's Reports, in a case upon the statute of frauds, Lord Hardwicke doubted whether the King was not affected, though not expressly named. Sir Edw. Coke more than once expressed an opinion contrary to the general rule. The law for the abolition of the slave trade, most certainly extended to the prerogative of the Crown: but there was another very strong case—the case of perjuries prosecuted under the statute of the 5th of Elizabeth. Lord Chief Justice Holt there declared, that the King's pardon would not remove a man's disability to give evidence. In Buller's Nisi Prius, a work of great repute, it was also said, that the King's prerogative might be bound, though that prerogative was not named in the statute. Sir Edward Coke, in his Reports, said, that all statutes, to take away wrongs, or prevent frauds, shall bind the King, although he be not expressly named; and the reason which he assigned was, on account of the public good. The question, then, was, whether the act of the 31st of the King was an act passed for the public good, or not? Now, that act was made to prevent abuses in his Majesty's gaols, and nothing could be more for the public good than that object. The Crown, therefore, had no more right to violate this Act of Parliament than any other man; and, consequently, this order of the Secretary of State to prevent the magistrates from entering into the gaol, was a gross violation of that statute, and a suspension of the law of the land. (*Hear, hear!*) He was willing to admit, that all gaols were the King's; but he apprehended that the King had no peculiar prerogative over them. The building was the King's, but the custody of the prisoners belonged to the sheriff. This could be most satisfactorily established by positive acts of the Legislature. By the 14th Edward III., it was provided, that the gaols which were wont to be in the sheriff's custody, and of which they had been dispossessed, should be restored to their bailiwicks. An act passed in the reign of Richard II., was still more positive; it enacted, that the King's castles and gaols, once given to the care of the sheriff, but which had

been severed from him, should be again put into his hands. By another statute, in the reign of Henry VII., it was expressly declared, that the sheriffs of every county shall have custody of the gaols. Nothing, he thought, could be more satisfactory than these several authorities. It might be proper however, to mention, that in former times the sheriff was not appointed by the Crown, as he now is, but was elected by the freeholders of the county; and when this was kept in mind, the importance of his office, and the propriety of investing him with the custody of gaols, would be more fully understood and felt. It had, indeed, been solemnly adjudged, that the sheriff has custody of prisoners, and that the King cannot abridge him of any thing incident to his office, notwithstanding the grant of the custody of prisoners by the King to other persons. Now what was it but the grant of the custody to other persons, when the magistrates, in consequence of an order of the Secretary of State, were refused admission to the prisons? Sir Edward Coke declared, that, in the 9th and 40th of Elizabeth, it was resolved by Popham and Anderson, and all the Judges of England, that the custody of gaols belongs to the sheriffs, and that the sheriffs shall have the custody of them, and that the custody of prisoners to other persons was absolutely void. He (Lord F.) contended, therefore, that this proceeding of the Secretary of State, to prevent the admission of magistrates who were entitled to visit gaols, was a gross breach of the law. What power, he would ask, had the Secretary of State, to enforce this order? Literally none. The gaoler was not appointed by the Secretary of State, he was not paid by the Secretary of State, nor could he be removed by the Secretary of State. He most sincerely hoped that the House would agree with him in thinking, that this subject demanded the most grave and serious consideration. The magistrates were directed, by the 51st of the King, to visit prisons, in order to see that no abuses existed: and now that we were commencing a system of *espionage*, (*hear, hear, hear,*)—when persons were taken up and confined on slight and unfounded charges, as the verdict of a jury had declared, (*hear, hear, hear,*) the provisions of an Act of Parliament, which was expressly made to prevent abuses, were most grossly and illegally violated by the sole will and pleasure of a Secretary of State. (*Hear, hear, hear.*) The King's Ministers had taken upon themselves to set this law of the land, made for the security of the subject, at complete defiance; they had trampled upon it, and declared that it was of no avail, as they had prevented magistrates from going to see whether abuses were committed in the prisons or not. (*Hear, hear.*) And why was this? Were Ministers afraid of the loyalty and integrity of the magistrates? (*Hear.*) Did they think that the magistrates of Berkshire were not fit to be trusted? If they really thought so (and what else

did their conduct imply?) why were not those magistrates struck out of the commission of the peace? This, he repeated, was a most important subject: it was important to the prisoners, important to the magistrates, and to the whole body of the people. The order of the Secretary of State was highly improper and illegal; it was a complete and direct suspension of the law, contrary to the express declaration and provision contained in the Bill of Rights. He begged pardon for having detained the House so long, (*hear, hear,*) and would now conclude with moving, that there be laid before them "copies of all instructions, given by or sent from the office of the Secretary of State for the Home Department, to all gaolers, or other persons, to whose custody may be committed persons detained under the provisions of an Act passed in the present Session of Parliament, 'for enabling his Majesty to secure and detain such persons as he shall suspect are conspiring against his Person and Government;' and also, Copies of all Letters, or of Answers to Queries, sent to any Magistrates, respecting the custody and treatment of the same."

The Attorney-General commenced with saying, that the noble lord had stated a proposition which he was not at all inclined to deny, namely, that the King had no power to dispense with the laws. This was a principle settled at the Revolution, and expressly declared by the Bill of Rights. The noble lord, however, seemed to think that the regulations of which he complained had been now adopted by the Attorney-General for the first time. (Lord Folkestone said that this was no part of his argument.) He certainly understood that the noble lord's argument went that length. (*Cries of no, no, from the Opposition.*) The noble Secretary of State for the Home Department had not done any thing on this occasion which had not been uniformly and constantly done for the custody of State prisoners. The warrant for the apprehension of the parties, whether issued by the Secretary of State or any other person, specified that they should be kept in close custody; and the law ordained that they should be kept in such custody, not only previous to, but also during their trials. If the noble lord would take the trouble of examining the State Trials, he would find a vast variety of cases, both prior to and since the Revolution, in which this doctrine was maintained by judges who were as much friends to the liberty of the subject, according to the law of England, as the noble lord, or any other man. Instances of the exercise of the power now complained of had been sanctioned by Lord Holt, and also by Lord Chief Justice Pratt: by the latter particularly, in the case of Christopher Layer, Esq. who was tried in the King's Bench for high treason. (Nov. 21, 1732, 9 Geo. I.) Lord Chief Justice Pratt then made a rule that Mr. Layer's wife should be admitted into the prison, but all others were excluded, without an express order

to the gaoler. It was true, that the sheriff had the custody of gaols; but the party who committed had always granted or refused permission to visit the prisoners. The sheriff of the county was to keep the gaol; he was liable for the escape of the prisoner, and, therefore, no other person had a right to be the keeper; but that did not in the slightest degree decide the question, that those who committed the prisoner were not empowered to order, that no person whatever should be allowed to visit him. The sheriff's gaol, and every gaol in the kingdom, was the King's gaol. It was laid down by Lord Coke, and by almost every other writer, that—"The gaol is the King's, though the subject may have the custody of that gaol;" and certainly, the King had always, through the medium of his Privy Council or Secretary of State, exercised the right of admitting or refusing persons to visit State prisoners. The noble lord had cited several cases to shew that particular acts bound the King, although he was not expressly named in them: but none of those cases had the slightest application to the subject. The noble lord thought, that in the case of perjury the King's prerogative of pardoning was taken away. That he denied. The Act of Parliament expressly stated, that no person convicted under that statute for perjury should be admitted to give evidence, unless the judgment was reversed; but it did not take away the King's power of pardon for perjury. With respect to the statute of the 31st of the King, he would venture to say, that when that act was passed, such a question as that which the noble lord had brought before the House was never in contemplation. It was made for a very different purpose. The object of it principally was to enable magistrates to visit penitentiary houses, in which the parties were to be under a sort of domestic government, for keeping them in a state of constant employment. It certainly spoke also of county gaols. (*Hear, hear, hear, from the Opposition.*) The act directed that two justices might visit and inquire into the state of the prison; and the intention of the act was not at all defeated by what was now contended for. In all ordinary cases, any magistrate might still go, might report abuses, or make his observations; but with respect to State crimes, in which the passions of men were always much engaged, it would be of the most dangerous consequence if every magistrate in the county might at all times converse with every prisoner, and that in private. Magistrates were but men; and every possibility of danger ought to be guarded against. The noble lord had assumed that the persons now confined had been taken up wantonly: this was a mere assertion; and he (the Attorney-General) had an equal right to say, that none had been taken up but those who deserved it. But the noble lord had contended, that whatever was the case before 1791, the law had been altered since that time. If so, it was a

little singular that this was the first time an objection had been raised to the exercise of this power, because it was clear that, since 1791, in every suspension of the Habeas Corpus, similar orders were given at the discretion of the Secretary of State, as to every prisoner taken up under such suspension. But the noble lord's argument had nothing to do with the Suspension of the Habeas Corpus in particular; for if a party taken up at a time when there was no such suspension might be visited at all times, he might also when that act was suspended; and if he might be visited at all times, he might, even when his trial was going on; and it was impossible to enumerate the mischiefs that might ensue if communications with the prisoner were allowed at such a period. He maintained, however, that the right to control the access to a State prisoner was one of the prerogatives of the Crown, and had always been exercised by the Secretaries of State. It had been exercised before the Revolution, and since the Revolution, up to the 31st of the King, without opposition; and that statute, he contended, did not in any way affect or alter this prerogative: for though it gave the magistrates a right to visit prisons, it said nothing about any communication with the prisoners. The clause, indeed, respecting the visiting justices was more explicit; but even that said not one word on the subject of communication. He did not mean to state, that it might not be advisable or proper that on some occasions the magistrates should see and converse with the prisoners; but he did say that, with respect to State prisoners, his power was controlled by the King's prerogative. When the noble lord spoke of the difference between State prisons and the sheriff's gaol, he perfectly agreed with him; and it seemed to be admitted that the Tower at least was a State prison, into which the magistrates had not general power to enter: but he contended, that the placing State prisoners in any gaol made that gaol a State prison: and, therefore, the Secretary of State, in issuing regulations for the management of State prisons, had not dispensed with the law, but followed it. The noble lord's motion went to insist on the power of every magistrate to enter prisons at any time, and communicate with every prisoner. There was no foundation whatever for such an extensive power, and therefore he should oppose the motion.

Sir S. Romilly thought this question one of the most important that had come before the consideration of the House; and he had never heard a doctrine more dangerous, novel, or more destitute of all foundation, than that advanced by the learned gentleman. He deemed it unnecessary to inquire what was the power of the Crown, or what its prerogatives before 1791; the question now was, whether a Secretary of State could, without a violation of

law, prevent the magistrates of a county investigating the state of prisons within their jurisdiction. Whatever his learned friend might throw out, it was impossible a question of greater importance could be discussed in that house than this—Whether the prerogative of the Crown could not be taken away by an Act of Parliament, without express words contained in the act for that purpose? His learned friend had said that it could not; and this was certainly true in some instances where civil rights were confirmed. The rule held good in the case of limitations, and in the case of the bankrupt laws, which did not affect the King's right of recovering his debt, and perhaps ought not; but was it ever held, that in acts of general regulation, acts which went to check abuses, and protect the rights of the subject, the power of the Crown could not be taken away by any thing short of express words? (*Loud Cheers.*) There was no doubt that the prerogative might be taken away by such acts, without any express words for the purpose. This very point had often been decided. In the great case of *Magdalen-college* (in Lord Coke's Reports) the question was, whether the statutes preventing ecclesiastical bodies from alienating their property extended to the King as well as all others, there being no express words in the statutes to that effect. *Magdalen-college* had made a grant to Queen Elizabeth; and the point was, whether this grant, being made to the Queen, was within the provisions of those statutes. The judges unanimously resolved, that the Crown was not excepted out of general statutes passed for the protection of the subject, or the redress of wrong. (*Hear, hear.*) Now he would ask, whether the statute passed in 1791 was not a general statute, passed for the protection of the subject, and the redressing of wrongs? (*hear.*) There was no decision, no dictum of any judge, no authority of any kind, to be found in any of the books, which asserted that the King was not bound by acts of general regulation. His learned friend had said, that the Crown could not dispense with law: but what had the Secretary of State done? The act of 1791 expressly enjoined, that the magistrates *shall* visit the prisons within their respective jurisdictions; but the Secretary of State gave orders to the gaoler not to open particular cells. If the magistrates were to discharge a duty in visiting prisons to prevent the abuses of gaolers, would his learned friend say that they were not to see the prisoners in their dungeons? How could they perform this duty, but by seeing and communicating with the prisoners? Could they learn or repress the abuses of the gaoler by making inquiries of the gaoler himself? It would be seen in a moment that this was the very reverse of what the Legislature had directed, if they would turn to the language of the Act, which was clear and distinct. The act was passed to prevent im-

proper conduct in prisons; and certainly a vigilant eye ought always to be kept up towards them, because in no place were abuses so likely to arise. His learned friend had said, that when the act passed, no such cases as these were in contemplation; but that was not the question: it was not what was in contemplation, but what was done, and what was law. (*Loud cries of hear.*) If any thing wrong had been enacted, it might be amended in a new act but till such new act was passed, they must take the law as they found it. As the act now stood, it was a direct forbiddal of every thing that had been done by the Secretary of State; he had assumed an authority which he did not possess, and had dispensed with the existing law of the realm. He (Sir S. R.) should be indeed surprised if any lawyer could shew him authority for such a doctrine as that which had been advanced by his learned friend. That doctrine would set the Crown above the whole law: it ought not to rest on the support of his learned friend alone, but, unless some authority was adduced, should be at once discarded by the House. (*Hear, hear.*)

The *Solicitor-General*, was clearly of opinion, that the right of the Crown to regulate the treatment of State prisoners was not taken away by the act of 1791. The noble lord had admitted that he had found it laid down, that the gaols were the King's; would he say that this expression applied to the four walls only? It could not be so; for in many cases the prison itself was private property, and did not belong to the King. The expression must mean, that the custody of the gaols belonged to the King. His learned friend (Sir S. R.) had not attempted to impugn the doctrine, that anterior to 1791 this prerogative had been exercised without opposition; and surely he would not contend that during his trial a prisoner might be visited and interrogated by every magistrate that chose to enter the prison. It had never been maintained that magistrates possessed such a power before the act of 1791: and if they had it not before, we ought to see what were the intentions of that act. It applied to Penitentiary Houses; and though he would not say that gaols were not included, yet the act was chiefly meant for the regulation of penitentiaries. In order to prevent abuses in the prisons, magistrates were enabled to enter; but was it intended that any magistrate should communicate when he pleased with the prisoners? Without producing any authority, he ventured, with all deference, to say, that the prerogative of the Crown was not taken away by the act of 1791.—The greatest inconvenience would ensue, if ten, twenty, or even fifty magistrates should choose to communicate with the prisoner at once, and interrogate him in what manner they pleased, perhaps at the very time of his trial; and this inconvenience, might occur, if the arguments used on the other side were well founded.

Mr. Brougham said, a more feeble defence

of any measure had never been made by the law-officers of the Crown. He stated this without the slightest disrespect to his learned friends, for the fault was not in them so much as in the case they had to defend, which was such, that all their skill, talents, and industry, could not even put a gloss upon it. His learned friend (the Attorney-General) had assumed, that the power of inflicting solitary confinement was part of the law of England previous to 1791, (*hear, hear*) and that as cruel, as long, and as secret as possible; but who, besides, had ever said that the Crown possessed this power to inflict a torture of all others the most horrible and insupportable? However, they were not now to inquire what the law was previous to 1791; the present question was totally different; namely, whether in the teeth of a specific statute, calling on all magistrates to visit gaols, to make inquiries into abuses, and report the state of what they saw, the King's Minister had power to issue an arbitrary mandate, and say that some of the prisoners should not be visited. Without seeing them, how could the magistrates execute their duty; how could they ascertain whether or no abuses really existed? At all times this check on the abuses likely to arise out of imprisonment was highly necessary; but never was it so necessary, for obvious reasons, as at the present moment. His learned friend had insisted that the King's prerogative was not altered without express words; and his other learned friend (the Solicitor-General) had said, that by the expression of the King's gaols, as the mere walls could not be intended, the custody of the prisoners must. He (Mr. B.) was well pleased with this latter argument; for if the gaols were the King's gaols, even in this sense, to what could the act apply but to the express restraint of the King's prerogative? Then his learned friend had made a quibble on the subject, and had contended that the act was principally directed towards the regulation of penitentiaries. Certainly penitentiaries were mentioned in the first three or four clauses, but the fifth clause ran thus: "And for the better preventing abuses in *all gaols*," (*loud cries of hear,*) the magistrates are to enter, to examine into the treatment and condition of the prisoners, and to report any abuses they may discover; but how were those abuses to be discovered, or how were the examinations to be carried on, if the magistrates could examine no more than the four walls or the earth of the prison? If the magistrates had a right conferred on them, were they to have the right only of commanding the prison-doors to be opened, of entering, of examining the mere surface of the prison? It was clear, that when they were ordered to examine into the state of the prisons, they were required to examine the prisoners themselves. His learned friend indeed had not denied that it was possible to oust the prerogative of the Crown without express words. He (Mr. B.) maintained, that the

section in question had that effect. If it did not omit the prerogative that had been set up, the magistrates had no means of performing what the statute expressly enjoined them to do. But his learned friend had made a distinction between the offences for which the prisoners might be committed, and arrogated for the Crown the exclusive disposition of one class of offenders. What statute was there for State prisoners? What book, what authority, had ever mentioned the distinction in the custody of all sorts of offenders against the public peace? All prisoners were equally the prisoners of the Executive; they were all arrested, all tried, in the King's name; and it was as illegal, as untechnical, as unworthy of his learned friend's acquirements and abilities, to say that there were two sorts of custody for those who were confined on the score of higher offences, as to say that the King could personally interfere in the mode of custody adopted towards an offender of any description. Was it not as much the interest of the Crown, as of any other branch of the community, that murders, thefts, or burglaries, should be repressed? and would it for a moment be contended that the Crown could interfere in the mode of custody prescribed for those who committed such crimes? This was the first time that two lawyers (*hear, hear, hear*) had got up a distinction as utterly untenable and absurd as it was oppressive and cruel. Much stress had been laid on the possibility of abuse under the powers granted by the act, if any magistrate should visit a prisoner and communicate with him during his trial. It was impossible to grant discretionary powers that might not be liable to some abuse; but if the magistrates abused the confidence reposed in them, they were also liable to be called to account: and if they entered a prison with improper views, might certainly be prosecuted for misconduct. (*Hear, hear.*) No one had asserted that all magistrates had a right to enter prisons, but only those belonging to the county in which the prison was situate. The same answer might be made to the objection stated, that magistrates might, under this power, examine prisoners during the course of a long trial. From a late example, it seemed to be thought that a State trial must necessarily be longer than any other; but God forbid that any man, turning a shameful exception into a general maxim, should say that State trials were necessarily long—he called it a shameful exception, for to perplex innocence with a list of 240 witnesses, to add anxiety and distraction to all the difficulties of a trial on which life depended, was bad enough; but it was worse to exclude them, by a long and solitary confinement, from their friends and families, to parade them backwards and forwards, day after day, and to keep them under every aggravation of terror and suspense, until a bungling prosecution was gone through (*loud cries of hear*). The whole train led for that trial reflected disgrace on those who employ-

ed such means (*shouts of hear*); and its duration had degraded and vilified that which before was respected and venerated—the administration of justice. God forbid, he repeated, that he should argue from the duration of such a trial, to give the Secretary of State power to dispense with the Laws and Constitution of the country.—(*Loud and repeated cheering.*)

Lord Castlereagh observed, that no suggestion had been thrown out, that any of the prisoners were suffering under any cruelty or hardship; no allegation had been made that there was any abusive or novel exercise of the powers vested in the Secretary of State for the management of State prisoners. The only suggestion had been, that the act of 1791, had altered the general criminal law of the country; a law that had always been recognized by the most constitutional lawyers that ever sat on the bench. He spoke with great diffidence on legal questions; but he maintained, that the warrant of the Secretary of State in these cases was legal and proper, and that all the arguments, from the state of the times, did not affect the question. (*Hear, hear, hear, from the Opposition.*) Indeed, gentlemen on the other side seemed to take delight in the times, (*vehement cries of hear*) to make war on his Majesty's Ministers at the expense of the safety of the country. He pretended, that the power of committing for high treason was not confined to the Secretary of State; any magistrate, on proper grounds, might do the same; and if they committed a party to close and safe custody, the gaoler was bound to obey. There was certainly a distinction between the custody of State prisoners, and prisoners for other offences, notwithstanding the manner in which the learned gentleman had philosophized on the subject. Down to the year 1791, there was not one act or decision on which the complaint could be founded. The act of 1791 was the only peg on which they could hang an argument. If, however, that act gave such a power to magistrates, how came the warrant of committal not to be changed? State prisoners were committed to the Tower; and it could never be pretended that the Tower was a common gaol, or subject to the regulations of common gaols. It was a garrison, and not a gaol. The question was, whether, when the warrant committed the prisoners for safe and close custody, the magistrates were not precluded from visiting them. The House would remember that no charge had been made against the Secretary of State. It was the liability of abuse in the interior administration of prisons, and not the oppressive treatment of the prisoners now in confinement, that formed the subject of enquiry. He went along with the hon. and learned gentleman in making a difference between magistrates and other individuals; but paying all deference as he did to the character of magistrates, and believing that no individuals could be more safely entrusted with such power than the present magistrates, yet

possessing no assurance of what magistrates might be disposed to do in future times, he could not assume that their future character would be such as to entitle the House to break down such a principle as the one in question. If the magistrates of Berkshire had been obstructed in the discharge of their duty, this House was not the proper place for complaint; the courts below should be applied to; and could it be said, that a magistrate applying there, with the assistance of the hon. and learned gentleman, would not readily obtain a decision on the subject? There let the matter be put to issue, and the question set at rest: but the House would not, in opposition to the known principles of law and justice, go out of their way to decide a question of construction. This was a question of law, and a question of law only, and the House could not, therefore, suffer it to be brought under its jurisdiction. The hon. and learned gentleman had attempted, as he had often done on other occasions, to produce a false impression on the public mind, as to the late transaction (the trial for treason) in the Court below. He would throw no imputation upon the fairness and justice of the decision; but were the proceedings to be called bungling (*hear, hear, from the Opposition*), because the prisoners were acquitted? He lamented that the trial had lasted so long; but Government ought not to be blamed for what they could not control: the learned Judges themselves had declared that the examination and cross examination of one witness (Castle) had occupied a longer time than they ever remembered. It was not against the excellent and revered administration of justice, that the hon. gentleman spoke, but to impute blame to his Majesty's Ministers; it was one of those unfair attacks of the hon. and learned gentleman, which he (Lord C.) trusted would produce as little impression abroad, as he had reason to believe, it had produced in that House. (*Loud cheering from the Opposition.*)

Lord A. Hamilton observed, that, after the able and unanswered speeches from his side of the House, he should only say a few words: he would fain know from the noble lord opposite, what possible redress the prisoners could have, if his doctrine was right? The gaols might be changed, and several grievous abuses might be committed; and how could those abuses be known, if gaols were not to be visited? The epithet 'blundering' had been well applied here; and might with still greater propriety be extended to the transactions in a neighbouring country (Scotland).—Though this motion should not be carried—and he anticipated from the state of the House, that it would not—he was glad it had been made, because it would bring the question fairly into public view, and expose the speeches of the opposite gentlemen, as a warning in future, when the suspension of the Habeas Corpus might be contemplated. (*Hear, hear.*)

Mr. C. Wynn rose amid loud and general cries

of question. He said, he should not detain the House long; but he wished to state that he came down to it, without having made up his mind on the question, and wished to hear what the learned gentlemen on the other side had to advance. It was now his decided conviction, that the explicit words of the act could not be set aside by the alleged prerogative. (*Hear, hear, hear.*) He could conceive cases where vigilance should be used in admitting persons to visit prisoners; but that was not the question. Here, where an imperious duty was cast upon magistrates, he could not see how the Ministers, the Secretary of State, or that House, could even dispense with that duty, far less prohibit it.—The noble lord (Castlereagh) had referred the question to a court of law. When the Ministers of the Crown had given instructions inconsistent with the laws of the land, the principles of the Constitution, and the rights of the subject, it was not to any court of law that the question belonged (*hear, hear*). It was one of the highest duties of this House to inquire into it. On these grounds he supported the motion.—The House divided:

Ayes	56
Noes	85

Majority against the motion —29*

BOROUGH REPRESENTATION.] Sir F. Burdett moved for leave to bring up a petition of John Greenaway, a voter of Haslemere, relating to a tenement conveyed for the purpose of voting, at the last election. This petition was framed in a different manner from the former, (see page 1368.) and merely prayed the House to revise the law of elections, in order to prevent fraudulent practices.

Mr. *Banks* objected to the motion, on the ground that the petitioner acknowledged himself guilty of perjury. (*Cry of no.*) It also appeared that the matter had been submitted to a Court of Law, and it would be improper to bring it before the House.

Sir F. Burdett said, he had no wish to break through the rules of the House, but the petition appeared to contravene no rules; nor did the petitioner state, that he had committed perjury. He stated, that a fraudulent conveyance had been made to him of property, to enable him to vote; and that after he had voted, an attempt was made to take the property from him. He considered, that if he acquiesced in that demand, he should have been guilty of perjury. Legal proceedings had been commenced against him. Some persons might contend, that this was a breach of trust on the part of the individual. But this man asked for no interference as to the Courts below; he humbly prayed, that the House would take the matter into consideration, to prevent the fraudulent exercise of the elective franchise, whereby ignorant persons, like himself, might be involved in ruin, or in the crime of perjury. It came evidently within the rules of the House to receive this petition; for the

* See the note, page 1430.

practice complained of, interfered with their privileges, and ought to be inquired into, if they wished to preserve any character with the public.

Lord *Cochrane* considered that all the perjuries committed at elections, emanated from the corruption of that House. There was scarcely a contested election where those who made oath that they neither received nor expected any reward for their votes, did not know at the very time the wages of their iniquity. Unless the House wished the country to be totally demoralized, unless they wished to proscribe all truth and justice, unless they wished entirely to overthrow the Government of this country, they were bound to inquire into the present complaint.

Mr. C. Long (one of the Members for Haslemere) said, he did not see how the House could interfere. The statement was, that the petitioner had received a freehold in trust: but the freehold was now in his possession. His conscience was so tender, that he must apply to the House for relief, while yet he retained the property. If the hon. baronet intended to throw out any imputation against the members for Haslemere, (*no, no, from Sir F. B.*) he should maintain that none could apply to him. The petitioner wished to obtain a sum of money—this was the tender conscience! An action of ejectment was brought against him for not having paid quit-rent—this was the tender conscience! What then was the object of the hon. baronet? It was merely to make a speech: he was totally indifferent whether the petition was received or rejected, if he had an opportunity of delivering a speech on the subject. He had seen threatening letters from half-pay officers, saying that Sir Francis would bring it before Parliament. (*A laugh from Sir F. Burdett and those around him.*) It became the hon. baronet, to inquire into the circumstances of the accusers and the accused, before he presented petitions.

Mr. R. Ward (the other member for Haslemere) said, that the petitioner had written a letter so far back as February, 1813, in which it appeared, that he had been in possession of his freehold in 1811, 18 months before the election. If that were so, he must have deceived the hon. baronet. The freehold was vested in him for life, upon paying a quit-rent. He was in arrear for three years, and the ejectment was brought to recover the arrears. With respect to himself, (Mr. Ward) if the forms of the House would allow, as he believed they would not, he wished for nothing so much as to have an inquiry on the subject, in order to give the lie to the petition.

Mr. W. Smith said, suppose the petitioner had no conscience—suppose the statement of the petition false—the question was, whether enough had been disclosed on a subject of the highest importance to the purity of the House, and even to the preservation of morals (*hear, hear*), to warrant, and to demand an inquiry. Suppose the

petitioner a rascal, as far as the honour and purity of Parliament were concerned, they were bound to inquire. Suppose he had been tried under the Grenville act, and committed to Newgate, the question was still of the utmost importance to the House. It might have been tried at the time of the election; but was that the only time? No satisfactory objection had been stated against the petition; and therefore it ought to be received.

Mr. Ward said, in explanation, it was denied that the man was a faggot: he was a real voter.

Mr. W. Smith said, it then came to a question of fact, between the petitioner and the hon. member. An inquiry would ascertain which of them was correct.

Mr. Brand said, that if the hon. gentleman's (Mr. Ward's) statement was correct, the petition, stating a contrary fact, ought to be inquired into, for that very reason. If, however, this freehold was in the petitioner's possession 18 months before the election, it was the only freehold of that kind, as he had occasion to know when that subject was before the Committee, of which he was a member.

Mr. Ward rose to order.

Mr. Brand contended that he was perfectly in order: the hon. gentleman had asserted that the freehold had existed for a certain period; he, on the other hand, wished to state a fact which militated against that assertion, in order to shew the necessity of inquiry. If, therefore, he was in order, he should proceed to state why he—

Mr. C. Long maintained, that if it was the practice to state such facts, it was a most inconvenient practice.

Mr. Brand said, this was a most singular dilemma. The Committee had been precluded from inquiring into the case, and the House, therefore, would not inquire into it. The Committee were precluded by the laws of evidence from inquiring. The House would not inquire because the Committee had not inquired. He did not wish to state what had come under his observation, since the gentlemen opposite had shewn so much delicacy on that point; but to say that any thing in the petition was unfounded, while inquiry was refused, was more an argument against the noble earl (Lonsdale) than against the petitioner.

The Speaker thought it his duty to observe, that the debate seemed to have latterly stepped beyond the rules of the House. The substance of the petition, as opened by the hon. baronet, had occasioned this. There was a peculiarity in the petition, which he thought it his duty to point out. The prayer was different from the circumstances of complaint. If he went into those circumstances, he should go beyond the line of his duty, and disgust the House; but he conceived it right to say, that one part of the petition set forth a grievance as to an individual, while it concluded with pray-

ing the House to guard its own privileges. It was for the House to judge, whether the subject was such as they could or ought to receive, or whether the grievance was merely an ejection. On the one side, they were not to be misled by the generality of the prayer, nor on the other to refuse what was fair and just.

Sir F. Burdett replied. He found no good reason for the rejection of the petition, but the reluctance of the House to hear disagreeable truth. If the circumstances of a petition were such as did not meet the wishes of members, a thousand objections were mustered up against it; while, on the contrary, if they were agreeable, the petition was received without any inquiry, and even against the usual forms of the House. He remembered that, last session, in consequence of a petition from the borough of Lyminster against the property-tax, a counter-petition was sent up from an individual or individuals, stating that the former did not express the sentiments or the wishes of the inhabitants. The latter petition, happening to fall in with the opinions of the majority, was received, even though it had no signature, and prayed for no object. It was then found that the doors of the House should be thrown wide open to the representations of the people; and this informal document, because its contents were not displeasing, was received on that ground, notwithstanding that it was signed by nobody, and prayed for nothing. Against the reception of the present petition, he repeated that he had heard no reason. As to the noble earl (Lonsdale), he had not the honour of being much acquainted with him. He had still less knowledge of the petitioner; and it was from no partiality to the latter, or hostility against the former, that he brought this petition before the House. He was actuated purely by a sense of public duty; and had seized the present occasion, not because it was one of rare occurrence, or uncommon delinquency, but because it furnished an example of the prevalence of a system of seat-dealing, which he thought himself obliged, as a member of Parliament, to expose to the House and to the country. His objection to the noble earl's conduct referred to him, not as a private individual, but as a borough-monger. He objected to his sending members to this House, to vote away the public money, while those whose money was thus voted away had no influence in the election. The noble earl, he understood, had little property in the district, the representation of which he thus disposed of; while his members had an unlimited power of drawing upon the purses of those who were the principal proprietors. He might not even know of the transactions which took place in his name, but it became the House to inquire and to know. He (Sir F. B.) had been accused of believing, without sufficient proof, the representations of this petitioner; but, unhappily, the system of seat-dealing was too notorious to require any great credulity in giving credit to a particular

instance of it. It did not require a man to be very credulous to put faith in transactions of this kind, and to believe that a peer who had the power of returning a member to Parliament, would do so. In this case the character of the parties was nothing—it was not to be taken into consideration at all. He would allow the petitioner to be as great a rascal as those who opposed his petition chose to make him; and he would contend that, on that supposition, he strengthened his ground of attack on the system which this person was employed to carry into execution. It would appear, that he at least enjoyed the confidence of the noble earl, when he received his vote: the worse therefore the agent, the worse the transaction in which he was engaged. Indeed, all the branches and transactions of the boroughmongering system were equally bad; there was no conscience, no principle, no justice, truth, or right, to be found in any part of it; and this was only a fair sample of the whole, of which he might say *ex uno disce omnes*.—He considered it his duty on all occasions to hold it up to the reprobation of the public, and to expose it as a system which, to use a word not a great favourite with him, from its late applications, demoralized the whole community. He thought the petition ought to be received, and should persist in his motion.

The House divided—

Ayes, 11, Noes, 47, Majority, 36.

THE MINORITY

ON SIR F. BURDETT'S MOTION FOR BRINGING UP THE PETITION RELATIVE TO THE BOROUGH OF HASLEMERE.

Brand, Hon. T.	Wood, M. (Lord Mayor)
Burdett, Sir F.	Hamilton, Lord A.
Sharp, Robt.	Curwen, H. C.
Moore, Peter	Cochrane, Lord
Parnell, Sir H.	Tierney, Rt. Hon. G.
Smith, Wm.	

TELLERS—Sir F. Burdett, and Wm. Smith.

THE MINORITY

ON LORD FOLKESTONE'S MOTION RELATIVE TO THE RIGHT OF VISITING PRISONS.

Abercromby, Hon. J.	Fazakerley, N.
Althorpe, Visct.	Fergusson, Sir R. C.
Atherley, Arthur	Gordon, Robert
Aubrey, Sir John	Guise, Sir W.
Baillie, J. E.	Hamilton, Lord A.
Brougham, H.	Heron, Sir R.
Burdett, Sir F.	Heworth, H.
Byng, George	Hughes, W. L.
Burroughs, Sir W.	Latouche, R.
Campbell, Hon. J.	Lender, W.
Carter, John	Macdonald, James
Caulfield, Hon. H.	Mackintosh, Sir J.
Cochrane, Lord	Madocks, W. A.
Coke, Thomas	Martin, John
Curwen, J. C.	Mathew, Hon. Gen.
Duncannon, Visct.	Milnes, Visct.
Finlay, K.	Manek, Sir C.

Moore, Peter	Spencer, Lord
Methuen, Paul	Sharp, R.
Newport, Sir J.	Smith, Wm.
North, Dudley	Tavistock, Marquis
Ord, W.	Tierney, Right Hon. G.
Parnell, Sir H.	Walpole, Hon. G.
Piggot, Sir A.	Waldegrave, Hon. W.
Ponsonby, Rt. Hon. G.	Wood, Rt. Hon. M. (Ed. Mayor)
Phillimore, Dr.	Wynn, C. W.
Rancliffe, Lord	Warre, J. A.
Romilly, Sir S.	

TELLERS.

Folkestone, Viscount; Bennett, Hon. H. G.

PAIRED OFF.

Douglas, Hon. F. S.	Grenfell, Pascoe
Dundas, Hon. L.	Ossulston, Lord
Ridley, Sir M. W.	Birch, J.
Smith, John	Webb, Ed. *
Foster, F. T. II.	

* Since this debate, the question has been practically settled by his Majesty's Justices of the Peace for the county of Berks, as appears by the following document:—

“BERKSHIRE to WIT,—At the GENERAL QUARTER SESSIONS of the PEACE of our Sovereign Lord the King, holden at ABINGDON, in and for the said County, on Wednesday, the 16th day of July, before Charles Dundas, Esq. as Chairman, Lord Viscount Folkestone, and Thomas Goodlake, James Croft, George Mitford, Adam Blandy, William Morland, John Phillips, Esqrs., the Rev. Wm. Mills, and others their Fellows, Keepers of the Peace and Justices of our said Lord the King, and so forth:—Lord Viscount Folkestone, one of his Majesty's Justices of the Peace, acting in and for this county, having presented the under-mentioned Report—

To the CHAIRMAN of the QUARTER SESSIONS, held at ABINGDON, on Wednesday, July 16, 1817.

Dear Sir,—In conformity with the provisions of the 31st Geo. III. c. 46, I beg to report to the Court of Quarter Sessions, that Mr. Eastaff, Governor of the Bridewell and Penitentiary-house, and Gaoler of the County Gaol at Reading, has, on two several occasions, viz. on the 10th and 14th days of June last, refused to admit me to visit certain parts of the said Bridewell and Penitentiary-house, and Gaol, or to see certain persons therein confined, in direct contravention of the said 31st Geo. III. c. 46, which abuse I hope the Court will, according to the provisions of the said Act, “take into their immediate consideration, for the purpose of adopting the most effectual measures for rectifying the same.”

FOLKESTONE,

One of his Majesty's Justices of the Peace for the County of Berks.

“Unanimously Resolved, 1. That by the provisions of the Act of the 31st of the present King, c. 46. sec. 5, it is lawful for every Justice of the Peace for this county, of his own accord, and without being appointed a visitor, to enter into and examine the Gaol, at such time or times, and as often as he shall think fit; and if he shall discover any abuses therein, he is required to report them in writing at the next General or Quarter Sessions of the Peace, or adjourned Sessions, which shall be holden for this county.

“2. That the said Act has not been repealed by any subsequent Statute or Act of Parliament.

“3. That there exists no power, other than that

HOUSE OF LORDS.

Thursday, June 19.

SAVINGS BANKS.] Earl Grey presented a petition from the managers of the Savings Bank at Bristol, against certain clauses in the bill now before the House, and principally against the clause forgiving parochial relief to any person depositing money in the bank until his savings should amount to a certain sum. This, the petitioners contended, was directly subversive of the great principle on which the bill was founded—namely, that of affording relief to the country from the pressure of the poor-laws. They also objected to a clause respecting the laying out of the money subscribed.

Lord Redesdale said, he was happy that this matter had been brought under consideration. If the bill were to pass at all, it would be necessary to introduce a clause, that none should be bound by it, except those who claimed its privileges; for if it were to be imperative on all, it would only prevent the establishment of savings banks where otherwise they would be established, and might by that means do harm instead of good; as the regulations which might very well answer at one place, would not be adapted to the circumstances of another.

The Lord Chancellor, adverting to Benefit Societies, stated, that he knew from cases brought before him in the Court of Chancery, that many were induced to subscribe to them from the notion that, as an Act of Parliament had passed, they were perfectly safe. In one or two of those cases only was he able to afford any relief. This was an important consideration with reference to the present bill.

Earl Spencer agreed, that if this bill were to pass, it ought not to be imperative on all who contributed to such institutions; but that those who claimed no privilege under it should be at liberty to dispense with its provisions.

of Parliament, by which such Act can be suspended, dispensed with, or repealed.

"4. That it appears that Mr. Eastaff, Governor of Reading Bridewell and Penitentiary-house, and Gaoler of the County Gaol, has on two different occasions refused to allow a Justice of the Peace for this county to visit certain prisoners confined in the said Bridewell and Penitentiary-house, or Gaol.

"5. That such refusal is, in our opinion, illegal.

"6. That Mr. Eastaff be admonished of the impropriety and illegality of his conduct, and be required to give assurance to this Court that he will not persist therein; and Mr. Eastaff having given the assurance required,

"7. Resolved, That in consequence of the submission of Mr. Eastaff, and his promise that his misconduct shall not be repeated, and considering that he has acted only in compliance with orders which he might think himself bound to obey, but which being in contravention of an express statute, and consequently illegal, are of no force whatever, the Court will, on this occasion, overlook his offence.

"By the Court,

"W. BUDD, Clerk of the Peace."

Suspension of the Habeas Corpus Act. [1452

Lord Redesdale said, that benefit societies were to be at liberty under the bill to invest their funds in these banks. Certainly the bill ought not to be imperative.—The petition was laid on the table.

SUSPENSION OF THE HABEAS CORPUS ACT.]

Lord Sidmouth moved the third reading of the bill for continuing the Suspension of the Habeas Corpus Act.

Earl Spencer asked how long the Suspension was made to continue?

Lord Sidmouth replied, till six weeks after the commencement of the next Session of Parliament.

The Duke of Bedford then rose, and spoke as follows:—After the able speeches which had already been made against this bill, he should have refrained from troubling their lordships with any observations, if he could have reconciled it to his sense of duty to give a silent vote, or to suffer the bill to proceed without doing all in his humble power to oppose it. It was true, as had been observed by the noble Secretary of State the other night, that extraordinary cases required extraordinary provisions; but the question still remained, whether the state of the country was such as to justify this measure, and whether it was the proper remedy for the evil? The Ministers had preferred an indictment against the people of England—the Committee, on a grand jury, had found it a true bill; but it was for their lordships to say whether the people were guilty. After having paid the utmost attention to the discussion of the subject the other night, he was very far from being satisfied that there existed any necessity for this measure, and he could not consent to sacrifice the liberties of the country even for a season, though if they went on thus the sacrifice might be perpetual, upon such evidence as they had before them. The reasons in support of the measure were utterly disproportioned to its magnitude. In attending to the arguments of the Secretary of State, and to all the arguments for the bill, he found that, with the exception of those of a noble person who had supported it for its humanity, they all resolved themselves into the ground of necessity—necessity, the tyrant's plea in every case and in every age;—the plea of Napoleon Buonaparte—of the French Directory—of Robespierre and his associates—the Jacobins, whose argument at the bar of the Convention always was, that the first object of law was the public safety. (*Hear, hear.*) Upon this plea, they perpetrated and defended their enormities; and would it be said, that this was a proper plea to be urged to their lordships, without the clearest and most satisfactory evidence of the necessity? The noble Secretary had, as he recollected, dwelt upon his attachment to the liberties of his country, and he gave him credit for sincerity in his professions; but his views of the Constitution and liberties of the country were very different. If this important statute were to be suspended on occasions

where there was no evidence of imperious necessity, the time might soon arrive when they would be told, that there was no need for the Habeas Corpus Act at all; and therefore it became their lordships in time to guard the Constitution. No man more deeply venerated the wisdom and eloquence of our ancestors than he did; and that wisdom and eloquence had been chiefly displayed in securing the liberties of the people. Look at the language of Shelburne, of Saville, of Dunning, and of Fox—names ever to be remembered with the deepest veneration—against these violations of the Constitution. Their lordships, however, were now called upon to suspend the freedom of the whole nation. And why?—because some misguided miserable men, irritated by want, and by the refusal of Ministers last Session to listen to their petitions, had been led into error in a manner which he would not dwell upon, but which had been so ably exposed by a noble friend of his (Earl Grey) the other night. He did not mean to justify the course which had been adopted by some of those persons; but it ought to be recollected by whom and in what manner their conduct had been influenced. If he were asked whether he had no fears for the safety of the State, from the circumstances of the times, he would answer, that he saw no dangerous disposition to diminish the power of the Crown; but there was, he was sorry to say, a strong inclination to abridge the freedom of the subject. As an illustration of this, he need go no farther back than the late debate respecting the correspondence between the Secretary of State and the magistrates of Berkshire, where the monstrous doctrine of a dispensing power in the Crown had been contended for. (*Hear, hear.*) The bill now before them rested chiefly upon the Report made by a Committee, on evidence furnished by the Ministers. In that Report the Committee stated, that “this intelligence must be considered as resting, in many of its parts, upon the depositions and communications of persons who either are themselves, more or less, implicated in these criminal transactions, or who have apparently engaged in them, but with the view of obtaining information, and imparting it to the magistrates, or to the Secretary of State. The testimony of persons of both these descriptions must be in some degree questionable; and your Committee have seen reason to apprehend, that the language and conduct of some of the latter may, in some instances, have had the effect of encouraging those designs which it was intended they should only be the instruments of detecting.” This statement was of great importance, and honourable to the candour of the Committee; but was the Habeas Corpus Act to be suspended on such evidence as that? When he was Lord Lieutenant of Ireland, communications were often sent to Government, that bodies of 5 or 600 men each were in arms, and were attacking the military; and had he listened to such tales, Ireland would certainly have been soon in a state of open rebellion. He,

however, had looked to the ordinary laws, and by a moderate and temperate use of them he left the country to his successor in a state of perfect peace. (*Hear, hear.*) It was with the greatest pain and regret that he had heard a noble lord (Redesdale), who had presided in the Court of Chancery in Ireland, and the noble earl (Liverpool) at the head of the Treasury, for whom personally he entertained the highest respect, defend a system of espionage. He used the French word, because, and he rejoiced at it, there was no adequate word in the English language to express the same meaning. (*Hear, hear.*) Was the noble earl now to take a lesson from Fouché? Was it upon the evidence of such men as Oliver and Castle that this measure was to be adopted? Surely their lordships could not sanction such a system as this—a system totally inconsistent with a free government, and utterly subversive of the liberties of the people. Another part of the Report had been read by the noble Secretary of State with particular solemnity:—“And your Committee cannot refrain from expressing their opinion, that it is chiefly by the means pointed out in the Report of the former Committee, by the widely extended circulation of seditious and blasphemous publications, and by the effect of inflammatory discourses continually renewed, that this spirit has been principally excited and diffused.” Now no man could regard with greater horror than he did such blasphemous publications: but in every period of political agitation there had been parodies on the liturgy, and even on the Scriptures themselves. This must be deeply regretted by every one who had the least sense of morality or religion. He knew that a parody on the Nicene creed had been sent from Norwich to Government, beginning with “I believe in the Earl of Liverpool, master of the Lords and Commons, &c.”—he would not read further: but the truth was, that this was written and published 25 years ago by one who was at that time a Jacobin, but who now belonged to the fraternity of Oliver and Castle. Now he had information to communicate on that point which well deserved their lordships’ attention. The person to whom he alluded had boasted of the information which he could communicate to Government, and—would their lordships believe it?—this man had reprinted his own parody in some obscure place at Norwich, and had sent it to Government as a proof of the seditious and blasphemous spirit which prevailed in that quarter. (*Hear, hear.*) He believed that he was correctly informed on this point. He had the information from a quarter which left him no reason to doubt it. His object was to point out the sort of information on which the Report of the Committee was founded, and on which their lordships were desired to suspend the liberties of the nation. Then the Report stated, “With the fullest confidence in the general loyalty and good disposition, not only of those portions of the kingdom which have hitherto

remained in a great degree untainted, but by far the most considerable part of those very districts which are the chief scenes of the operations of the disaffected—a confidence which very recent experience has satisfactorily confirmed—the cannot refrain from submitting to your lordships, as the result of all the information they have received, that the time is not yet arrived when the maintenance of the public tranquillity and the protection of the lives and properties of his Majesty's subjects can be allowed to rest on the ordinary powers of the law." There they had the opinion of the Committee, that the ordinary powers of the law were not sufficient; but then the Committee stated, that the people were generally loyal even in the most disaffected districts. Why then were they called upon to legislate on the contrary assumption? Why should they, when the ground of necessity appeared to be disclaimed in the Report of their Committee, proceed to pass a law unhooking the Constitution of the country? He would yield to no man in loyalty to his Sovereign or in attachment to his country; and the ground of his opposition to the present measure was, that it had a tendency to involve every branch of the Constitution in one common ruin. (*Hear, hear, hear.*)

The Earl of Westmoreland thought, that after what had been urged the other night in support of the bill, it would have been unnecessary now to have said any thing farther on the subject; but he must beg to recal their lordships' attention to some of those arguments. It was admitted on all hands that there might be circumstances under which it would be proper to resort to this measure; and some of the noble lords opposite must allow that there had been times when it was necessary. (*Hear from Earl Spencer.*) Then the short, dry, and plain question was, is this a proper time for renewing it? It was curious how differently the same argument weighed with different minds. It had been objected to this proceeding, that the act would be in existence at a time when Parliament would be prorogued, or perhaps dissolved: but it appeared to him only the more necessary that the power should exist at that period, because, in case a particular emergency should arise, Government could not immediately apply to Parliament for assistance. Then it had been objected, that a period of peace was a very improper time for such a measure: but whether it was a time of war or of peace was not the question. The question was, whether the exigency existed? But he thought that the reason for such a measure might be stronger in time of peace than in time of war, because in time of peace the country was in a great measure disarmed. (*Hear, hear.*) The army had been very considerably reduced, and it was the more necessary to give the Government these preventive powers. There could be no question that conspiracies and plots had been and were still carried on to an extent sufficient

to excite alarm for the public safety in the minds of all, except in the firm and tranquil minds of the noble lords opposite: this was the conclusion to which two Committees of their lordships had come; and some of the members had been of opinion, upon the first investigation, that it would be a miracle if the necessity of the measure should cease at a period so early as that mentioned in the former bill. Then it might be asked, why the duration of the suspension had not been at first continued for a longer period? The answer was, that Ministers were anxious that these powers should not continue longer than Parliament and the country might think them necessary. It had been said, that the Suspension might be allowed to expire, and that if a particular emergency arose, Government might call Parliament together, and procure a renewal of these powers. But if that were done, then it would be objected, that Ministers had not thought proper to apply for the renewal in a full Parliament, but had suffered the Suspension to expire that they might get it renewed by a few of their own friends. The noble duke had spoken rather in a slighting manner of the first Report of the Committee: but even granting that a mistake had been made as to some clubs and societies, still the substance of the Report was correct. And as to the information given by the noble duke, he might be permitted to doubt whether the circumstances had been correctly stated to him. With respect to that part of the last Report which related to the agents of Government, the noble duke had asserted that the employment of spies was unconstitutional. That was rather an extraordinary assertion, when it was considered that the Secretary of State was called upon to swear that part of the secret service money would be employed by him in detecting conspiracies at home. But the fact was, that such agents had always been employed by Government, and it was impossible to detect conspiracies of this nature without them. He did not mean, however, to justify the conduct of the agents in the extent to which it had in some instances been carried: but the consideration that the leaders might be the agents of Government must operate as a strong check on these secret associations. He would venture to ask, whether Ministers, after gloriously closing a war in which, with but few exceptions, the whole nation concurred, and which was terminated in a manner that far exceeded the expectations of the country, could be held responsible for distress and difficulties which were unavoidable? They had reduced the public establishments far below what the noble lords on the opposite side had hoped for, though they unceasingly called for measures of that description. Was it reasonable, then, to make them responsible for the evils which a diminished expenditure occasioned? A noble earl (Grey) had made it a charge against his Majesty's Ministers, that they had not made commercial treaties at the settlement of the af-

fairs of Europe; that was to say, that they had not forced such treaties on other powers. He would, however, tell that noble earl, that the exports of last year were larger than those of any former year, the year immediately preceding it only excepted. It could not be any falling off in our foreign trade that caused the distress of the country. The same noble earl who blamed Ministers for not increasing our foreign commerce had recommended various things, and particularly the repeal of those precautionary measures which had been passed during the present session of Parliament. Now their lordships would recollect that one of those measures was the bill to prevent the seducing of soldiers.

The Earl of *Donoughmore* spoke to order. What the noble earl was replying to had no direct reference to the question before their lordships. If the noble earl meant to go over all the speeches that had been made during the session, there was no knowing when the debate would end. He wished to suggest, whether it would not be better for the noble earl to suspend his present speech, and make the points he seemed so much disposed to discuss the subject of separate and distinct motions. There would be the more propriety in this, as most of these topics had certainly nothing to do with the business of that night.

The Earl of *Westmoreland* was conscious that the course of his argument was quite parliamentary, even though he were not replying to what had been urged on the opposite side; but it did so happen that the noble earl had stated that the repeal of certain measures, one of which was the act against seducing soldiers, would be the best means of quieting the country: he was confident, however, that though that repeal might please a small portion of the people of England, the great majority would regret it. How were Ministers to proceed? If they endeavoured to preserve the peace of the country by the laws against riot and sedition, they found those laws were ineffectual: and if they resorted to the law of high treason, then an outcry was raised against them of oppression and cruelty towards individuals. What interest could Ministers have in suspending the Habeas Corpus Act, except to preserve the public peace? They could derive no advantage from arresting individuals in London, Edinburgh, and Glasgow, and all over the country. It was only their sense of duty that could make them despise the clamour that was raised against them. Unauthorized statements and newspaper reports were not to be set up against the information possessed by Ministers. There was, however, this advantage in the discussion of these matters—that the public would ultimately be convinced that the Government had nothing in view but the safety and tranquillity of the country.

The Duke of *Bedford* observed, that the facts which he had stated (respecting the publication at Norwich), were not founded upon loose or

vague information. He had good authority for what he had communicated to their lordships.

Lord *Sidmouth* begged to assure the House, that he had never before heard of the circumstances to which the noble duke had alluded.

The Earl of *Donoughmore* said, he would not follow the example of the noble earl who had just sat down, by calling the attention of their lordships to all the proceedings of the past and the present Session. He thought the question then before them amply sufficient for that night's discussion. It was not usual for the members of his Majesty's Government to take such wide and irregular excursions, but the noble earl had manifested a wish to reply to something said by almost every noble peer in every debate that had occurred for these five months past. He assured the noble earl, it would not be from any want of respect to him, if he did not follow him through all the details of his speech, but because it would be a waste of the time of the House. There were some things, however, which he should briefly notice. The noble earl had intimated that he would answer for the opinion of Parliament, with regard to the measures to which he had referred. This he was not much disposed to dispute. The noble earl might, perhaps, have means of knowing what that opinion would be; but when he assumed, that the people must feel great satisfaction at what was done by his Majesty's Ministers, he must beg leave to differ from him. What, were the being borne down by an insupportable system of taxation, the being deprived of trade, and a great proportion of the population thrown out of employment, and left without bread to eat, things for which the people of this country felt a strong sentiment of gratitude towards his Majesty's Ministers? Though the noble earl might boast of having had his full share in those measures, it did not follow that the people of England were to approve them, and also to be thankful for being deprived of their liberty after all. To attribute such an opinion to the people, was to malign and sully them. They would, indeed, be the most stupid, the most brutish people that ever existed, if they did not hear the sentiments ascribed to them with indignation. His respect for their lordships' House would not permit him to mention what other feelings he supposed they might entertain on such an occasion. The noble earl had said, that a period of peace was the most proper for suspending the Habeas Corpus Act. This was an extraordinary doctrine, particularly at a time when all the powers of Europe were keeping watch for us on the Continent, when the blood and treasure of this country had been expended to enthrone what was called the principle of legitimacy; which meant only this—that nations should be handed over bound to those Sovereigns, whose property they respectively asserted them to be. To enable the noble earl and his friends to accomplish this object, the real interests of the British empire had been entirely forgotten. In per-

fest consistency with these arbitrary principles, he seemed to consider spies and informers as most useful, necessary, and even honourable appendages of Government. Nobody must in future speak of these gentlemen with disrespect, or regard them as unfit to represent his Majesty at a foreign court. If a person of that kind had engaged with rebels, his turning informer, and betraying those he had perhaps seduced into treason, rendered him highly respectable, and fitted him for a dignified station in society. The noble earl required that these distinguished persons should not be made the objects of any attack. He, however, considered the Government tainted by the employment of these men. This was his sincere opinion, much as he respected the private characters of many of his Majesty's Ministers. The noble earl had, with a sort of triumph, asked, what had brought the country into its present state? That was not the question immediately before their lordships. Whatever had produced the distress of the country, there was no reason for adding to that distress the additional evil of the suspension of the Habeas Corpus Act. Had he been present when the former bill was introduced he should have opposed it. Since that bill had passed, however, Ministers had been in possession of the liberties of the country. If there had been any plot in existence, they had had full time to detect and punish it; but what had they done? They selected for trial the strongest case they had to bring forward. On the result of that case their character depended. The verdict was to decide on their motives, their wisdom, their discretion. What was the result? After a patient investigation of seven days, the question had been decided against them in the way most satisfactory to British feelings, by an impartial jury in a court of justice. So complete was the defeat, that three others around whose necks they had endeavoured to bind halters, were discharged without any attempt to adduce evidence against them. They had instituted this trial to support the report of one Committee, and now they had laid before their lordships the report of another, which he might call a Committee of themselves: that Committee had, however, no opportunity of investigating the evidence laid before them, so that their lordships must be just as good judges of the facts as they were. Upon the report of the Committee, or rather of Ministers, it was impossible for any man to doubt that, instead of convicting the people of England, that document would of itself acquit them. (Here the noble earl read nearly the whole of the Report and argued that there was nothing stated in it which could warrant their lordships in passing the bill now before them. He then adverted to the peace that had been made after so glorious a contest, and lamented that its consequences should not only be the destruction of the liberties of Europe, but a loss of our own: instead of consulting the freedom of those nations who had fought in alliance with us, or which we pretended to have

rescued from the pangs of despotism, we had established a substantive European inquisition, or had taken our position as the foremost of its abettors. The victory of Waterloo had thus become the means of extending instead of extinguishing oppression; and the monument which went by its name, about which we heard so much yesterday, (the day on which the Strand Bridge was opened, when the Prince Regent, the Duke of Wellington, &c. passed over it), would perpetuate the degradation of Europe, and the triumph of power over the little freedom that remained.)—The noble earl said, he could not believe the evidence on which the Report proceeded, in the statement of what he considered the case of Ministers. These Ministers had happily considered the country to which he belonged as perfectly secure in its loyalty and tranquillity without the suspension of the Constitution. The laws were there considered as sufficiently strong, without any addition of arbitrary power to invigorate the arm of Government. It was necessary in England, it would appear, to protect the peace and safety of the country, by suspending its most valuable rights; but Ireland did not require this extraordinary measure. He did not feel very grateful for the favour, however, when he considered the nature of the law, (meaning the Insurrection Act), which supplied the place of the present bill in that country. He could not forget that men might not only be imprisoned without the common formalities of justice, but transported without a trial by jury.

The Earl of *Limerick* rose to reply to some allusions which had been made by the noble earl who spoke last to the character of a person (Mr. Reynolds) who ought not to have been so treated. It appeared to him surprising that any member of Parliament should step forward to make such accusations without knowing the case. He would say, without the fear of contradiction, that in a time of great danger and alarm, the individual in question had rendered important services to his country, and that he had not been rewarded above his merits. This individual had originally a considerable fortune, and was connected with respectable society; but having wasted his property, and left his former friends, he had fallen into the company of conspirators and traitors. Being a man of family, and carrying along with him some of the influence of his former situation in life, he was received with open arms and admitted to high confidence; but he soon found that his new associates were intent on dangerous projects, and had formed designs to involve his country in anarchy, massacre, and blood; that they intended to overturn the laws and Government, and to effect a separation of the two kingdoms. He, therefore, reflected on the atrocity of these plans, and determined to retrace his steps. The first time he shewed his intention to repent was after he had dined with some of his companions; on his way home he stated to a friend the desperate achievements that were in contem-

plation. He told him that he knew the persons engaged in them, and would discover their transactions, provided certain individuals were saved from punishment: and this man laid open the whole plan to Government without fee or reward, or the prospect of fee or reward, upon the simple stipulation of safety for some of his friends. The bloody conspiracy which he disclosed, was thus prevented by his means, and yet he was now called a spy and an informer, and held up to infamy. This, however, was not the only conspiracy he had detected, or the only service he had rendered to his country. The noble person who was then Secretary for Ireland thought so highly of his services, that he appointed him Inspector of Packets at Lisbon, where he was serviceable to Government. What was now his crime? Was it that, being once wrong, he had amended and made every reparation in his power: or was it that he had been returned on the grand jury who found a bill against the prisoners for High Treason? But he was not only accused of having sat as a jurymen, but of being appointed to represent the King at a foreign court. He did not know what foreign court his noble friend alluded to, but he dared to say that the House would be surprised at the place where it was to be found, namely, in the island of Iceland. (*Hear, and a laugh.*) The noble lord concluded by saying, that he should support the motion before the House.

The Earl of *Essex* spoke in severe terms against spies and informers, and mentioned particularly Castle and Oliver. That last horrible monster had endeavoured not only to seduce men into treasonable practices for the purpose of gaining the reward attached to the discovery of plots of his own making, but had exerted his influence to induce a wife to prevail upon her husband to attend a meeting that he might be kidnapped. The present bill appeared to him uncalled for in the present state of the country. How different was that state now from 1794, when men of great talents and influence were accused of conspiring against the Government? He was astonished to hear the noble earl attempt to screen such persons as Castle and Oliver from the infamy they deserved.

The Earl of *Limerick* explained. He said, he had not alluded to those persons.

The Marquis *Camden* felt it his duty to state what he knew of an individual against whom charges had been brought here, and in another place. That person had rendered important services to Government: he had declared to a friend that a plot was going on, but had declined himself to come forward till compelled: he then disclosed the whole conspiracy when brought to the Castle of Dublin, and gave important information in his own name, which was confirmed in every particular: his evidence to the same facts was given in a court of justice, and remained uncontradicted. He thought it but justice to say thus much; and he would add, that if persons intrusted with the administra-

tion of the country were to throw obstacles in the way of those who offered information that might affect its tranquillity, they would neglect their duty, and irreparable mischief might ensue. He was surprised, therefore, to hear the character of this individual, for whom it seemed no opportunity of repentance was to be allowed, confounded with that of Castle.—The noble marquis concluded by supporting the bill, which he considered a measure of precaution, rather than of asperity.

The Earl of *Donoughmore* explained. When he spoke of testimony, he did not allude to Mr. Reynolds; but he objected, and would still object, to the propriety of his being returned as a jurymen to sit on persons accused of treason, whatever reward his services might otherwise deserve.

Lord *Sidmouth* said, that as several allusions had been made to Castle and Oliver, describing them both as witnesses against persons accused, and agents of Government in detecting conspiracies, he thought himself called upon to state, that the former never was employed by Government as a spy. He merely came forward as a witness five weeks after the second of December, when all the transactions and plots to which his testimony referred had passed and were under investigation. With respect to Oliver, he certainly was employed by Government to gain information that was important, and to prevent dangers which were imminent and alarming. In describing the character and transactions of that person, the noble earl had depended upon reports in the newspapers, which he had every reason to believe were exaggerated and unfounded in many material points. He did not wish on the present occasion to enter into an examination of them; but he begged the noble lords on the other side to suspend their judgments for a short time, with regard to the transactions alluded to, till more accurate and complete information reached them from other quarters. In their present deficiency of knowledge, their comments might be unjust, and their opinions erroneous.

The Earl of *Essex* observed, that he had heard the testimony of Castle, but depended on report for the character of Oliver.

Lord *St. John* said, that whether Oliver was a spy or informer of Government, whether he was authorized or not authorized to behave as he had done, did not appear to him to be decisive of the question, of whether our liberties should be suspended or the Constitution left untouched. Although no arguments could be added to those which were adduced on a former occasion against this bill, and which still remained unanswered, he could not consent to give a silent vote against it; and would still contend, that it was a measure as inadequate to the object in view as it was dangerous to public liberty. It might have been supposed that the issue of the late trial would have decided the House, as it had decided the country against it. It was, indeed, a most extraordinary trial. The pub-

He had testified at once a feeling of shame, of horror, and of triumph at it, which ought to have extended to Ministers, and made them retrace their steps. They had shewn shame that such a trial should have taken place, honor at the villany of the evidence on which the prosecution relied, and triumph that a British jury had so independently performed their duty; that our jurisprudence was still the boast of our country, and that our institutions were adequate for the protection of the subject, and the defeat of power. After such an acquittal, he should have expected that the noble Secretary would have come down clothed in sack-cloth and ashes, humbling himself for his past errors, and abandoning his projected measures. (*Hear, hear.*) Instead of this, he persevered and demanded the power of dispensing with the rights and liberties of the nation, on the faith of a plot which had been exploded. (The noble lord proceeded to refer to the different periods, during the last century, at which this measure had been adopted, and to point out the striking dissimilarity between the political circumstances of the country at those times and the present.) He begged their lordships to remember, that it was not a plot or a conspiracy which established the present family on the throne. Had it been proposed to suspend the Habeas Corpus Act at those moments of public agitation which followed their accession, namely, the South Sea bubble, the introduction of the excise, the disturbances in Ireland, as well as in Scotland, the proposal would not have been listened to. For the last few years, however, the Government had pursued measures which fixed a heavy responsibility on the noble lord at the head of the Home Department. If the country was in distress, it was his duty to suggest means of alleviating it. Were he (Lord St. John) to advise those means, he should recommend a mild and conciliatory policy, and an impartial system of administering the laws. If a case could be made out of the possibility that the machinery of this bill might become properly applicable in the present circumstances of society, he would, however reluctantly, give his assent to the measure. But till then, he must, upon the grounds he had stated, and from his attachment to a Constitution which he should be disposed to panegyrize, had he not seen panegyric so often employed as a pretext for violating it, give his decided negative to the question.

Lord Somers observed, that although not accustomed often to address their lordships, he was inclined to state his impressions on this occasion; for he could not agree with some noble lords, for whose talents he entertained the highest respect, that because a plot was absurd, it ought therefore to be neglected. Contemptible as the danger might appear, it had actually broken out into insurrection; and had it not been for the measures of Government, that insurrection might have proceeded to open rebellion, and have put to hazard the most happy

state of things that ever had subsisted in any country. He was willing to try the question by the result, and would ask what injurious consequences had followed the late suspension, and whether it had not evidently checked, although it had not suppressed, the prevailing tendency to riot and disorder? (*Hear, hear.*) The Report upon their Lordships' table, of which one noble lord had spoken as if he thought it should have been the reverse of what it was, in his opinion reflected the highest honour on the Committee, who, whilst they saw the necessity of continuing the measure, animadverted on the employment of persons in detecting the machinations of the disaffected, because some of those persons had acted improperly. But that people of this description must be employed by every Government was obvious; nor was it a fair representation of the case to argue as if the whole of the evidence came from them, and related to facts which were exclusively within their knowledge. He could not refrain from expressing his astonishment at hearing this bill described as a total Suspension of the Constitution, and as placing all our liberties at the mercy of the Government. The suspension of this particular right, which he admitted was a main pillar of the Constitution, against the surrender of which, he trusted, he should be found to contend manfully—was now proposed but for a short time. It had been argued, that the calling of Parliament together depended merely upon the will of Ministers, and that therefore the duration of the law would be as long as they thought proper! Good God! could such an argument be seriously urged? It might depend upon the will of Ministers whether Parliament should be called a week or two sooner or later, but beyond that, what power had they? (*Hear, hear.*) Could Ministers do without the Parliament for any length of time? (*hear, hear.*) He really never had heard so weak an argument. How far could a suspension of the Habeas Corpus Act be called a suspension of the Constitution? He had heard it said in conversation, among a certain class of persons, that if the bill passed, there would be an end of the Constitution, and the liberties of every man in the kingdom would be at the mercy of Ministers. Was that the fact? (*Hear, hear, from the Opposition Benches.*) He would ask again was it the fact? (*Renewed cries of hear, hear.*) He understood the cheering of the noble lords, but he would still affirm it was not the fact. If it could be supposed that the noble viscount, or any noble lord, from motives of private animosity, would seize an individual and put him in prison for Treason against the State, there, he admitted, he must lie, under the power conferred by that Act. (*Hear, hear, hear, from the Opposition.*) But, at the same time, could such a thing be imagined? If the present bill were an absolute repeal of the law of Habeas Corpus, instead of a temporary suspension, there might possibly be some temptation to induce a Minister so to act. But was

it likely to happen, while the power about to be granted would be exercised under the responsibility that now attached to Ministers? He firmly believed that this bill would not be the means of depriving any man of his liberty, to whom liberty ought to be preserved, or could be preserved, without prejudice to the general liberty of all. The noble lord who preceded him, and some others, on the present and former occasions, had talked about conciliating the people. Conciliation, as far as it was just and proper, he should be ready to adopt. But he would not humour the people by granting whatever they might be inclined to ask. It would be most absurd to do so. Let every thing be done that could be done, and let the people see, that so much had been done; but go no further. Flattery was mischievous to every man. Who among themselves could lay his hand upon his heart, and say that he could withstand flattery? He believed no one; and if they, with the advantages of education, and the power of reflection derived from education, could not do so, what was to be expected from the people who possessed none of those advantages? Humour them, (said the noble lord) and you will destroy them. Expectations will be raised which never can be satisfied. From one step they will be led on to another, till they accomplish the final destruction of the State. At present we had a good Constitution, and enjoyed under it a degree of happiness that existed in no other country in the world, and he did not think it could be destroyed by suspending the Habeas Corpus Act for a few months. He should, therefore, vote for the third reading of the bill. (*Hear, hear.*)

The Marquis Wellesley began by observing, that he had not the vanity to think that he could by any flattery perplex the understanding, or change the opinion of the noble lord who had last spoken; although, from an early acquaintance with him, which perhaps the noble lord had now forgotten, he entertained a sincere respect for his talents, his knowledge, and his integrity. But he would not describe the people of England as the noble lord had described them; nor would he believe that it was in the power of any man, however excellent his character or great his talents, to flatter them either into an abandonment of their rights, or a belief that that was a right which was not so substantially. The noble lord had evidently referred to something which had been said on the subject of Parliamentary Reform; but he (Marquis W.) had been always adverse to any change in the constitution of the other House of Parliament. From the first period of his raising his voice in public, he had resisted every attempt of that nature, and he should not now have alluded to the subject had it not been with a view of repelling the attack of the noble lord. On the first day of the present Session (See page 48) he had described the new principles of Reform, and the doctrine of Universal Suffrage,

as a gross delusion, which some had endeavoured unsuccessfully to practise upon a people for whose understandings he had too high a respect to suppose them capable of yielding to it. Whenever such principles should gain an ascendancy, revolution would not be merely commenced, it would be completed, and an end be put to all the subsisting forms of our mixed Government, monarchical, aristocratical, and popular. He repelled, therefore, as well for the noble lords behind him as for himself, the insinuation that they had humoured the people with such notions, or had deluded them with these idle theories. (*Hear, hear.*) But he had been in some degree diverted by these remarks from that more calm consideration of the subject before their lordships which was so eminently due to its importance. Important indeed it must appear to his mind, when he considered it to involve not only questions of law and justice, of liberty, and every description of policy, but to be in itself a question of public honour, rising above the region of party, to one where no passion and no prejudice should intrude. It was in the present stage of this awful question that he desired to state his sentiments respecting it. The previous discussions upon it had been ably conducted on both sides; and, indeed, by one noble lord, (Grey) who sat near him, had been conducted with transcendent ability. Many new lights had been furnished, much additional information produced, the boundaries, the nature, and character ascertained, of that danger of which there was before no definition, and which was therefore dreadful from its obscurity. The House now came to the discussion of this question, with some distinct information as to the precise nature and character of the dangers, and it had also, to a certain extent, a clear view of the operation of the Suspension Bill upon that danger. Those who now met the noble lords opposite in the contest upon this measure, needed no longer to rely upon loose statement or vague conjecture; they were able to bring fact against fact, and to grapple hand to hand upon its principle and effects. The noble lord who last spoke was willing to concede, because he saw no prospect of abuse; but he (Marquis Wellesley) viewed the question in a far different light. In discussing this great subject, he should first consider the real nature or character of the danger, or mischief as it was sometimes called, and whether it might or might not be prevented or corrected by the existing laws, including among them the recent act regarding seditious assemblies. Secondly, he should inquire whether that danger, and that peculiar system of mischief, could be met by any thing so well as the existing laws. Thirdly, whether, as far as appeared with regard to the operation of this extraordinary measure, it was not clear that it had practically aggravated the danger and mischief it was intended to correct; and lastly, which indeed was the main point of all, and that on which he should most dilate, whether

this suspension of the Habeas Corpus must not inevitably produce the dangerous and mischievous effects it was intended to correct. Not merely whether it had not augmented the evil, but whether it had not occasioned it, and that as a necessary consequence. In treating of the first point—the nature and character of the danger—he felt himself called upon to correct some misrepresentations of the arguments of his noble friends. It had been stated, that they had argued against the Suspension Bill, because the situation of the country was not now exactly the same as in 1745, or at any other period when this expedient had been adopted. In fact, the turn of their argument had been directly the reverse: they insisted only that a case should be shewn requiring the infringement of the Constitution: to which only a sort of general answer has been made, “Will you say that, whenever the Habeas Corpus Act is suspended, the Constitution is destroyed?” No noble lord who had resisted the bill had so said; but they had followed up their demand for reasons in favour of the measure, by shewing that none of those existing at previous times applied to the present circumstances of the country. They had maintained that the known precedents had no bearing upon the question—no reference to the existing state of things; and they insisted, therefore, that some other ground should be laid for conferring these extraordinary powers. Entering a little farther into the point of the real nature and character of the danger, it was admitted on all hands that the principles applying to cases of internal rebellion, fostered by external enemies, had no reference to this case: it was not even shewn that any domestic conspiracy had been levelled at the regal power of the King, or at what the law construed into an attack upon it, or into a purpose of dethroning him. What adverse foreign power now fomented discontent? or where could Ministers point out general or even particular combinations to overthrow the Government and destroy the authority of the Sovereign? Stripped of all those circumstances, the case was different from any other known in our history. The noble lord opposite had even gone a great deal farther; for he had admitted that, from the conspiracy recently so much the subject of conversation, he had not apprehended any immediate danger to the Constitution: but he, and those who supported him, added, that such practices ought not to be allowed to pass without check or punishment: for if they were allowed, they might lead to others of a more serious and fearful description. If, therefore, it were urged to-night that the Constitution had been endangered by that conspiracy, it would be said for the first time, and it would be in direct opposition to what had hitherto appeared and been allowed on all sides of the question. He did not mean to deny, on the contrary it was a part of his argument, that these practices were all contrary to law; they were all cer-

tainly dangerous, and required the visitation of punishment; but what he contended was, that without this bill they were all within the grasp of the law (*hear, hear*); and farther, that as far as the designs had appeared in act, as far as any attempt had been made by the ill-disposed, they had been checked and repelled by the ordinary law: where the offence had been moderately interpreted and regularly prosecuted, the parties had indeed suffered the sentence of the law. Upon this part of the argument it was necessary that he should guard himself from misapprehension. Far was it from his intention to state, that because the persons engaged in these offences were of mean birth, and generally of low education; because their means were completely inefficient for the end, they were not criminal, and ought not to be watched by Government with a vigilant and a jealous eye: and even be made to feel the consequences of their crime. But here were no circumstances to excite alarm; no foreign enemy to encourage; no secret intrigues to foment; no persons of rank, education, or talents, to lead and to direct. Then arose the question, did these conspiracies derive support from any circumstance? Were they aided and abetted by any great mass of the population, or was the plot so constructed and combined as to make what would otherwise be ridiculous and contemptible, serious and formidable? Assuredly not. Had any thing more absurd been heard of in the history of absurdities than the scheme recently disclosed? He protested that, had he not seen the testimony upon oath, he could never even have imagined that such a project could have entered into the head of the most frantic bacchanalian. (*Hear, hear.*) Let us see (continued the noble marquis) how it was compounded and conducted. The plan was to seize on the metropolis at all its great points; to storm the Tower, to take the Bank, to burn the barracks, to conquer the military, to overthrow the old and to establish a new Government: and how was all this to be accomplished? The exchequer of these rebels, or, to speak more accurately, their military chest, contained 31*l.*; their arsenal was filled with six pistols and one old gun: their magazine consisted of about half a dozen bullets in a blue stocking, with a stock of powder in proportion, and that not put into the waggon by a conspirator, but by an informer; and, as the design was to employ combustibles, care was taken that they should only have a deadly operation by stench. The soldiers in the barracks were not to be burnt or blown up, but to be stifled. (*Continued laughter.*) They were to make themselves masters of the Bank in a singular manner; by the abuse of an instrument that ought to be applied to better purposes, wine bottles, which they were to plunder from the hospitable citizens: and having employed these bottles in the attack, they were to employ them again in the defence of the Bank. (*Laughter.*) For the assault upon the Tower a notable ex-

pedient was hit upon, quite of a piece with all the rest, and certainly not very flattering to the female part of the population; for the forlorn hope was to consist of a number of white-robed virgins; but they unluckily found that the metropolis would not furnish them with a number adequate to the enterprise. They succeeded, however, in producing a dreadful riot, and, as white-robed virgins were not very plentiful, they supplied their places with a few drunken old women, who, issuing from the tipping-houses of the Minories, discharged volleys upon the military, which I will rather leave to your lordships' imagination than attempt to describe. (*Hear, and laughter.*) Such being the plan, I will not fatigue the House by detailing the absurdities of the execution; the conclusion, however, was, that one grand division of the army of the rebels was routed by a single trooper, and the remainder received a total defeat, with the loss of baggage, artillery, ammunition, and stores, by the valour of a single alderman. (*Continued cheers.*) Do I exaggerate? Why, I say that this was more ludicrous than any project ever invented as a burlesque and a satire upon the most absurd of mankind. I confess, the examinations of the witnesses to substantiate it were to me a source of the highest amusement: the plan, execution, and defeat, are parallel only to each other, all equally laughable; the civil, much less the military power, had nothing to do with this signal discomfiture; it was not only *sedente et cunctante*, but *dormiente consule*. (*Hear, hear.*) Even the ordinary vigour of the law was not required for its suppression.—His lordship then went on to inquire how far a vigour beyond the law, as it had been termed, was necessary for the punishment of the offenders in these disturbances: but proceeding a step farther, to other persons charged with conspiracies in other places, he begged to know what there was in the existing law to prevent Ministers from effecting all they wished? Could they not arrest and confine, and thus avert the apprehended mischief; and when the conspirators were brought to trial, had not the old enactments been found competent to all the purposes of justice? Although the individuals engaged in the late disorders in the metropolis had been acquitted, did not their arrest, imprisonment, and trial, with the publication of the evidence in the form in which it had been given to the world, afford a lesson to the people of England of moderation and loyalty, more instructive than all the infictions the wisest Ministers might be empowered by act of Parliament to impose? By the late proceeding the people of England would first observe the glorious triumph of British justice, as well as the manly fortitude with which the prisoners bore up against prejudice and calumny; but, above all, they would learn that which would make the deepest impression, namely, the dreadful arts by which these unfortunate men were led on to their last excesses. Seditiously inclined they certainly

had been, in the first instance, if no higher crime could be imputed; and the lower classes, by the perusal of the evidence, would be taught the danger of taking counsel against the peace and safety of their fellow-citizens, and against the legal and constitutional authorities of the realm. It would instruct them to beware how they allowed men with dubious professions to approach them, and to instil into their ears the poison of sedition or rebellion; it would teach them the truth of the maxim of a great orator, *justa causa nunquam esse potest contra patriam arma capere*. With these important truths impressed upon the hearts of the people, it might indeed be said, that public order and happiness would be established on a rock which the efforts of a world could never shake, and which the petty fortifications that Ministers were now erecting could neither strengthen nor defend.—These considerations now brought his lordship to another part of the subject, how far these great and unnecessary powers actually instigated to crime, and aggravated the evil they were designed to remedy. The Report of the Secret Committee admitted this fact; for it was there said, that in some instances the operations of persons who gave information tended to encourage proceedings which they were appointed to detect. With regard to the Seditious Meetings Bill, he did not deny that it was a proper and a useful measure: it had produced a salutary effect; but exactly the contrary was the fact with regard to the Suspension Bill: it had not only augmented the evil, but, as he was prepared to prove, that augmentation had been a necessary consequence. The noble lord opposite had denied any connection with the informer Castle; but nobody had charged it: all that was asserted was, that the manner in which he had conducted himself shewed, demonstratively, that his object from the beginning, was to be a spy and a betrayer. The remark would more strongly apply to Oliver, who, being an accredited agent of Government, actually suggested one of the most violent outrages that had occurred in the course of the disturbances. With regard to the general question regarding the employment of informers, no person had contended that their evidence as accomplices might not be sometimes necessary; it might become a positive duty on the part of Ministers to receive it; but at best it was an odious duty, and such testimony ought always to be received with caution: it was a bad foundation for a proceeding in a court of justice; but as a reason for a legislative enactment, there was no epithet of absurdity that it did not deserve. One noble lord had asked, did not the free States of antiquity resort to informers? but, upon reconsideration, he must be aware that the question was at least put rather carelessly; since every person acquainted with history would admit, that if there was one point more than another in which the institutions of those States merited the terms odious and detestable, it was in the administration of criminal justice, and

above all, in State trials. The death of Socrates was surely not to be recommended to this country as a precedent of justice and impartiality, or of the purity of the Courts of Athens. The argument of the noble lords who opposed the measure was not against the use of informers, but against the abuse of them; for whether in ethics their encouragement could or could not be justified, it was quite clear that they had always been the most odious instruments of the most odious tyrannies. When once their employment became so rife as at the present moment, it was to be viewed with the utmost jealousy; and, as it had been sometimes said that the people ruled their rulers, it might not long hence be asserted that informers governed the Government. (*Hear, hear.*) The great argument for the suspension was, that it was a measure of preventive justice; but how could it deserve that character, when, by its authority, persons were dispatched through the country, not to check, but to promote—not to control, but to instigate and inflame,—not to diminish the growth of crime, but to cultivate and cherish it; to bring it to its utmost height and perfection, and to afford Ministers an abundant crop of justice and punishment? (*Continued cheers.*) Such a state of things would alter the whole course of our judicial proceedings. What had been the grand object for which the people of England had willingly shed their blood, and lavished their treasure? Was it not for the preservation of that Constitution, the love of which had been implanted in their infancy, and had augmented with their reason; and what had hitherto been looked upon as the most beautiful, the most illustrious, and the most splendid jewel in that Constitution? Was it not the pure administration of justice; that justice which the Sovereign himself was sworn to administer in mercy? It was not merely an attribute of his office, or an inclination of his temper; it did not merely flow with his blood from the heroes of whose stock he was descended, but it was a part of the oath which he took at his coronation; and he was bound, therefore, by a sacred and solemn obligation to take care, not only that no injustice was done, but that mercy was mixed even with the severity of the law. But if men were allowed to goad on the innocent to guilt, what became of that heavenly attribute? Would not the administration of the law be then a thousand times worse than the exertion of its utmost severity? No language could fitly describe such unprincipled and disgusting wretches, to whose hands, if the present system were pursued, the lives and liberties of all the subjects of this country would be consigned. Surely it was one of the greatest objections that could be urged against the measure, if its effects were to produce a horde of unprincipled informers, who were interested in raising the crime to the law, instead of adopting the law to the crime. No greater calamity than such a state of things could be contemplated: for then

British jurisprudence, instead of being a beautiful and perfect system, would become *alumna licentie, comes seditionum, effrenati populi incitamentum, quæ in bene constitutis civitatibus non oritur*. Would not this state of things be one of the strongest incentives to discontent? When a man was arrested, imprisoned, and denied the possibility of clearing his character, and liberating his person by the verdict of a jury, and when all his countrymen saw that such might be their fate at no distant period, was it not giving to the people a real motive for discontent, and an excuse for disorder? The only advantage which Ministers gained was, that they need not bring their prisoners to trial; but in what way could this be beneficial? Did it not, on the contrary, create an unnatural ardour in the public mind, which engendered the reptiles whose purpose was to ensnare the innocent and inflame the guilty? Upon every ground on which he could consider the subject, he felt himself bound to oppose the bill. His objections were founded, not only on the great questions of political liberty, of the freedom of individuals, and the preservation of the Constitution, but he added to those objections his considerations of the peace and the honour of the country, of the conscience of Parliament, and of the safety, security, and prosperity of the realm. (*Hear, hear, hear.*) The Earl of Harrowby said, he felt it difficult to give a silent vote on this question after what had fallen from some noble lords opposite. The noble marquis had made a speech of considerable wit and much eloquence; and he enjoyed the pleasantries of it: but the whole case did not rest on what had passed in London; it depended on a view of the general state of the country. An instructive historical detail had been given of the suspension of the Habeas Corpus Act, but it was not applicable to the present occasion. Were this the first proposal for the suspension, the argument might be different; but now the measure rested on precedents, and was not to be condemned on comparisons and similitudes. There were cases in which danger was less to be feared from despotism than from anarchy. The plain statement was this—that there was a conspiracy of those without property against those who possessed it. (*Hear.*) The conspirators might not be likely to obtain success, yet might commit dreadful evils, against which their want of education was no security. The successful revolts of such people, in ancient Greece, must be familiar to the minds of their Lordships; and it was notorious to all, that the taking of the Bastille, in France, was entirely accomplished by persons of that description. In our own country, we might look at the effects of the rebellion of Wat Tyler and Jack Cade. A shoemaker (alluding to Thomas Preston, see the note, page 1280) might not be likely to form an Oliver Cromwell; but none could doubt the existence of an extensive conspiracy. He might also allude to the case of Dequard, and he

would ask, was there, or could there be a plan more absurd than the one he had formed, yet, happily, he was baffled. It was useless, then, to argue that no danger could arise from conspiracies that were formed by the lowest classes in society. The danger now was in a combination for insurrection, which might not produce total destruction; for he believed the good sense and loyalty of the great body of the people would prevent that; but the hands of Government required to be strengthened: they could not venture to let sedition rise into rebellion. With regard to the insurrection near Leeds, he denied that it had been produced by Oliver: the fact was, Government knew every thing connected with it, before Oliver was on the spot. He could not concur in the reproaches thrown upon spies, for he was decidedly of opinion that they were more or less necessary in every free country (*hear, hear, from the Treasury Benches*). He trusted he should no more hear it said, that this person was employed by Government to excite disaffection in the country, though at the same time he was ready to admit, that in the difficult situation in which persons who acted as spies were placed, they might occasionally use language unguardedly, which tended to excite to seditious practices. Perhaps this might have been the case with the person alluded to; but he would never admit that that individual had begun the plot, as it was formed before he left London. It had been said, that Ministers had done nothing for the people; but, critically situated as they had, they deserved some credit. They had not, in the circumstances of the country, agreed to propose expedients of raw legislation to check foreign importation, under the notion of encouraging home products, though the doors of all the public offices had been besieged on that subject. They had attempted only what was practicable. They had abstained from any proposition respecting the Poor Laws; and he did not know that they would propose any measure on that point, as a sudden alteration might be dangerous. They had shewn that they would go to the utmost extent, consistent with the convenience and necessities of the Government, in every practicable measure of reduction. They had endeavoured to procure work for the labourer, and to provide for such as could not find employment, resources which conspirators would have destroyed. Distress had been made an instrument of sedition, and the press every day said that the Government was the cause of the distress—Government, who by their exertions had so greatly contributed to the events of one day, by which a mighty hostile empire was overturned, and the liberties of Europe restored. What was meant by speaking of chains being rivetted in Europe? Was it a contrast between the liberties granted by Buonaparte, and the despotism of Louis XVIII? Constitutions had been formed, which perhaps left too little strength to the Governments. How were the people of Europe

worse than they were? We had not shed our blood and expended our treasure for slavery either at home or abroad. To say so, was to sow the seeds of discontent. The intent of the present measure was to preserve our liberties and our blessings, and to prevent treason and rebellion from blighting the rising and opening buds of our renewed prosperity.

Lord Holland said, he would not detain their lordships long at that late hour. He thought the noble earl was, at first, stating the question fairly, so that no difference might arise on that subject, and that the debate might be short: but he seemed afterwards to depart from that—and to mistake the arguments which had been used. He [Lord Holland] did not wish to meddle then with the last of the noble earl's topics—the merits of the Ministers respecting the state of the country since the peace; nor the effects of the battle of Waterloo; neither did he wish to say any thing about the buds of prosperity now sprouting up from that glorious victory. But it was a strange description of the consequences of that great battle, to rest upon the measures of Ministers to keep down insurrection, and of their disinclination to adopt schemes of improvement, and so forth. Though he had always felt an interest in the liberties of other countries, he should not then take up the gauntlet which the noble earl had thrown down. He was quite prepared on that point; but on a question so deeply affecting the liberties of Englishmen, he had nothing to do with the Continent, or whether the Government of Buonaparte or that of Louis XVIII. was the best. The true questions were, what was the nature of the danger here; and then, whether the remedy proposed was the proper one? There was nothing scarcely to be said, if a great extent of danger was proved. The noble earl stated the evil as a question between people of property and those of no property. A more unstatesmanlike and dangerous declaration he had never heard. If such were the case, would the noble earl say, that Ministers could shut up all the instigators in prisons, under the act, and get rid of the multitude? He should not examine the precedent of 1794 minutely. He was not old enough in Parliament to have a personal knowledge of it. But he could easily remind the House that we were then at war, and if a conspiracy then existed in the country, there were some plausible grounds for the measure. Indeed there might be some sense in that bill, because it declared that the conspirators at home acted in concert and connexion with our enemy—France! The effects of that remedy might be obvious to those who believed in the danger; because, though the people conspiring might, however low and mean, be supposed very numerous, yet it must be only a few of them who conducted their affairs, and managed the correspondence with a foreign power. If, therefore, by a few apprehensions, the leading people were secured, the treasonable correspondence would be laid hold

of, the thread of the conspiracy would be cut, and the life and hope of it destroyed. But how did the present case stand? It had been said that Ministers drew up no bill of indictment against the whole nation—very well. There was indeed a candid admission in the Report of the general good disposition of the people, as well as that only a portion of the disturbed districts was tainted.* But then, the bill of indictment was drawn up against a few, and the liability of the punishment affected all. (*Hear.*) He had heard some observations with pain from the noble lord on the cross-bench (Lord Somers). He was convinced that that noble lord had too high a value for independence not to know and to feel that it was a very great and grievous hardship to be exposed to any kind of persecution. It made men less fit to breathe in a free country (*hear*). The noble lords opposite wished to put their trust in the virtues of the noble viscount (Sidmouth): but no personal reasons could be sufficient to render the liberties, not only of the unfortunate and deluded poor wretches imprisoned through the tainted breath of a vile informer, but the liberties of all the people of the land, liable to violation and suppression. The noble lord (Westmoreland) had stated, that there ought to be no objection against the measure, unless it could be fairly alleged that the motives of Ministers, in proposing it, were corrupt. He (Lord H.) knew nothing about the motives of Government, but, constitutionally speaking, he had a right to impute the blackest designs whenever the measures were injurious in their consequences. As to what had been said about informers, he thought that his noble friends had been a good deal misunderstood. They had never said that a spy or an informer should in no case be made use of; but they had reprobated that system of *espionage* which had now for the first time been avowed as a regular instrument of administration. Nor was this the only new doctrine broached on the present occasion. He was old enough to remember more than one instance of the Suspension of the Habeas Corpus; and he perfectly recollected, that in all former instances it had been solemnly stated, that it was never intended to take up men who were not to be tried. He was well aware that this rule had, in numerous cases, been grossly violated, and that but very few of those who were apprehended had actually been brought to trial. Still the Ministers put on a show, at least, of virtue: but even this hypocritical pretence was now done away, and they were now arrived at the boldness, that the act would be, in the fullest sense of the word, an act conferring the power of arbitrary and indefinite imprisonment. (*Loud cries of hear!*) The noble earl who spoke last had taken advantage of the candid admission of the noble marquis, that danger perhaps existed: but the fact was, as had been so ably argued by the noble marquis, that the danger was not one which required such a remedy as that proposed.

The noble earl at the head of the treasury had talked a good deal about the French insurrection of the 6th of October, 1792, as if it had been one in which the mere populace were alone concerned. Now this was not the fact: for it was notorious, that one of the highest persons in France, the richest and the noblest, a prince of the blood (he meant the Duke of Orleans), was the active instigator of that mob. There was another insurrection somewhat prior to that, which he (Lord Holland) thought equally applicable to the present case, though the noble earl had adroitly passed it over. He was not fond himself of referring to the French revolution, for really it required some circumspection in language, in order to avoid all those disagreeable imputations which were so readily applied to those who alluded to it. Indeed, unless a man, when he spoke of that event, began by calling it "detestable, atrocious, abominable," he ran the risk of being called a revolutionist, or a jacobin at least. (*A laugh.*) However, he would refer to this insurrection of the 14th of July, which, if he remembered right, was directed against the Bastille, by the indignation of the populace: that event could not be prevented by the suspension of the Habeas Corpus, by the destruction of personal liberty: no, it was brought about solely by the existence of arbitrary imprisonment, by the desire of abolishing so great a grievance as the suspension of the Habeas Corpus. (*Hear, hear.*) The noble lord on the cross-bench had expressed great alarm about the prevalence of such doctrines as those of Annual Parliaments and Universal Suffrage. He (Lord H.) was not at all more favourably disposed to such visionary schemes than the noble lord himself: but he could never allow that the existence of such opinions was a reason for suspending the liberties of the whole nation. Even if such doctrines were universally popular, he should think it a bad mode of proceeding to attempt to stifle the universal voice by repressive and tyrannical enactments:

Strangulat inclusus dolor, atque exæstuat intus.

And, for his own part, he would rather have to meet an open insurrection, than to stand in constant awe of the deep broodings of sullen discontent and suppressed resentment. (*Loud cheering.*) Rebellion was a great evil, but the greatest of all evils, in his mind, was a permanent despotism; and whatever tended to so baneful a result, ought to be checked in its very inception. This was the great ground of his opposition to the present measure. It could not leave the people as it found them: it must make them either resentful for the curtailment of their rights, or else utterly indifferent about their dearest privileges. He should be sorry to hear any man hereafter saying, "Well, after all, this suspension of the Habeas Corpus, about which so much fuss has been made, has done no great harm that I can see. I feel quite as comfortable as before." He hoped that there was no noble

lord who would not be shocked that an Englishman should ever be reduced to entertain such a feeling. He hoped that there was no noble lord who did not think that the vigilance and jealousy which the people of England exercised over every thing that regarded their liberties was their noblest characteristic, and one of the grandest excellences of a free constitution. (*Hear, hear.*) The noble earl had said, that the indictment was not against the whole people of England. What then did he mean? Did he intend to assert that any partial blot in the Constitution was to be a reason for abolishing it altogether. (*Hear, hear.*) Did noble lords believe that a time ever existed when discontent was not to be found somewhere among the people? when some persons, at least, did not loudly and bitterly complain of the inequality of fortune? when, in fact, there were not some speculative persons who preferred a republic to a monarchy? Why then should such circumstances be alleged as sufficient to justify the suspension of that privilege which distinguished this country above every other in the world? Was the Habeas Corpus to be considered a mere bauble, a pretty dress to wear on a fine Waterloo show-day? (*A laugh.*) And was it on all other occasions to be locked up as a thing of no use or value? (*Loud cries of hear.*) It was because he loved and admired the Constitution, that he opposed the present bill: the other party professed to admire it too, but he suspected his own admiration to be the most sincere and genuine, because he believed that the Constitution was suitable to turbulent as well as calm seasons, and might be relied on for safety even in times of the greatest danger. (*Cheering.*) He would not trouble their lordships any farther, than to protest that he regarded the present suspension with great distrust; and that he, in his conscience, believed that there had been no instance since the Revolution when such a measure was less called for by circumstances, or was less likely to be beneficial in its results. (*Hear, hear.*)

The Lord Chancellor said, he gave every credit to those who opposed the bill for their love of the Constitution, although he thought their opposition altogether unfounded. He was not so absurd as to support the Suspension of the Habeas Corpus, because there were many individuals who wished for Annual Parliaments and Universal Suffrage, and many others who preferred a Republic to a Monarchy. There were other and very different grounds for the measure. While he allowed to the noble baron who had just spoken, that the Constitution recognized the writ of Habeas Corpus (securing, and not creating, to the subjects of the realm the right of prompt trial, for the offences with which they might be charged), as essential to the complete system of our liberties, it also recognized the principle, that we must be content now and then to sacrifice the temporary enjoyment of its benefits, in order to enjoy them for a more durable

period. The circumstance of the frequent suspension of the Act was a proof of the recognition by Parliament of this principle. In the reign of William III. it had been suspended three times in one year, though for very short periods. It had been suspended in the seventh year of King William; and again in 1718, in 1721, in 1745, and repeatedly in the present reign. And, if he had not made a false estimate of the present dangers of the country, they were much greater than at any of the periods at which the suspension had hitherto taken place.—The true character of the measure was, not that it inflicted an evil on the great body of the people, but that it was intended, for the sake of the great body of the people, to secure their interests and happiness. In former reigns when the Habeas Corpus was suspended, although great dangers existed, yet they were not such as to threaten the destruction of the throne, the altar, the nobility, and all the institutions of the State. But if those who were now endeavouring to obtain their objects, not by reasoning, but by physical force, were to succeed, all the sacred institutions, all the constituted authorities of the realm would be overturned.—Adverting to the observations which had been made on the late trials, and on spies, accomplices and informers, he observed, that long before he had heard the name of Castle, he had stated to his colleagues, that he considered the transactions which followed the meeting at Spa-fields to be, in point of law, high treason. With respect to spies, he allowed that they were liable to all the epithets which had been bestowed on them. But he maintained that Government, when they knew of the existence of a plot in the country, were bound to employ such persons for the purpose of detecting and defeating it. It was quite a different thing to stimulate such an individual to go further. As to the person in Yorkshire, respecting whom so much had been said, their lordships would do well to suspend their judgment until the proper time should come for his noble friend to explain the circumstances of the case, and to remember that the authority of a country newspaper on the subject was very bad authority indeed. The Suspension of the Habeas Corpus had enabled Government to deprive bodies of men in arms of their leaders—persons of greater ability than some noble lords seemed to believe. Was this danger over? If the existing law were sufficient to punish the offences of these persons, and to prevent the commission of farther crimes, then the Bill before their lordships ought not to pass. But if bodies of armed men, 300 in number, continued to assemble, whom it was impossible to prosecute in a mass, either for High Treason or for misdemeanour; and, by taking from them their leaders they could be broken up, their plans disconcerted, and themselves saved from punishment, was not that as great a case for the continuance of the Suspension as it was possible to imagine? The noble baron had

hinted at the probability of a Bill of Indemnity. It was time enough to talk about that when it should be asked for. He did not mean to deny that he believed it must be given; otherwise the Secretary of State might, as well quit his office at once: for there were many cases in which he would have sufficient proof of the necessity of acting on the Suspension, but not legal proof of that necessity. (*Hear, hear.*)

The House then divided—

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HOUSE OF COMMONS.

Thursday, June 19.

MARRIAGES REGULATION BILL.] Sir J. C. Hippisley brought in a bill for the further regulation of marriages to be solemnized after publication of banns of matrimony, which was read a first time, and ordered to be printed.

PERSONS CONFINED FOR TREASON.] Mr. H. Addington, pursuant to an address of the House (of the 11th inst.) presented the following "account of the number of persons now in confinement in Great Britain, by warrant of either of the Secretaries of State, or of six Privy Councillors,—detained under the provisions of an act, passed in the present Session of Parliament, for enabling his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government;—with their ages, and the places of their confinement."

In the gaol at Reading, 1, aged 26; 1, do. 38; 1, do. 54.—In Tothill Fields Bridewell, 1, aged 26; 1, do. 51; 1, do. 35.—In the gaol at Horsemonger Lane, for the county of Surrey, 1, aged 73; 1, do. 54; 1, do. 20; 1, do. 33.—In the gaol at Chelmsford, 1, aged 30; 1, do. 27; 1, do. 22; 1, do. 31.—In the gaol at Gloucester, 1, aged 18; 1, do. 30.—In the House of Correction for the county of Middlesex, 1, aged 34; 1, do. 33; 1, do. 29; 1, do. 49; 1, do. 39; 1, do. 31; 1, do. 30; 1, do. 60; 2, do. 36; 1, do. 35; 1, do. 48; 1, do. 46.—In the gaol at Exeter, for the county of Devon, 1, aged 37; 1, do. 24; 1, do. 35.—Total number of persons in confinement, 32.

ROCHESTER PETITION.] Mr. Barnett presented a petition from the city of Rochester, against the Suspension of the Habeas Corpus Act.—Ordered to lie on the table.

COPY-RIGHT.] Sir E. Brydges moved for leave to bring in a bill, "to alter and amend an act passed in the 54th year of his present Majesty, so far as regards books published before the act of Queen Anne, respecting

the claims to eleven copies of the said books, and also to very limited editions of books."

Mr. Banks and Mr. Peel opposed the introduction of the bill.

Sir S. Romilly was astonished at such opposition, when he considered the nature of the question, and recollected that by the present law, no man could publish without giving away at least eleven copies of his work. It was no doubt desirable that the Universities should be furnished with books; but certainly if this were to be done, it ought to be at the public expense, not at that of the poor author. The tax thus imposed on writers was founded on a barbarous principle, and surely deserved the attention of the House.

Lord Palmerston said, the real question before the House was, whether they should consent to a repeal of the law passed in 1814, for in truth the proposed measure, though described as a design to amend and alter the law, was actually intended to repeal it. He could never allow it to be said, that an Act like the present, which went to promote the interests of learning, was founded on a barbarous principle.

Sir F. Burdett said, he had heard nothing to justify any opposition to the present motion, which was founded on the strictest justice, and was so clear a case that he was almost ashamed to say a single word upon it. The question at issue was simply this—Whether shall a man derive the fruits of his labour, and enjoy them, to the advantage of himself and family, or be compelled to give them away to others? When the House considered the character, situation, and rank of those public bodies who claimed the copies, and how able they were to pay for them, he was persuaded that they ought to hesitate before they rejected the motion.

Mr. J. Smyth opposed the motion, because he saw no grounds whatever that could be alleged in its support.

Mr. Ponsonby said, this was the first time he had heard that literature was promoted by authors being compelled to give their publications to the Universities. For those learned bodies he felt a sincere respect, but he could not help saying, that they were always disposed to take a great deal, while they gave but little. If the Universities required these books, they should pay for them, or the public should; and, for his own part, he could have no hesitation in consenting to a grant for this purpose. But he did not see why the Universities should not purchase their books as well as individuals. It was truly absurd to say that literature was promoted by their receiving these copies from poor authors.

Mr. Croker thought the right hon. gentleman had not read the act of Queen Anne, which expressly stated that it was made for the encouragement of literature. Besides, he had not recollected the advantages which authors obtained by that act in the extension of

their copy-rights. It was not fair to call this a tax on authors.

Mr. Ponsonby.—Sir, I know the act, but I remember that that act is called one for the encouragement of literature; and, Sir, calling and doing are two very different things. If people are to be judged by what they are called or profess to be, we in this House should be considered the most economical set of persons in the world, for we are constantly talking of economy. But, Sir, to prove what I say, though we talk of economy, we shew very little attention to it, and profess what we do not practise. (*Hear, hear, hear.*)

Mr. Brougham considered, that his right hon. friend (Mr. Ponsonby) had as much knowledge of the act of Queen Anne, as the right hon. gentleman (Mr. Croker) could have, but the provisions of the last bill ought to be amended, as they imposed a very heavy burden upon authors. It certainly was not any encouragement to learning, to oblige poor men to supply the Universities with books, merely that the funds of those rich and well endowed bodies might be spared. The burden ought to fall on the consumer, not on the grower of the article, if he might use such an expression. He felt it his duty to support the measure, as one extremely proper and just in every view.

Mr. Finlay opposed the motion, observing, that the contribution of eleven copies was not so heavy a tax as by some it was supposed to be, as, in most cases, it was little more than the expense of paper and printing.

Mr. C. Wynn conceived that it was absolutely necessary to revise the act, in consequence of the manner in which its provisions had been executed. Even the friends of that act must see that it needed revision. The Universities, who had ample funds, refused nothing at the hands of poor and frequently distressed authors, but music and novels. (*Hear, hear.*) It would be much better to give those learned bodies a pecuniary composition, which might be used for the advancement of learning.

The House divided —

For the motion 57

Against it 58

Majority 1

[SPIES AND INFORMERS.] Sir F. Burdett rose to call the attention of the House to the employment of spies, as allies of Government, in the maintenance of social order. (*Hear, hear.*) While such instruments were made use of, it was impossible that any man's property or person could be safe: and the misdeeds of one of those miscreants, whose conduct had lately been brought to light, proved but too plainly the truth of what he asserted. Under these circumstances, and hearing that the noble lord had attempted to defend the conduct of such a man as Thomas Reynolds, of Welbeck-street, he should be glad to know of Ministers, whether those spies had their authority for making use of the names of individuals? (*Loud cries of*

hear.) A transaction of this sort had occurred, in regard to which the state of the times rendered it necessary for him to vindicate his own character, however contemptible and unworthy of notice those persons might otherwise be. It appeared then, that Oliver, the fellow of Reynolds, had gone about the country introducing himself with Sir F. Burdett's compliments. After what had already come out, it was impossible to say how far this man might be authorized by, or associated with, the Government. If he acted on authority, the infamy of such transactions was mutual on the employer and the employed; or rather the Government that could employ such agents, the terror, scourge, and pest of society, was even more culpable than the wretched agents themselves: and if universal justice ruled the bill, the noble lord should be tried with his creatures, Castle and Oliver, for their conspiracies against the subjects of this kingdom. (*Hear, hear.*) If the employers of these men had any feeling, or any conscience, they would have shunned the assistance of such unworthy allies; for they might beforehand have been sure that such agents would go beyond their instructions, because it was their obvious interest to do so: if they did not promote treason, their employment was at an end. (*Hear, hear.*) A jury of able, independent, and honest men, had shewn their sense of the infamous purposes for which these spies had been employed.

The Speaker rose to order.—He had listened to hear if the hon. baronet meant to make a motion or ask a question; and, conceiving, at all events, that the matter was one in which the hon. baronet was personally concerned, he had refrained, perhaps longer than he ought to have done, in reminding him that he was proceeding to some length without any motion before the House. If the hon. baronet's object was to ask a question, he put it to his candour whether he had not transgressed all reasonable bounds for such a purpose?

Sir F. Burdett thanked the Speaker for the very handsome manner in which he had set him right, but thought himself not wholly inexcusable on such a subject, in which he was so closely concerned. The question he had to ask the noble lord was, whether Oliver had the authority of Government for making use of his name?

Lord Castlereagh replied, that if the hon. baronet's name had been improperly used, he might attribute it to other grounds than the command of his Majesty's Ministers. He was ready to justify the transactions that had taken place, so far as his noble friend, the Secretary of State for the Home Department, was concerned; and he was certain that that noble lord would never abuse the public confidence that had been placed in his hands. If the peace of individuals had been disturbed by treason in the country, none could lament it more deeply than himself; but he should not be deterred by any thing the hon. baronet could say from taking measures to en-

ture the peace of the country, though those measures might disturb the peace of traitors, or even involve the hon. baronet's name.

Mr. *Brougham* asked, whether, in consequence of what had passed in that House, his Majesty's Ministers had taken the usual step with a view to bring the person employed in these criminal transactions to condign punishment, should the atrocities alleged against him turn out to be true?

Lord *Castlereagh* assured the House that his noble friend had never authorized any act blameable in itself; and if any improper conduct in the party alluded to, or any other, fell within his notice, it would meet with due reprehension.

TITHES.] Mr. *Curwen*, after disclaiming the least intention of infringing on the property of the Church, and stating that his object was to put an end to that extensive litigation which was not more injurious to the parties engaged in it, than to the interests of general morality and religion, detailed the inconveniences which resulted from the existing laws, by which Church property was placed in a situation so different from that of other property, the title to it rendered so much more difficult of proof, and the contested claims to it made the subject of the decision of a court of equity, instead of a Jury; and instanced several cases in support of his argument. The hon. gentleman concluded, by moving for leave to bring in a bill "for the amendment of the law in respect to Tithes."

Sir *W. Scott* said, he would not resist the motion; but, although he coincided in much of what had fallen from the hon. gentleman, he should be sorry to have it go forth to the public, that he could ultimately agree to the great innovation which the bill proposed to make.

Sir *S. Romilly* supported the motion, though he feared it was too late in the Session sufficiently to discuss so important a subject. He confirmed all the statements of the hon. mover with respect to the inconveniences of the present law, and particularly the circumstance that long possession, which strengthened all other property, weakened that of the Church; since, instead of a prescriptive title being obtained in 60 years, it was necessary to go back 600 years, to the reign of Richard I. in order to establish a claim. Adverting to the tedious litigations to which the uncertain tenure of this property at present gave rise, he mentioned the case of a clergyman, with twelve children, whom he took the liberty of advising, not, with such a family, to incur the risk of a Chancery suit, and who told him in reply, that, circumstanced as he was, he should never have thought of it; but that he had commenced the process when he was a bachelor.

Mr. *Lockhart*, after passing an eulogium on the talents and authority of the right hon. gentleman (Sir *W. Scott*) in differing from whom on such a subject, he was conscious that he was

in great danger of falling into error, contended, that such a bill as was now proposed would be most valuable, in order to settle the titles to Church property, and put them on the best foundation. The motion, therefore, had his most cordial support.

Leave was then given to bring in the bill.

LANDLORD AND TENANT LAW.] Mr. *Lockhart* rose to call the attention of the House to the mode of levying distresses for rent. He observed, that in the metropolis poor tenants frequently endured the greatest oppression, without any benefit being derived by the landlords from their sufferings. They were plundered by the brokers employed to distrain. He then read an account of the costs which an unfortunate journeyman tailor had to pay in consequence of a distress for rent. The rent due was 2*l.* 13*s.* and the costs of the distress were 4*l.* 8*s.* The result was, that all the unfortunate man's little effects were sold; that he, his wife, and children, were turned into the street; and all that the landlord obtained of the 2*l.* 13*s.* due to him, was 6*s.* 6*d.* He had no wish to diminish the security which landlords had, and ought to have, for their rent; but he wished to remove the evil which he had been stating; and he was sure that the poor man could obtain no remedy unless the Legislature interposed, and passed some short act, which would be easily accessible to him. The hon. gentleman then moved for, and obtained, leave to bring in a bill to regulate the costs of distresses levied for the payment of small rents.

STATE OF IRELAND.] Sir *J. Newport* in rising, pursuant to his notice, to call the attention of the House to the State of Ireland, said, he could not but regret to observe so thin an attendance of members, when a question of so much importance was to be discussed. It was his sincere wish, before the Session closed, that some security should be given by Ministers and Parliament, that early in the next Session the affairs of Ireland should be taken into the serious consideration of the House. Sixteen years had elapsed since Ireland was first united to this country, and during that period no steps had been taken to redeem the pledges given at the Union. No man would say that Ireland ought to be allowed to remain in its present condition. States, in many respects, resembled individuals; and Ireland, like a diseased individual, if not now attended to, would soon force itself upon their attention. He did not mean to hold out that any thing like physical force was to be dreaded: the danger was to be apprehended from the dilapidated state of the finances. If, after a long and perilous war and during a profound peace, we were not prepared to look into the situation of that part of the kingdom, when should we be prepared to look into it? If ever any period could be proper, it must be the present. Ireland must be a source of weakness instead of strength, till Parliament paid proper attention to its interests. It was

endowed by nature with every thing to make it a valuable portion of a great empire; and was inhabited by a race of men not inferior to any on the face of the globe. It was of little moment to bring forward statements of disturbances, and pass insurrection bills; they ought not only to make themselves acquainted with the evils, but to inquire into the causes of them. It was not by perpetually abandoning the Constitution that they could hope to keep Ireland tranquil. However necessary insurrection bills might be to put down local disturbances, they could never be the permanent law of the land. The right hon. baronet concluded with moving, "That an humble Address be presented to his Royal Highness the Prince Regent, praying, that his Royal Highness will be pleased to direct such deliberate and accurate inquiry to be made, during the prorogation of Parliament, into the state and condition of the people of Ireland, as may enable this House, at the commencement of the ensuing Session, to enter with vigour and effect into a complete investigation of the causes, nature and extent, of the evils which afflict that part of the united kingdom; and to devise such salutary and efficacious remedies, framed in the spirit of British constitutional legislation, as may appear to our dispassionate judgment most adequate to effect their complete and permanent removal; and in the impressive terms of the Act for the union of the two kingdoms, 'to promote and secure the essential interests of Great Britain and Ireland, and to consolidate the strength, power, and resources of the British Empire.'"

Sir G. Hill contended, that if the House should now consent to go into the inquiry proposed by the right hon. baronet, it would kindle the animosities that existed between the two parties in Ireland. He believed that the complete impartiality of the Government, and a little more patience on the part of the people, would have all the beneficial effects which the right hon. baronet expected from his motion, and therefore, he moved, as an amendment, "That the other orders of the day be now read."

Sir N. Colthurst said, he understood that the attention of Government was now directed to the means of finding employment for the working classes in Ireland. He was fully persuaded that any measure of relief for that country must be immediate.

Sir J. Newport replied, and urged the adoption of his motion.

The House divided on the amendment—

Ayes 59

Noes 16

Majority —49

SIGNET AND PRIVY SEAL OFFICES REGULATION BILL.] This bill was read a second time, and committed for to-morrow.

IRELAND ELECTION LAWS BILL.] This bill was reported, and an amendment proposed, to leave out the clause respecting the employment of Counsel in the Booths. The Question was

then put, "That the said clause stand part of the bill."—The House divided—

Ayes, 11—Noes, 27.

Bill to be read a third time on Monday next.

CONVEYANCERS.] Mr. Ponsonby presented a petition of Conveyancers of Devon, in favour of persons not of the profession, drawing Conveyances.—Ordered to lie on the table.

LIST OF THE MINORITY ON SIR JOHN NEWPORT'S MOTION ON THE STATE OF IRELAND.

Atherley, A.	Parnell, Sir H.
Barham, J.	Ponsonby, Rt. Hon. G.
Browne, D.	Tierney, Rt. Hon. G.
Duncannon, Visct.	Waldgrave, H. W.
Newman, R. W.	Wood, M. (Lord Mayor)
TELLERS.—Robt. Gordon and Sir J. Newport.	

HOUSE OF LORDS.

Friday, June 20.

SAVINGS BANKS.] On the motion of Lord Dynevor, the Savings Banks Bill was read a second time, and ordered to be committed for Wednesday.

HOUSE OF COMMONS.

Friday, June 20.

ALE-HOUSES.] Mr. S. Wortley presented a petition of Barber Beaumont, Esq. which stated, in substance, that he had built several public houses at Stepney and Shepherd's Bush, but that he had not been able to procure a license to open any of them; he therefore prayed, that the bill now before the House for regulating Ale-houses, might not in its present shape pass into a law, and that his property might not continue subjected to the sovereign pleasure of persons whose mal-practices his evidence before the Police Committee had developed.—Ordered to lie on the table, and to be printed.

TITHES.] Mr. Lockhart brought in his bill "for the amendment of the law in respect to Tithes," which was read a first time.

NAVY ESTIMATES.] On the motion of the Chancellor of the Exchequer, the House resolved itself into a Committee of Supply.

Sir G. Warrender rose, and proposed that 19,000 men be employed for the sea service for seven lunar months; from the 17th day of June, 1817, including 6,000 Royal marines.

Sir C. Pole thought that persons should not have the same benefit of rising to pensions during peace, as in time of war. The pension list was increasing every year, and therefore, this was one of the items to which he should object.

Sir G. Warrender said, that the small number of men employed in time of peace, could not make any great addition to the pensions for the navy.

Mr. Calcraft was of opinion, that the same prospective regulations should be applied to the

navy, as had been recommended in the Report of the Army Estimates. At present, however, they were discussing this question under very great disadvantages: not having the Report of the Committee before them, they did not, in fact, know what they were saying.

Mr. *Crabtree* observed, that the House might now vote the Supplies; and any objectionable points could be discussed on another occasion.

The Resolution was then agreed to, and the following sums were voted.—253,700*l.* “for wages of the said 19,000 men for seven lunar months, at the rate of 1*l.* 18*s.* per man per month.”—272,650*l.* “for victuals for the said men for seven lunar months, at the rate of 2*l.* 1*s.* per man per month.”—285,950*l.* “for the wear and tear of the ships in which the said men are to serve, for seven lunar months, at the rate of 2*l.* 3*s.* per man per month.”—26,600*l.* “for ordnance for sea service on board the ships in which the said men are to serve, for seven lunar months, at the rate of 4*s.* per man per month.”—1,660,000*l.*, “towards paying off and discharging the debt of the navy and transport service.”—119,026*l.* 16*s.* 6*d.* “for the expense of the transport service, for the service of sick and wounded seamen, and for the service relating to prisoners of war, for seven months, commencing the 16th day of June, 1817.”

A Resolution for the sum of 910,885*l.* for extraordinary expenses of the Navy, was withdrawn for the present; and Mr. *Tierney* observed, that he should object to the sum of 1,000*l.* per annum to the Vice-Admiral of Scotland, the Committee having recommended that that place should be abolished.

IRISH MISCELLANEOUS SERVICES.] Mr. *Peel* rose to propose certain resolutions for Miscellaneous Services for Ireland. There were, he observed, some additional charges, but for such objects as, he was persuaded, the House would not object to; namely, the Foundling Hospital, and the Society for the education of the poor in Ireland. (*Hear.*) In the Schools of this society, the children of the poor were instructed in the great principles of religion, without any distinction of opinions, and the governors were composed of persons of all religious denominations. (*Hear.*) One item of reduction was that of the late Express establishment; by the abolition of which, a saving of 5,000*l.* a year had been effected. The total saving on the estimates was 100,000*l.*; and he could assure the House, that the utmost possible economy had been adopted.

The following sums were then proposed, and agreed to—

39,515*l.* 7*s.* 8*d.* sterling, being 35,225*l.* Irish currency nett, “for defraying the expense of the Foundling Hospital at Dublin, for one year, ending the 5th of January, 1818.”—36,647*l.* 1*s.* 6*d.* sterling, being 39,701*l.* Irish, “for the House of Industry and Asylums for industrious children in Dublin, for one year,

ending the 5th Jan. 1818.”—7,510*l.* 15*s.* 4*d.* sterling, being 7,990*l.* Irish, “for the Richmond Lunatic Asylum at Dublin, for one year, ending the 5th Jan. 1818.”—7,752*l.* 18*s.* 5*d.* sterling, being 8,399*l.* Irish, “for the Hibernian Society for soldiers’ children at Dublin, for one year, ending the 5th Jan. 1818.”—2,755*l.* 7*s.* 8*d.* sterling, being 2,985*l.* Irish, “for the Hibernian Marine Society in Dublin, for one year, ending the 5th Jan. 1818.”—2,769*l.* 4*s.* 7*d.* sterling, being 3,000*l.* Irish, “for the Female Orphan House in the Circular Road, Dublin, for one year, ending the 5th Jan. 1818.”—8,316*l.* 18*s.* 5*d.* sterling, being 9,010*l.* Irish, “for the Westmorland Lock Hospital in Dublin, for one year, ending the 5th Jan. 1818.”—3,148*l.* 12*s.* 3*d.* sterling, being 3,411*l.* Irish, “for the Lying-in-Hospital in Dublin, for one year, ending the 5th Jan. 1818.”—1,467*l.* 13*s.* 10*d.* sterling, being 1,590*l.* Irish, “for Doctor Steevens’s Hospital, for one year, ending the 5th Jan. 1818.”—4,615*l.* 7*s.* 8*d.* sterling, being 5,000*l.* Irish, for the House of Recovery and Fever Hospital in Cork Street Dublin, for one year, ending the 5th Jan. 1818.”—465*l.* 4*s.* 7*d.* sterling, being 504*l.* Irish, “for the Hospital for Incurables at Dublin, for one year, ending the 5th Jan. 1818.”—3,490*l.* 3*s.* 1*d.* sterling, being 3,716*l.* Irish, “for the Association for discountenancing Vice, and promoting the Knowledge and Practice of the Christian Religion, for one year, ending the 5th Jan. 1818.”—104*l.* 6*s.* 2*d.* sterling, being 113*l.* Irish, “for the Green Coat Hospital of the City of Cork, for one year, ending the 5th Jan. 1818.”—8,910*l.* 9*s.* 2*d.* sterling, being 9,653*l.* Irish, “for the furtherance of several objects of the Society for promoting the Education of the Poor of Ireland, for one year, ending the 5th Jan. 1818.”—9,230*l.* 15*s.* 4*d.* sterling, being 10,000*l.* Irish, “for the Dublin Society, for one year, ending the 5th Jan. 1818.”—9,230*l.* 15*s.* 4*d.* sterling, being 10,000*l.* Irish, “for building Churches and Glebe Houses, and purchasing Glebes in Ireland, for one year, ending the 5th Jan. 1818.”—18,461*l.* 10*s.* 9*d.* sterling, being 20,000*l.* Irish, “to be paid to the Trustees and Commissioners of First Fruits in Ireland, to be by them employed towards the building, rebuilding, and enlarging of Churches and Chapels, the building of Glebe Houses and procuring Glebes in Ireland, in such manner as they shall think fit.”—19,938*l.* 9*s.* 2*d.* sterling, being 21,600*l.* Irish, “for defraying the Expense of the Trustees of the Linen and Hempen Manufactures of Ireland, for one year, ending the 5th Jan. 1818, to be by the said Trustees applied in such manner as shall appear to them to be most conducive to promote and encourage the said Manufactures.”—11,076*l.* 18*s.* 5*d.* sterling, being 12,000*l.* Irish, “for defraying the Expense of the Commissioners for making wide and convenient Streets in the City of Dublin, for one year, ending the 5th Jan. 1818.”—4,539*l.* 13*s.* 10*d.* sterling, being 4,918*l.* Irish,

"for defraying the Expenses of the Farming Society of Ireland, for one year, ending the 5th Jan. 1818."—2,307*l.* 13*s.* 10*d.* sterling, being 2,500*l.* Irish, "for the Cork Institution, for one year, ending the 5th Jan. 1818."—276*l.* 18*s.* 5½*d.* sterling, being 300*l.* Irish, "to defray an additional allowance to the Chairman of the Board of Inland Navigation in Ireland, for 1817."—1,153*l.* 16*s.* 11*d.* sterling, being 1,250*l.* Irish, "for the Remuneration of several Public Officers in Ireland, for their extraordinary trouble in 1817."—19,859*l.* 1*s.* 6½*d.* sterling, being 21,514*l.* Irish, "for defraying the Expenditure of the Board of Works in Ireland, for 1817."—20,809*l.* 11*s.* 9½*d.* sterling, being 22,543*l.* 14*s.* 5*d.* Irish, "for Printing, Stationary, and other Disbursements, for the Chief and Under Secretaries Offices and Apartments, and other Public Offices in Dublin Castle, &c.; and for Riding Charges and other Expenses of the Deputy Pursuivants and Extra Messengers attending the said Offices; also Superannuated Allowances in the said Chief Secretary's Office; for one year, ending the 5th Jan. 1818."—9,692*l.* 6*s.* 1½*d.* sterling, being, 10,500*l.* Irish, "for publishing Proclamations and other matters of a public nature, in the Dublin Gazette and other Newspapers in Ireland, for one year, ending the 5th Jan. 1818."—3,439*l.* 12*s.* 3½*d.* sterling, being 3,726*l.* 5*s.* Irish, "for Printing 1,290 Copies of a compressed Quarto Edition of the Statutes of the United Kingdom, for the use of the Magistrates of Ireland; and also 250 copies of a Folio Edition of ditto, bound, for the use of the Lords, Bishops, and Public Officers in Ireland."—23,076*l.* 18*s.* 5½*d.* sterling, being 25,000*l.* Irish, "for Criminal Prosecutions, and other Law Expenses in Ireland, from the 5th January, 1817, to the 5th January, 1818."—2,307*l.* 13*s.* 10*d.* sterling, being 2,500*l.* Irish, "for apprehending Public Offenders in Ireland, from the 5th Jan. 1817, to the 5th Jan. 1818."—8,581*l.* 16*s.* 11*d.* sterling, being 9,297*l.* Irish, "for completing the Sum necessary for the Support of the Non-Conforming Ministers in Ireland, from the 5th Jan. 1817, to the 5th Jan. 1818."—3,794*l.* 15*s.* 4½*d.* sterling, being 4,111*l.* Irish, "for the Support of the Seceding Ministers from the Synod of Ulster in Ireland, for one year, from the 25th March, 1817, to the 25th March, 1818."—1,949*l.* 10*s.* 9½*d.* sterling, being 2,112*l.* Irish, "for paying the Salaries of the Lottery Officers in Ireland, for one year, ending the 24th June, 1817."—939*l.* 0*s.* 9½*d.* sterling, being 1,017*l.* 5*s.* 10*d.* Irish, "for defraying the Expense of Pratique of the Port of Dublin, from the 25th Dec. 1815, to the 5th Jan. 1817."—683*l.* 1*s.* 6½*d.* sterling, being 740*l.* Irish, "for defraying the Charge of Clothing the Battle-Axe Guards for eighteen months, commencing from the 1st Dec. 1817."—329*l.* 1*s.* 6½*d.* sterling, being 350*l.* Irish, "for defraying the Sum necessary for the Royal Irish Academy in the City of Dublin, for the year, ending the 5th Jan. 1818."—10,153*l.* 16*s.* 11*d.*

sterling, being 11,000*l.* Irish, "to complete the Works of the Harbour of Howth, in addition to the balance in the hands of the Commissioners, and of the Sale of Machinery, Barges, Lighters, Rail-ways, Tools, and other implements."—12,923*l.* 1*s.* 6½*d.* sterling, being 14,000*l.* Irish, "to carry on the Works at Dunmore Harbour, in the current year."—194,566*l.* 11*s.* 10½*d.* sterling, being 210,780*l.* 9*s.* 6½*d.* Irish, "for defraying the Expense of the Commissariat Department in Ireland, from the 25th Dec. 1816, to the 24th Dec. 1817, both inclusive."—20,000*l.* sterling, being 21,666*l.* 13*s.* 4*d.* Irish, "for the Pay and Contingent Allowances of Yeomanry Corps on permanent Service in Ireland, from the 25th Dec. 1816, to the 24th Dec. 1817, both inclusive."—151,439*l.* 19*s.* 9½*d.* sterling, being 164,059*l.* 19*s.* 9½*d.* Irish, "for the service of the Barrack Department in Ireland for three months, to the 24th March 1817, calculating the Military Establishment at 4,352 cavalry and 24,287 infantry; and for nine months, to the 24th Dec. 1817, calculating the Military Establishment at 4,352 cavalry and 21,181 infantry."—246,508*l.* 14*s.* 2*d.* "to make good the Permanent Charges of Ireland, outstanding and unprovided for on the 5th Jan. 1817."

The Report was ordered for to-morrow, and the Committee to sit again on Monday.

SUSPENSION OF THE HABEAS CORPUS ACT.—[CRIMINAL LAW OF SCOTLAND.] A message from the Lords informed the House, that their lordships had passed a Bill, intituled, "An Act to continue an Act to empower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government;" to which bill they requested the concurrence of the Commons.

Lord *Althorpe* hoped, that in order to avoid inconvenience and difficulty, the noble lord (Castlereagh) would not propose the first reading of this bill, until the Secret Committee of the House of Commons should have made their Report.

Lord *Castlereagh* replied, that the House would perhaps allow the bill to be read a first time. (*Loud and general cries of no.*) He had not intended to propose the second reading until after the Committee should have made their Report, which he understood would be ready to present in the course of the evening. He would not, however, press the first reading at present, but merely give notice that he should move it on Monday.

Mr. *Ponsonby* was glad that the noble lord had postponed the motion for the first reading, as he, for one, should oppose the bill in every stage. (*Hear, hear.*)

Sir *S. Romilly* presented a petition signed by 1,400 merchants, bankers, and other inhabitants of Kingston-upon-Hull, praying that the House would not agree to any further suspension of the Habeas Corpus. The petitioners were, he believed, all persons of the most respectable character and situation. They represented, that

in their judgment the existing laws were full adequate to the suppression of any disturbances and they implored the House, at this late period of the session, instead of passing an act which when they were relieved from their duties, would leave their constituents during the recess of Parliament without the benefits of the Constitution, to institute an inquiry into public abuses, to endeavour to diminish the public expenditure, and by such means lessen, if not wholly remove, the public discontent. (*Hear, hear.*)

On the motion that the petition should lie on the table, .

Lord *A. Hamilton* rose, and, after having observed that he should be unable to attend in his place next week, begged to avail himself of the present opportunity to say a few words on the subject. He was anxious to express his decided conviction that the measure was as unnecessary in Scotland as it was in this country; and he was persuaded that it had been much abused. In Scotland it had become the means of great persecution. An unfortunate man (*Mackinlay*) had been apprehended there, confined, dragged before a tribunal, and the proceedings against him then dropped. The same course had been a second time repeated, and a second time the indictment had been withdrawn. The law-officer of the Crown had determined a third time to prosecute this man, and the proceedings were still pending. (*Hear, hear.*) In addition to all this, he felt himself the more imperiously compelled to speak on the present occasion, on account of the system pursued by Ministers—a system by which the sources of their information proved to be the cause of the very evils of which they complained.

After a short pause, Mr. *Brougham* rose, and expressed his astonishment that no member of his Majesty's Government, particularly of that part of his Majesty's Government which was connected with Scotland, had taken any notice of his noble friend's statement. Had the House heard, had the noble lord and the right hon. gentlemen opposite heard, that a man had been put on his trial three times for the same offence? He knew, that by the Scotch law, most unhappily for Scotland, a party might be tried a thousand times for the same offence, if the law-officers of the Crown thought it advisable; for although no man could be brought before a jury more than once, he might be made to suffer all the suspense and anxiety attendant on a state of trial, as often as it might be deemed expedient to subject him to the infliction. The House had been informed, that the first indictment against this unfortunate man, charged with high treason, had been quashed by the Court; there had been one trial, one detention in prison, one solitary confinement, one period of painful suspense; then came a second charge, a second imprisonment, and a second period of suspense, a second judgment, and a second indictment quashed. The Crown officers, not satisfied with

this, were now preparing a third torture for this unfortunate man. It was impossible to say what would now be the decision of the Court, but no lawyer who read the indictment could have any doubt as to its inefficacy. If the prosecutors failed on this occasion; would they commence a fourth time? For his own part, he must believe that such was the intention, since no explanation had been given on this subject by the other side of the House. (*Hear, hear.*)

Sir *S. Romilly* wished to ask a question of the opposite Bench. He had been informed, and on credible, although perhaps not on the highest authority, that the man, of whom his noble and his hon. and learned friend had spoken, though tried for felony, had three several times been committed by the Lord Advocate on a warrant for high treason, merely that he might be confined in a particular prison. What he wished to know was, whether this had actually been done by the Lord Advocate?

The *Attorney-General* replied, that he had not the slightest knowledge of the facts that had been stated, but he did not think that the Lord Advocate would be guilty of an irregularity. How the three trials might stand by the law of Scotland he did not know; but he thought that, if the law were so, there were many cases in which it might be enforced without oppression. In England, when a man was indicted and acquitted, he could not be tried again for the same offence; but there were many cases in which, by the law of England, a person discharged on one indictment might be tried for the very same facts under a different denomination. This might have been the case in Scotland, and therefore he deprecated this partial statement of the question, which was not connected with the suspension of the Habeas Corpus Act, and might have happened equally whether that act were suspended or no.

Mr. *Brougham* explained, and admitted that the course pursued was consistent with the strict law of Scotland; but there was nothing in that law which made a lawyer unable to draw an indictment, or which was peremptory on him to try one person three or four times.

Mr. *W. Dundas* observed, that the explanation just given by the hon. and learned gentleman almost rendered any further observation superfluous. He would, however, trouble the House with a single word on the subject. The noble lord having first stated that he should be unable to attend the discussion next week on the bill for the continuance of the suspension of the Habeas Corpus, which would otherwise meet with his opposition, had coupled that statement with another which had no reference or connection with it—of some occurrences at trial in Scotland. He (*Mr. D.*) was persuaded, and in that persuasion he was fortified by what had just fallen from the hon. and learned gentleman, that whatever had taken place at that trial, might have occurred although the Habeas Corpus had not been suspended, and that it was

in strict conformity with the law of Scotland. Unless, therefore, Parliament were called upon to alter the law, he could see no reason for asking why any proceeding had taken place.

Sir J. Newport felt that there was an intimate connexion between the sentiments of his noble friend on the suspension of the Habeas Corpus, and the circumstances of the trial which had been described. When the House were to be called on to continue an enlargement of the powers of the Crown, it was material that they should know how the powers had been used which had already been conferred.

Mr. W. Dundas said, his argument was, that the power on which the occurrences described in the trial were founded, existed in the law of Scotland, independently of any suspension of the Habeas Corpus.

Lord A. Hamilton in explanation, disclaimed having asserted that anything had been done contrary to the law of Scotland. But the spirit of the proceeding was manifested by the notorious fact, establishing a substantive connexion between the circumstances of the trial and the suspension of the Habeas Corpus, that subsequently to the quashing of the first indictment, the individual in question was imprisoned, in the same manner as every person who was accused of sedition or treason, instead of being allowed the access of his friends and acquaintance, and those common comforts which were calculated to soften the rigours of confinement. (*Cries of spoke.*)

Mr. Abercromby said, that when the House considered what the circumstance was—namely, that an individual had been indicted three times for the same offence, it seemed more natural that some person should call their attention to the subject, than that Ministers should not consider it within the scope of their duty to explain circumstances so unusual and so revolting to every proper feeling. Their silence created a suspicion as to the nature and accuracy of the information which they had received from Scotland. Every one must remember the impression made by the Lord Advocate, on his reading a certain oath in that House. (see page 352.) It had induced many to vote for the suspension of the Habeas Corpus. (*Hear, hear.*) It now appeared, however, that the learned lord was obliged to make three attempts to convict a person whom he had charged with seditious practices. All this required explanation. He was exceedingly astonished that none of his Majesty's Ministers had had their attention excited towards this subject, and were able to explain it. In another point of view the circumstances mentioned by his noble friend had an intimate connexion with the approaching discussion. It shewed what the powers and disposition of the Lord Advocate were, and would help the House to appreciate the character of the Ministers to whom they were required to give such extraordinary authority. It proved that they were not entitled to any such confidence.

Lord Castlereagh was willing to admit, that if there had been any impropriety in the proceeding alluded to, it might be a fit subject to which at some future period to call the attention of Parliament: but nothing could be so little productive of public utility as that collateral manner of attacking the conduct of a court of law, either in Scotland or in England, and of demanding an explanation which those who asked it must be perfectly aware that Ministers could not at all be prepared to give. (*Hear, hear.*) If there was any one thing of which the House of Commons ought to be jealous, it was of any interference on the part of Ministers with courts of law; and of any assumed responsibility on their part for the exercise, in the first instance, of the discretion of those who, happily for the subject, were influenced by legal, and not by political motives; and who were themselves eventually responsible for their conduct to Parliament and the country. He maintained that these interlocutory discussions were only introduced for the purpose of interrupting the business of the nation, (*loud and vehement cries from the Opposition,*) and for the purpose of making a false impression—(*reiterated shouts of hear from the Opposition*)—a false impression he would say, (*cries of hear repeated,*) on the public mind. He considered the question which had been put as coming more from political hostility than from any real complaint against the Scotch judicature. He protested against the whole course of this proceeding; [and was not ashamed to say, that he was unacquainted with what the Lord Advocate was doing 400 miles off. However, he entered no defence for that officer; he had the highest opinion of his skill and integrity, and believed that he would give a sufficient answer to all charges whenever he was arraigned; but he protested against the arraigning him thus in his absence, or introducing the question on a subject with which it was not connected.]

Lord Milton said, this protest against the arraignment of the Lord Advocate, because he was absent and 400 miles off, was the most extraordinary protest he had ever heard of; because, if the argument were good for anything, it went to shew that law officers at a distance should never be arraigned in that House at all. This arraignment, however, might turn out to be an arraignment of Government; and he confessed he was not a little surprised to hear a member of that Executive Government which ought to cast a superintending eye on all the proceedings of its law officers throughout the empire, abdicating so important a branch of his public functions. (*Hear, hear.*) He was sure that the hon. and learned gentlemen opposite would be much astonished—and more especially in cases of treason, if they were told that they need not communicate with the Executive Government. He took the opportunity of expressing his hope, that the Report of the Secret Committee would be present-

ed as soon as possible. It must be the wish of all of Ministers themselves—that it should be in the hands of members as long as possible before the approaching discussion of a question of such vital importance.

Lord Castlereagh said, he had no objection to discuss the conduct of the law officers on a specific question, or to give information on any reasonable notice; but he still protested against these incidental discussions.

Mr. Brougham said, the judicature of Scotland had nothing to do with the business. The House were not, perhaps, aware, that all the proceedings in Scotland, which had been alluded to that night, were in the nature of *ex officio* informations.

Mr. Abercromby rose, but, in consequence of cries of "*Spoke*," he could not proceed.

Lord Castlereagh said, it was a grievous wrong, that a charge should be brought forward against an individual, without giving him a fair opportunity of defending himself. (*Cries of Spoke.*)

Mr. Ponsonby rose, but was interrupted by cries of "*Chair*," and "*Spoke*."

Mr. Curwen said, he should have agreed with the noble lord that this was not a fair opportunity to put these questions, if it were not for the peculiar circumstances in which the House was placed. Would the noble lord suspend the question of the Habeas Corpus to inquire into the present statement? If so, his complaint was but fair and candid; but if he would not, no opportunity should be lost of putting the House on its guard: to be guilty of omission in such a matter would be treason to the Constitution. (*Hear, hear.*)

Mr. Ponsonby said, he certainly had not delivered his sentiments on this subject; and, however impatient the hon. gentleman (Mr. H. Davis) might be, it would not be in his power to prevent him from speaking, although at the hazard of his displeasure. The noble lord (Lord A. Hamilton), and his hon. and learned friends, had been accused of arraigning, without sufficient cause, the judicature of the country. Now there was nothing farther from the intention of any of them, he was convinced, than to cast any imputation on, or to arraign, the conduct of the Scotch Judges. But the Lord Advocate of Scotland was not the judicature of Scotland—he was not a Court of Justice—he was not a Judge authorized by the law of Scotland to administer justice. He was the prosecuting officer on the part of the Crown. He did not mean now to arraign his conduct, because he did not know the circumstances of the case. But to one who was acquainted with the law of England only, it appeared strange that the same man should be arraigned three times for the same offence. Being ignorant of the circumstances which might have determined the conduct of the Lord Advocate, or which might serve to justify it, he should not pronounce any opinion on the case;

but in England, were the same thing to happen, it would be called an oppressive proceeding. (*Hear, hear.*)

Mr. H. Davis said, he had not addressed himself to the right hon. gentleman, whom he did not see at the time, but to an hon. gentleman behind him.

Mr. Canning argued, that a charge against the Lord-Advocate, coupled with an admission that he had acted according to the Scotch law, was in fact an arraignment of the whole system of Scotch judicature. If what had been done was legal, it was to no purpose to arraign the conduct of the officer concerned; but the proper course would be, to propose a remedy for such a law. Whether the Lord-Advocate had gone beyond the discretion vested in him, this was not the time to inquire; and he (Mr. C.) required more light on Scotch law before he could solve such a question: but his noble friend had said, with reason, that the effect of what had been stated was to create an unjust impression against the law officer in question, not for exercising the duties of his office, but as having exercised them improperly. When it had been said, that an individual had been three times imprisoned for the same offence, it was impossible not to wish to live under a different state of laws (*hear, hear*); but the law of Scotland was so, and the evil could only be remedied by altering that law. If imputations were still held out that the law officer had been guilty of improper conduct, all he asked was, that notice should be given of any charge, in order that the parties might come prepared to answer it. A noble lord opposite had thought it extraordinary that Ministers were not in possession of all the facts, and ready to give accurate information on a practice of law, of which they had no knowledge; he (Mr. C.) differed from him entirely, and thought that Ministers would be guilty of an abuse of their powers, if they interfered in any way with the administration of justice, the purity of which ought to be, as it long had been, above the approaches of all power. He agreed that that House was the proper guardian of courts of judicature; and if any question were brought forward connected with the present subject, he hoped that every member would come to it with an unprejudiced mind; for his own part, he should then be prepared to give an honest opinion.

Lord Milton explained.

Lord Folkestone thought that the hon. gentleman himself had expressly arraigned the judicature of Scotland, in saying that it was impossible not to wish to avoid living under such a law, and that a change in it ought to be made. That in itself was a complete arraignment of the law of Scotland. But the noble lord (Hamilton) and his hon. and learned friends had complained not so much of the law as of the discretion exercised by the Lord Advocate; and they felt dissatisfied at no answer having been given. He now wished to ask about the appearance of

the Report of the Secret Committee: he believed that it was ready, but that the chairman (Mr. B. Bathurst) was disinclined to bring it up that evening. If so, he hoped that some hon. gentlemen on the other side, who had interest enough, would obtain the production of it as soon as possible, as it was important that the House should be in possession of the facts.

Mr. *Finlay* said, he felt disgusted and disappointed, as did the whole Scotch nation, that an individual should be confined to a solitary prison, and tried over and over again, merely because the Lord Advocate was unable to draw an indictment. (*Hear, hear, hear.*) He complained that the legal affairs of that country were placed in such hands that it was impossible such circumstances should not frequently recur. An indictment had been three times quashed, and might, perhaps, meet with the same fate a fourth time. (*Hear, hear.*) Was it to be endured that his Majesty's Ministers should allow the law to be in the hands of a person who could not draw an indictment, while the consequence might be, that, after all, the man would escape, whether innocent or guilty? The law of Scotland was right enough in itself—it allowed an indictment to be repeatedly amended in point of form, and before trial; but who ever heard of an indictment being preferred three times for the same offence, after the case had been argued? On these grounds he thought the thanks of hon. gentlemen were due to the noble lord who had brought this subject before the House.

Mr. *Fitzgerald* said, that he could not concur with the hon. gentleman who spoke last, in thinking that the noble lord who had commenced this discussion deserved the thanks of the House. He thought the noble lord himself, from what had taken place, must regret that he had done so; for in the absence of the learned lord, who thus had not an opportunity of defending himself, charges of incapacity and oppressive practices had been brought forward against him, and without notice, and at a time when a petition from Hull was presented. He had risen on this occasion, actuated merely by the feeling of every honest man, not to suffer an individual to be run down in his absence. (*Hear, hear.*)

The petition was then ordered to lie on the table, and to be printed.

ELECTIONS.] Mr. *W. Wynn* brought up the Report of the Committee appointed to inquire into the best means of shortening the duration of Polls, which was ordered to lie on the table, and to be printed.

REPORT OF THE SECRET COMMITTEE.] Lord *Folkestone* rose and said, he was desirous to have the Report of the Select Committee produced, as they had now terminated their labours. The early production of it would be a great convenience, particularly as it was to be followed up by the important measure of the suspension of the Habeas Corpus Act. It was extraordinary that any member should keep such a report in

his pocket. The person to whom he alluded (Mr. B. Bathurst) was not then in his place, but he hoped the House would find a remedy for his absence. He therefore moved, that Lord Milton, as one of the Committees, have leave to report from the Select Committee.

Lord *Castlereagh* said, he understood that the Report would be presented in the course of the evening. It was not intended to move any immediate discussion upon it, but to propose that it should be printed. It might be taken into consideration on Monday evening, if the House thought proper. He could see no particular inconvenience from its not being presented at that moment, and he apprehended that the motion would produce no particular advantage. The immediate business of the evening (the Budget) had been already delayed by other matters. It was to be perfectly understood that the Report would be presented that night.

Mr. *Pensonby* was glad that the labours of the Committee had been closed. He thought the motion might be amended. He supposed the noble lord's wish was to have the Report read at an early hour, which would certainly be personally convenient to many members. If Mr. B. Bathurst were ordered to attend forthwith, he had no doubt that he would appear. He, therefore, moved as an amendment, "that the Right hon. Charles Bragge Bathurst do forthwith attend this House in his place." (*Hear, hear.*)

Lord *Folkestone* asked leave to withdraw his motion, which was granted, and Mr. *Pensonby's* motion was then put.

The *Chancellor of the Exchequer* contended, that a member could not be ordered to attend forthwith, but ought to be summoned to appear at a certain time.

Mr. *W. Wynn* said, there was a precedent for this mode of proceeding. In a case of high words that had passed between two members, who afterwards withdrew, it was ordered that both should attend forthwith, and he was one of two who were dispatched for them.

The *Chancellor of the Exchequer* said, that it might be proper on a member's immediately leaving the House, but his right hon. friend had left the House some time ago. He should move as an amendment to leave out from the word, "That" to the end of the question, in order to add the words "the order of the day for the House to resolve itself into a Committee of the whole House, to consider further of the Ways and Means for raising a supply to his Majesty, be now read."

Mr. *Brougham* said, that as a precedent had been cited by his hon. friend, the only difficulty that appeared in the business was, the difficulty of finding Mr. B. Bathurst. The better way would be to select two members who were acquainted with the haunts of the right hon. chairman of the Committee of Secrecy. (*A laugh.*)

Lord *Milton* said, he was desirous that the Report should be read at an early hour, that gentlemen might have more time to consider it.

He was glad his noble friend had withdrawn his motion, as, if it had passed, he should have found great difficulty in complying with it. It was more desirable to have the Report read early than at twelve or one o'clock, after the other business had been gone through, and when there might be few members present, except those who generally attended on the part of Government. He himself was of course acquainted with its contents, and therefore wished others to hear it read with its concluding recommendation. It had appeared to him in the Committee that several members wished to enlarge and magnify the dangers of the country; and to communicate an unnecessary alarm. (*Hear.*) He thought the Report might be found to contain matter which might have been expressed in more consistency with the evidence produced to the Committee. (*Hear.*) Also that some things were omitted that might have been mentioned; while others were not stated in a sufficiently impressive manner.

Mr. Gipps rose to call the noble lord to order.

Lord Milton resumed. If he thought he should be really out of order in the statement, he was the last man to attempt it. He only wished to express his sentiments early. He thought he saw an intention not to present the Report till the other business of the evening was concluded. He hoped he should not be allowed to proceed, if he were out of order.

The *Speaker* said that, as far as he could judge, the noble lord had not been disorderly, as he had only been stating why he wished for the Report. The question would be with the House to determine.

Lord Milton proceeded.—It struck him, that with respect to the dangers which threatened the country, there were many other circumstances which ought to have been taken into consideration besides those stated in the Report. There were many gentlemen in the Committee who thought that revolution and the destruction of social order were to be apprehended. To him it appeared that the danger was of a very different nature, as were the causes which led to it. The House would recollect that about five years ago a Select Committee was appointed to inquire into what was called Luddism. In the Secret Committee he saw that system enlarged and more dangerous, acquiring certainly some new features, but still essentially the same. It was still Luddism which they had now to complain of. The House would recollect that a different course had formerly been adopted. They passed local measures, with reference only to those parts in which the outrages existed. The course then adopted proved to be a wise one, and the remedy then applied was well adapted to the cure of the evil.—He did not mean to say that the evil was completely eradicated; but the measures adopted had the effect of subduing it for the time, and of bringing the disturbed counties into a

more civilised and comfortable state. And therefore it appeared to him inconclusive, when they had so striking a resemblance now to the circumstances of the former period, that they did not now propose—he did not say the same measures exactly—but measures analogous with respect to local operation. (*Hear, hear.*) The Committee had differed with him on this point (*hear, hear, hear!*); because, in the opinion of the gentlemen to whom he had alluded, the danger of the country was of a more extensive kind, and required more general and severe remedies.

Here the *Chancellor of the Exchequer* rose, and, alluding to the approach of Mr. B. Bathurst, begged to withdraw his amendment.—Mr. Ponsonby also withdrew his motion.

Mr. B. Bathurst then entered the House with the Report. (*Hear, and laughter.*)—He brought it up, and moved that it be read, and it was read, as follows:—

The Committee of Secrecy, to whom the several Papers which were presented (sealed up) to the House, by Lord Viscount Castlereagh, on the 5th day of this instant June, by command of his Royal Highness the Prince Regent, were referred, and who were directed to examine the matters thereof, and report the same, as they should appear to them, to the House, have, pursuant to the order of the House, examined the same accordingly, and agreed to the following Report:

In forming an opinion on the present internal situation of the country, your Committee could not fail to bear in mind the information laid before them at an early part of the session, upon which their first Report was founded.

The papers now communicated to the Committee continue the narrative of the proceedings of the disaffected in the counties before referred to, viz. Lancashire, Leicestershire, Nottinghamshire, and Derbyshire, (to which part of Yorkshire and the towns of Birmingham and Stockport must now be added) from the period of that Report down to the present time.

Your Committee find in these papers not only a complete corroboration of the justness of the apprehensions which they then expressed, but proofs equally decisive of the continuance of the same machinations and designs, breaking out into fresh acts of violence and insurrection, up to the present moment.

Your Committee stated in their former Report, that “even where petitioning was recommended, it was proposed to be conducted in such a manner, by an immense number of delegates, attending in London at the same time, in several parties, attached to each petition, as might induce an effort to obtain by force whatever they demanded; and that a general idea seemed prevalent that some fixed day, at no very great distance, was to be appointed for a general rising.”

The first attention of your Committee has

been directed to the proceedings of the public meeting held early in March, in the town of Manchester. At that meeting, which consisted of persons assembled from various towns and populous villages in the vicinity of Manchester, as well as of inhabitants of Manchester itself, it was proposed by the same leaders who had previously attracted the notice of your Committee, that the petitioners should assemble at the same place, on Monday, the 10th of that month, prepared to set out on a march to London to present their petition themselves to the Prince Regent in person; that they should form themselves into parties of ten each (which arrangement was proposed with the professed view of not transgressing the law); and that they should supply themselves with provisions for the march, and with blankets for the purpose of sleeping on the ground.

At many other meetings previous to the 10th, which, though comparatively private, were yet numerous attended, it was represented to them, by their orators, that they would be surrounded by the police and the military, and that they would be an easy prey if they proceeded without arms for their protection. They were assured, however, that their numbers, which in the course of their progress would amount to not less than 100,000, would make it impossible ultimately to resist them. It was stated, that all the large towns in Yorkshire were adopting the same plan, that the Scotch were actually on their march, and that if the petitioners could once reach Nottingham, or Birmingham, the business would be done. They were advised to choose leaders over each subdivision of tens, fifties, and hundreds, and to appoint a treasurer to receive contributions, which were actually made in a great number of small sums; out of which fund they were taught to expect that each man would be supplied with a daily allowance.

A petition was accordingly prepared, with a copy of which every tenth man was furnished; and which concluded by stating to his Royal Highness, that, without the change which they demanded, "they could neither support him, nor themselves;" and they were told, that if their petition was rejected, they must demand it; if still rejected, they must force it, and say they would be righted. It appears that some of the persons apprehended were fully prepared to act up to these instructions; though it is to be presumed that many of them had no very definite idea of the way in which their services were to be employed; and that even among their leaders some of the more moderate reckoned rather upon intimidation than upon the actual employment of force. At one of those more private meetings, however, which preceded the general assembly, one of those persons who appeared to have most influence avowed himself a republican and leveler; and professed his determination never to give up till they had established a republican

government; the examples of the insurrection in the reign of Richard II., and of the rebellion in Ireland in 1798, were held out, as objects of imitation; and the most violent of such declarations was generally received with the strongest marks of applause.

In consequence of these preparations, the public meeting proposed took place at the time appointed; and was attended by probably near 12,000 persons: many of these proceeded to the ground in regular order, with knapsacks on their backs, and notwithstanding the assembly was dispersed by the military, acting under the orders of the magistrates, and the principal leaders were apprehended under warrants from the Secretary of State, a considerable number actually marched off on their way to London; many were intercepted before they reached Stockport, but several found their way as far as Ashbourn.

The act for enabling his Majesty to detain suspected persons had now passed: most of those who had rendered themselves most conspicuous in exciting disaffection in this part of the country had either been apprehended, or had secreted themselves; and all hopes were precluded of any immediate result from the assemblage which had been so long concerted: yet it appears to your Committee, from a variety of concurrent testimony, on which they rely, that the previous organization had been extended so widely, and the expectation of ultimate success had been so confidently entertained, that these circumstances produced no other effect on the great body of the discontented than to delay the explosion which had so long been meditated; to occasion the discontinuance of the more open meetings of the association, and to call forth the exertions of new leaders, who were determined (in their own phrase) "to reorganize the party." Meetings were accordingly held in several of the townships in the neighbourhood of Manchester between the 10th and 25th of March, with more privacy, but under the established system of delegation; at which only the deputies from the disaffected places were present; and at which it was resolved to promote a general rising at Manchester on Sunday, the 30th of March, or the following day. A meeting was appointed for the leaders at Ardwick-bridge, close to Manchester, on the Friday before that day, where they expected to receive information from Birmingham, Sheffield, and other places, with which they were in communication; having previously learnt from an emissary, who had visited Huddersfield and Leeds, that the disaffected in that part of the country were all ready to begin at any time, and were preparing arms for the purpose. The design was to assemble as many as could be collected, in the night, at Manchester; to attack the barracks, the police-office, the prison, the houses of magistrates and constables, and the banks, in separate parties, and to set fire to the factories in the town. It was even declared by one of the con-

spirators, that this last atrocity was intended for the purpose of increasing the prevalent distress, in the hope of thereby adding to the numbers of the discontented, by throwing the workmen out of employment. It was calculated that 2 or 3,000 men would be enough to commence these operations, as they reckoned upon being joined by 50,000 at the dawn of day. A proclamation was said to be prepared in order to be produced on this occasion, justifying the revolt, and absolving the insurgents from their allegiance. Expectations were held out, that a general insurrection would take place at the same time in different parts of the counties of Lancaster, York, Warwick, Leicester, Nottingham, Chester, and Stafford; and though some of these, particularly the two latter counties, may have been included without any sufficient ground, your Committee see just reason to apprehend, that a successful insurrection at Manchester would have been followed by partial risings, to an alarming amount, in each of the other counties. Some preparations were made for providing ammunition, with a view to the arms which it was intended to seize. The execution of this plan was defeated by the vigilance of the magistrates, who, being apprized of what was in agitation, made a communication to the Secretary of State, by whom warrants were immediately issued, and the ringleaders assembled at Ardwick-bridge were consequently seized on the 28th. The magistrates of Manchester thereupon published an address to the inhabitants, announcing the danger, and calling upon the householders to be sworn as special constables, and to assist in preserving the peace of the town. This plan of the disaffected being thus discovered and deranged, they became more wary and secret in their proceedings; but, in the moment of disappointment, declarations were made, that it would be impossible to prevent the rising for a month longer. The assassination of persons most obnoxious to their resentment was suggested by some of the most desperate of the conspirators; an attack was made upon the house of one of the magistrates; the life of another was threatened; and a pistol was fired into the house of a gentleman who was acting as a special constable. Shortly after this period, it appears to have been discussed, whether it would not be more prudent to discontinue the appointment of delegates, and to rely only upon one man in each town, who might call the disaffected together a short time before the intended insurrection, and seize on horses, preparatory to the attack on Manchester. But, notwithstanding this proposition, the same system of connected operation by means of delegates was indefatigably persevered in.

Delegates from Manchester, Birmingham, Nottingham, Derby, Leeds, Sheffield, Wakefield, Huddersfield, and other places in the disturbed part of the country, either constantly or occasionally attended these meetings. The numbers assembled were not large, but the ac-

tivity was unceasing; emissaries were continually passing from one of those places to another, to compare their accounts of the state of the public mind; to foment the irritation among the disaffected; and to combine some general plan of simultaneous or connected insurrection; the object of which was, after consolidating a sufficient force, to march upon London, and there to overturn the existing Government, and to establish a republic. The same designs were continued of attacking the barracks, and depots, in different parts of the country (one of which was particularly reconnoitred with that view); of plundering the houses of noblemen and gentlemen, where arms were supposed to be lodged; of seizing the magistrates, and keeping them as hostages, and as authorities for levying contributions on the country, of disarming the soldiers by night, in their quarters, or seducing them from their duty; and of providing arms for themselves, partly by these seizures, and partly by an easy method of forming pike-heads out of common tools and utensils.

It appears to your Committee, that the utmost confidence prevailed among the delegates as to the ultimate attainment of their objects; that the successive arrests of several of the principal leaders, though they occasioned momentary disappointment, did not extinguish the spirit of insurrection, or the hopes of success, in the parts of the country above-mentioned; and the utmost impatience was manifested at the delays which had taken place in fixing the day for the general rising. This after several postponements, was appointed for the Monday in Whitsun week, and was afterwards again postponed to the 9th of June, which was thought more favourable for a midnight insurrection, as the moon would then be in the wane. Notice of this last appointment had been so widely circulated, that it became almost of public notoriety; which, while it awakened the attention of those whose duty it was to preserve the public peace, did not appear to derange the preparations of those who were disposed to disturb it. Even where the planners of the insurrection suggested a farther delay, they found it impossible to restrain the impatience which they had excited among their followers, who had forsaken their ordinary habits of industry, and who must either proceed to the immediate attainment of their object, or for the present relinquish it, and return to their accustomed occupations. On the 28th of May, a meeting of delegates in the neighbourhood of Sheffield was dispersed, and some of the parties were apprehended; and on the 6th of June several persons, described to be delegates (and believed by your Committee to be such), who were assembled at another place in the same neighbourhood, were apprehended by the magistrates of the Riding, assisted by the military, and the final arrangement of the plan, which was there to be settled, was thus happily frustrated. It was confidently expected, that these arrests would disconcert whatever mea-

tures were in preparation, and they appear to have had that effect in the immediate vicinity of Sheffield; but the spirit which had been excited could not be wholly suppressed. In the neighbourhood of Huddersfield, in the night of the 8th instant, several houses were forcibly entered and plundered of arms. A considerable body of armed men were approaching the town, when a small patrol of yeomanry cavalry, attended by a peace-officer, fell in with them, and was received with the discharge of several shot, by which one of their troop-horses was wounded. The patrol having ascertained that they were too few to oppose such numbers, thought it prudent to retreat, when several shots were fired after them without effect. On returning with an additional force to the spot, they found that the whole of the insurgents had disappeared: but guns fired as signals, in different directions, and lights shewn on the heights throughout the country, sufficiently proved the extent of the confederacy, and the concert with which it was organized. In some populous villages of Derbyshire a more open insurrection took place on the 9th of June. A delegate from this part of the country had attended a previous meeting at Nottingham, and an active emissary from thence had joined them in the course of the night. The insurrection began, according to the general plan proposed, with attacks upon houses for the purpose of procuring arms, in one of which a servant was wantonly shot; about 200 insurgents were soon assembled, mostly armed either with pikes or with fire-arms, and began their march towards Nottingham, in expectation of increasing their numbers as they went, and of finding that place in full insurrection and prepared to support them. They were, however, intercepted by detachments of cavalry (under the orders of active and intelligent magistrates) which came up with them in different directions, and totally dispersed them. Between 50 and 60 were taken, and lodged in the different gaols: many fire-arms and pikes were taken at the same time, and a quantity of ammunition was found upon the persons of the prisoners.

Your Committee have thus stated the prominent points of the information, which has been laid before them, particularly as affecting the manufacturing districts in the northern and midland counties, and which has been substantiated, in almost every particular, by depositions on oath, taken before magistrates. The character of the danger remains the same as was described in the former Report. It arises from the indefatigable exertions of persons in the lower ranks of life, or but little above them, of some popular talents, inflaming and aggravating the actual distress of a numerous manufacturing population, by exciting hopes of an immediate remedy to all their sufferings from a Reform in Parliament, and preparing them (in despair of attaining that object) to attempt, by force, the

total subversion of the established Constitution of Government.

Your Committee stated, in their former Report, that the mode of organization, practised with such mischievous success in the populous districts, had been in very many instances conducted under the cover of associations, called Hampden Clubs, formed for the ostensible purpose of procuring a Reform in Parliament: and they now find that in many instances, where the open meetings of those societies have been discontinued, several of the members of them have assembled more privately, and been the principal leaders in the projected combinations.

In their former Report they did not think it necessary to advert to that atrocious system of combination, outrage, and hired assassination, which has prevailed in some of the midland counties, under the name of Luddism; both because the trials of persons charged with those crimes were then known to be depending, and because the system itself did not then distinctly appear to your Committee to have any immediate application to political purposes. But they have since found reason to believe, that those who are concerned in instigating the people to insurrection, have availed themselves of this powerful engine for the more extended purposes of political innovation.

Upon the whole, your Committee have been anxious neither to exaggerate nor extenuate the nature and extent of the danger. They have not been insensible to the jealousy with which the testimony of persons, originally implicated in the designs of the conspirators, or even of persons who, never having engaged in those designs, have attended their meetings, in order to discover and report their proceedings, ought to be received; but the facts stated by your Committee rest not only upon confirmatory evidence, but on distinct, substantive, and satisfactory testimony; and although your Committee have seen reason to apprehend that the language and conduct of some persons from whom information has been derived may in some instances have had the effect of encouraging those designs which it was intended they should only be the instruments of detecting; yet it is perfectly clear to your Committee, that before any such encouragement could have been given, the plan of a simultaneous insurrection in different parts of the country had been actually concerted, and its execution fully determined on.

Your Committee have the satisfaction to continue to believe, as they have before stated, that the danger which they have described is to be found only among the lower order of the manufacturing population, in particular parts of the country, many of whom are labouring under considerable privations from the low rate of wages and the increasing price of the necessaries of life: though your Committee cannot but remark that the most active and determined insurgents are in many instances to be found among

those whose earnings, even in the present state of the manufactures, would enable them to support their families in comfort. They find that of the promoters of these commotions many have either left the country, or are prevented from prosecuting their designs. The disaffected appear to want leaders to conduct such enterprises as they have conceived: are frequently disconcerted by jealousy and distrust of each other, and by the consciousness that their plans are watched; and by the arrests of the ringleaders. Great as the numbers probably are among whom disaffection, to an alarming extent, has made considerable progress, fomented at first by popular harangues, and still by the more powerful and general excitement of seditious publications, your Committee are fully aware, that the number of those who are now prepared to take the lead in any project of open insurrection is not to be estimated by the exaggerated reports of their delegates. Though they have been all along taught to look to London for countenance and support, though some of their own immediate emissaries have, from time to time, affected to bring them hopes of encouragement from that quarter, in case of success; and though it has been stated to your Committee, that a delegate from the country has recently been attending a meeting of delegates in London; no specific information has been laid before your Committee of the existence of any body of men, associated in the metropolis, with whom the disaffected in the country appear to be acting in concert, or to hold communication. Their hopes arise from their own numbers, which, if they could be excited to simultaneous movement, would distract their opponents, and would procure the means for carrying their utmost designs into execution. It is hoped by them, that the timid and irresolute would thus be encouraged to stand forward; and they flatter themselves, that efficient leaders would not be wanting to put themselves at the head of a successful insurrection.

Your Committee cannot contemplate what has passed in the country, ever since the date of their former Report, without the most serious apprehension. During this period the precautionary measures adopted by Parliament have been in force; many of the most active promoters of public disturbance have been apprehended; the immediate projects of the disaffected have been discovered and deranged; yet nothing has deterred them from a steady pursuit of their ultimate object. Though hitherto checked, the least advance towards the attainment of that object could not but be attended with the utmost hazard to the lives and properties of his Majesty's subjects.

In the late insurrection on the borders of Derbyshire and Nottinghamshire, the mass of the population through which the insurgents passed evinced the utmost abhorrence of their designs and projects. In other instances, where the inhabitants have been called upon to aid the civil

power, that call has been answered with alacrity and zeal. Such conduct increases the claim of the peaceable and loyal inhabitants of the disturbed parts of the country to the most efficient protection.

Your Committee find that it is the concurrent opinion of many of those intrusted with the preservation of the peace, and best acquainted with the state of the disturbed districts, as well as the admission of the disaffected themselves, that the suppression of the attempts at insurrection hitherto made, may, in a great degree, be ascribed to the existence of the extraordinary powers intrusted by Parliament to the Executive Government, even in cases where it has not been found necessary to call them into action; and that the tranquillity of the country would be put to hazard if those powers were now withdrawn. In this opinion your Committee fully concur; and confidently as they rely on the loyalty and good disposition of the great body of his Majesty's subjects, (even in those parts of the country in which the spirit of disaffection has shewn itself in the most formidable shape) they cannot but express their conviction that it is not yet safe to rely entirely, for the preservation of the public tranquillity, upon the ordinary powers of the law.—*June 20, 1817.*"

Mr. B. Bathurst then moved, that the Report do lie on the table and be printed.

Lord Milton rose. He observed, that as the House had now heard the Report read, they would see what was the extent of the danger. It appeared to him, that the Report, in some respects, was so drawn up, as to give too much the appearance of having been wholly agreed to by all the Committee. He had not given his assent to the general complexion and effect which it was calculated to produce upon the country. He thought it stated many circumstances too strongly as to Manchester. He doubted not that many of the leaders were very mischievous and revolutionary; but a meeting of even 12,000—for that was the outside of the numbers stated—at Manchester and Salford, which contained a population of 100,000, surrounded by a populous neighbourhood, could not be called a very general meeting of the people of that part of the country. (*Hear.*) Too much importance was given to the proceedings. It had been said that the people marched in files to the meeting at Manchester, as if they were all drilled and disciplined; but that was not the case: after all, only about fifty of them went to Ashbourne. Several hundreds, it was said, passed through Leeds; but he knew no evidence of that. The poor deluded manufacturers had been suffering under the severest distress that was ever perhaps known in this country. (*Hear.*) He could not exactly make out insurrection and treason in the idea of coming in a body to petition the Throne. Some gentlemen, more acute than himself, might discover it; but he conceived they must have a greater share of understanding than most other members of the House.

As to the evidence, he could not exactly describe it in the well known line of Martial :—

Sunt bona, sunt quædam mediocria, sunt mala plura—

It was rather the reverse—much of it was good; some was indifferent, and a part of it very questionable. The majority of the Committee seemed unwilling to put down in the Report those facts and observations which had a tendency to allay the alarms of the country. (*Hear, hear.*) He was convinced that, in being themselves actuated by these alarms, and in believing their causes to be well founded, they were as sincere as he was in entertaining a contrary opinion, and in refusing a participation in their feelings. They lived in populous districts, where tumults were most apt to occur, and where the numbers of the discontented were greatest; and where, consequently, any agitation was most dangerous. He himself lived in a similar district; and, moreover, his house was said to be one of those pointed out for attack; but, from allowing himself coolly to canvass the evidence on which these reports of insurrections and plots rested, he did not feel much moved. There was another circumstance which he thought it his duty to mention:—the utmost anxiety had been displayed in the Committee to counteract the effect of a paragraph in the Report of the Lords' Committee. He could assure the House, that neither the Committee of that or of the other House had stated so strongly as they ought to have done, the effect which had been produced by the persons employed by Government. And, in his impression on this subject, those who had been called by an Hon. Baronet, the Alarmists, *κατ' ἐξοχήν*, concurred. Those persons, if they saw any danger to the Constitution, would be the first to sound it. Many of the most active Magistrates of the West Riding of Yorkshire were also of opinion, that in that county, as well as in Derbyshire and Nottinghamshire, the emissaries of Government had done incalculable mischief. When he expressed this conviction, he did not mean to insinuate that Ministers were aware of what their agents were doing under colour of their authority; far less that they recommended to them such a course of conduct, or approved of their transactions—he merely wished to state a fact. A delegate from London lately arrived at Sheffield in the pay of Government. His approach was expected by the majority of the respectable magistrates with alarm, and by the deluded people, who were not disposed to suspect the trick that was played upon them, with exultation. What purpose could this serve but to agitate the public mind? This system of employing spies under the mask of delegates or agitators was not confined to Sheffield. Another instance had lately been read from a country newspaper, and brought before the public in a manner of which he could not approve. He should have paid little regard to that extract

or statement had its truth not been confirmed by other evidence. The truth of the report in the newspaper had, however, been established beyond dispute, by testimony taken before the magistrates of the West Riding of Yorkshire, and before the Lord Lieutenant of the county. (*Hear, hear.*) He considered it his duty further to mention, that, in his opinion, the Committee in their Report had not paid sufficient attention to the system of Luddism. The Luddites were a peculiar kind of banditti, who lived by plunder; and sought arms as the means of attack or defence. This circumstance, had it been taken into the account, might have explained and accounted for the continued demand for arms in the disturbed districts, without leading to the inference that they were to be used for rebellious purposes against the Government. He was not disposed to undervalue the dangers with which the country was threatened; but when he saw them exaggerated beyond their proper dimensions, he could not lend himself to give them credit himself, or to allow others to be unnecessarily alarmed. These dangers, he was convinced, though great, might have been removed, or at least reduced, had Government taken a different course from that in which they had proceeded. He himself had proposed in the Committee, as the means of preserving the tranquillity of the country, that the agitators, many of whom had been arrested, should be brought to speedy justice, and suffer a punishment adequate to their offences. He believed that he made a specific proposition to that effect in the Committee, an allusion to which, if he remembered right, was made in the Report. (*No, no, from the Ministerial benches.*) He was certain that he had suggested this proposition, though he did not press it, whether any record of it existed in the labours of the Committee or not. He was then convinced, and he remained so still, that the execution of speedy justice on delinquents, according to the ordinary laws, would have more effect than the exertion of the extraordinary powers demanded by Ministers. A circumstance which convinced him that many of those evils and disturbances for which a remedy was now sought, arose from the artifices and intrigues of emissaries of the Government, was the following: Nottingham, when any insurrectionary movements were spoken of, was always considered the head-quarters of disaffection, and was regarded as being actuated generally with a bad spirit. What he had to state would seem to justify that description; for at Nottingham the spies of Government had produced no impression. The people there, to whom they addressed themselves, from being better acquainted with the principles which they intended to embrace, suspected their sincerity, admitted them to no confidence, and yielded to none of their suggestions; they did not, consequently, take up arms: while in Derbyshire, where the people were more credulous and less suspicious, they

produced all the disturbances they desired. When he spoke thus of the proceedings of agents employed by Government, he did not mean to assert that they were the original framers of the conspiracy described in the Report, or that a general rising was not resolved upon before they were sent to the disturbed districts. He would, however, go the length of stating his belief, that but for those emissaries the design might never have been attempted to be carried into execution. (*Hear, hear, hear.*) A plot was formed, but it might never have exploded. Great jealousies existed among the leaders—they were each envious of the other's influence and power. The funds of the association in particular, though small in themselves, were a tempting bait to those needy adventurers; and would have furnished, in any contest which a robbery of them would have given rise to, a certain cause of dishonour. He had heard much of the organization of this conspiracy, and of the evidence of it supplied in the system of signals, by means of the firing of rockets from different elevated points at proper distances; but he never could be made to understand, nor did he ever hear it properly explained, how these rockets could answer any purpose whatever. He believed, therefore, that the story of their being fired on hills at the distances of ten miles from each other, so as to convey intelligence from one body of rebels to another, was a mere humbug to deceive the credulous; or that, if they were discharged at all, it was to ridicule the fears of the alarmists. He thought it strange, if they were intended for any purpose by the disaffected, that that purpose should not be known, especially as the practice of firing rockets in the manner described had continued for five years, and was said to have been used as a signal in the disturbances of 1812. The organization of the disaffected was said, likewise, to be proved by the system of sending delegates between one district and another. Though there might have been a system of delegation, yet he was convinced that no extensive conspiracy was organized, by which the whole population might be excited, and brought to act against the Laws and the Constitution of the country. In this opinion he was supported by the authority of the commander of the district, who dreaded no insurrection; and thought that the people were not generally disposed to abet the designs of a few mad or misled individuals.—The noble lord said, he had now stated all the observations which it occurred to him to make in this stage of the proceeding. He would appeal to the members of the committee, and would call upon them to say if he had stated any thing incorrectly; if he had disclosed any thing improperly; or, if in describing the difference of opinion that prevailed between him and the majority of the gentlemen with whom he acted, he had deviated from that line of conduct which they might have anticipated from the opinions he uniformly expressed. He

allowed that there was cause for alarm; that there was every reason for the utmost vigilance of Government; and that the circumstances of the country called for diligent and active exertions from the magistrates. Nay, he would even go farther, and say, that some new measures might be necessary; but he would always protest against the one which was in contemplation. (*Hear, hear.*) He did not believe that, in speaking as he had done, he had transgressed the limits of his duty, and he appealed to the members of the committee for the truth of what he had stated.

Mr. B. Bathurst said, he was very much surprised at the course which the noble lord had pursued. He was astonished to hear him now take exceptions to a Report in every part of which he appeared fully to concur, except the practical result at the conclusion. He appealed to every member of the committee, if, even so late as yesterday, there was any expression of dissent from the noble lord. (*Hear, hear.*) He did not remember that ever the noble lord had made a specific proposition like that which he had just stated. If he had done so, he should have thought it his duty, as chairman, to have attended to it, and perhaps might have procured its adoption by the committee; or, at least, have induced them to come to an amicable understanding upon the subject. He remembered that the language of particular parts of the Report was often changed so as to meet with the general concurrence of members; and that no member was required to sacrifice his individual opinion to that of the majority. Up to the conclusion there seemed to be no difference of opinion on the dangers of the country; the nature of the remedy was the only cause of difference: and on this point, as no unanimity could be expected, every member of the committee reserved his own individual judgment. Being appealed to by the noble lord, he could explicitly state, that he remembered nothing of his making a proposition which was rejected; and that he thought the belief of the dangers of the country, expressed in the Report, was common to the noble lord with every member of the committee. (*Hear, hear.*)

Lord Milton, in explanation, repeated what he had said, that the general colouring of the Report, when viewed as a whole, conveyed an impression of danger that was very much exaggerated. He allowed that concessions had been made on both sides, but the fact of those concessions proved that a difference of opinion existed. The information which he had that day received had also produced some effect on his mind.

Lord Lascelles said, he had heard the speech of the noble lord with some surprise, and he would even add, regret. (*Hear.*) As a member of the committee he would say, that when they broke up that morning, neither he, nor any other member with whom he had conversed, had the most distant idea that the noble lord

disagreed with any part of the Report. He had heard in debate, that men might blind themselves to alarms, and that the noble lord was not so much alarmed as the rest of the committee. The noble lord had it in his power to have conveyed that impression, and to have stated his difference of opinion. He himself (Lord L.) like every other member of the committee, had assisted in drawing up the Report by suggesting such changes, additions, or omissions, as he thought necessary, to accommodate it to the impression which he received from the evidence. He understood, therefore, that at the conclusion of their work there was not a single difference unadjusted, except the practical recommendation that grew out of the facts and observations in which all concurred. If any difference of opinion arose, it was debated in no spirit of acrimony, and with no obstinacy of opposition; but recourse was immediately had to the evidence, the members weighed with each other its force, and coming to a general understanding, qualified the observation or phraseology so as to meet the views of all. The delay of the Report was occasioned by this desire of accuracy, and this conscientious regard to the rights of individual judgment. Even so late as that morning, doubts arose regarding the force of some statement, and recourse was again had to the evidence to prove its accuracy. He stated this, because it might have been supposed, from the turn which the debate had taken, that every thing was discussed in the spirit of party hostility; that there was an attempt, on the one hand, to exaggerate every alarm, and, on the other, a disposition to believe in no danger; and that a compromise had thus been made up of conflicting opinions, to which the noble lord was not a party. He was surprised that the noble lord should have made such a speech, after he had assented to every part of the Report that described the dangers of the country, and only reserved his opinion of the manner in which that danger should be met. He (Lord L.) believed, that nothing short of this measure could repress the efforts of agitators; but others had a different opinion with regard to the remedy. The danger, however, was unanimously allowed to exist. Had the noble lord made any objection to the Report, or suggested any improvement, there was no doubt that his objection would have been attended to, and his suggestion probably adopted. (*Hear, hear.*)

Mr. Ponsonby said, he felt considerable diffidence on the present occasion; but the noble lord having appealed to the Committee, it was necessary to say a few words. At the same time, he should say as little as possible, and endeavour to be as circumspect as possible. It was perfectly true that his noble friend did not make any specific proposition in the committee, but he certainly stated generally, that though he did not object to any particular part of the Report, yet he considered the whole as

calculated to make an impression which the evidence did not justify. He (Mr. P.) would further observe, that the Report did not, perhaps, contain all that could be said upon the subject, and it was understood that whatever particular opinions the members of the committee might entertain with regard to the practical conclusions drawn from it, they would be at perfect liberty to state them in the House. With respect to the points upon which an appeal had been made, in the first place, the House should recollect, that the committee in no instance affirmed any thing of their own knowledge. They stated only such matters as they were enabled to state, according to the evidence laid before them. No member, indeed, except perhaps those who from their official situation might be supposed to have particular intelligence upon certain points, could know any thing beyond what they derived from the evidence. There was a palpable difference, therefore, and which the House ought to bear in its recollection, between an affirmation on the part of the committee, arising from their own knowledge, and that opinion which they formed from the evidence submitted to them. The course of proceeding in the committee was this: at first, its progress was slow; they conversed on and discussed the evidence with great deliberation. When they came to that part of the Report which referred to a remedy for acknowledged danger, there were two opinions; some thought one way, and some another. He then considered it his duty to request that no gentleman of the committee should, on this point, compromise his own opinion, or leave it to be affected for the sake of concurring in the Report. Seeing, after this, that there was no hope of coming to any agreement, he had not attended the committee either on that day or on the day before. He considered himself as having agreed to every part of the Report, except the practical recommendation at the end. (*Hear, hear, from the Ministerial benches.*) The right hon. gentleman concluded by expressing his opinion, that the discussion of this subject should terminate for the present, as no object could be gained by prolonging it.

Lord Castlereagh agreed with the right hon. gentleman in the propriety of his suggestion, and therefore would only make a single observation. The committee concurred unanimously in the existence of the danger, but disagreed about the practical result of their inquiry. It was therefore determined that every member should reserve his own opinion on that latter point till the question came to be discussed in the House. With regard to little quibbling about the extent of the danger, there was no foundation for it.

Mr. B. Bathurst, Lord Castlereagh, and Lord Milnes, explained.

Sir A. Pigott was anxious to state, that he had attended the committee at the early part of their labours: but when he saw from the evidence,

the nature and extent of the danger, he did not think it necessary to attend afterwards, as he knew he could not be brought to concur in the remedy that was proposed.

Mr. *Lamb* observed, that he had most distinctly stated in the committee, that he could not agree in the recommendation at the conclusion of the Report, as he was determined to go into the House unpledged to any measure, and he should be happy if his hon. friends could convince him that the proposed remedy was unnecessary.

Mr. *Brougham* said, it was not his intention to prolong the present discussion. He entirely concurred in the motion that the Report should be printed: by being printed it would be better known; and he was satisfied it could not be too well known: the more it was known, the more would its conclusion be reprobated by the country. He only wished, that along with the Report the speech of the noble lord (Milton) should be printed; and, what was still of greater importance, the speech of the other noble lord, member for Yorkshire (Lord Lascelles), which ought to be circulated as widely as the Report; for the noble lord had stated, that concessions took place in the Committee. Now those concessions were not facts on which any conclusion could be founded: they were the mutual accommodations of gentlemen disposed to arrive at some vague conclusion. He had heard the noble lord say, that there was a disposition on all sides to concede, to meet one another half way. The Report, therefore, was not the fair and just view of the state of the country, but the result of compromise and concession. His right hon. friend (Mr. Ponsonby) had said, that the conclusion was all he had to object to; but it should be always remembered, that this conclusion was attached only to a series of concessions.

Lord *Lascelles* explained. He said, the hon. and learned gentleman might give his speech what publicity he pleased; but it seemed, that he had misunderstood what he stated. What he (Lord L.) had said was, that whenever any thing was drawn up in the Report, which appeared to be stronger than it ought to be, concession was sometimes made, not of facts, that could not be the case, but of the impression which the facts made on the minds of different members of the Committee. Recourse was then had to the evidence, and the expressions were accommodated to that evidence. These were the concessions of which he had spoken. (*Hear, hear.*)

Mr. *Canning* was astonished how the hon. gentleman (Mr. Brougham) could expect to put an end to discussion by his interpretation of the expression of the noble lord. (*Hear, hear.*) The noble lord had said nothing that in candour could be misunderstood. He had said, that there were concessions, but not of facts; no, but of opinions and impressions. If there was any thing softened in the Report, it was in order

that the concurrence of all should be obtained. There was no concession of fact, still less a disposition to exaggerate any one fact. In such a Committee concession as to fact was impossible; concession as to comparative views of circumstances and relations was not discreditable. Every one stated his own opinion and impression; every one could not come down to the House with a distinct Report containing his own impression; the only mode of proceeding, therefore, was to canvass the evidence till they came to an agreement. He could say, that never had a Committee conducted its inquiry with more candour and equanimity. From the beginning to the end of that investigation, which had excited so much public attention, and called forth such a diversity of opinion, there was not one angry, acrimonious, uncivil, or harsh expression used. There was an anxiety to court discussion on all doubtful points, and an unwillingness to quit any part until all had given their opinions. If two men took a different view of the same point, and upon close inquiry came to a common conclusion, there was nothing improper or discreditable in that. If he were to go to the particular statements of the speeches made by the members of the Committee, he should say, lamenting as he did lament, that this discussion at all took place that night, that they had expressed his ideas, only in better words than he could use. If he differed from the right hon. gentleman opposite as to the conclusion, that was rather matter of inference than an essential part of the Report. For the noble lord opposite he felt the most perfect respect; and he must in his conscience declare, that had he been asked, previously to having heard his speech, what the noble lord thought upon the subject, he should have said, that with the recommendation he disagreed, but there was none whose entire concurrence with every point of fact was more certain and decided.

Lord *Folkestone* said, that the right hon. gentleman had conceded every point in dispute in this argument. Concession, with respect to impressions, was all that had been stated by the noble lord. The result of the noble lord's speech, in his mind, was, that it was considered a great object in the Committee to produce unanimity, in order to which there was a concession of certain impressions. If, then, twenty men had a particular impression, and one man felt a different impression, the twenty conceded their impressions in order to get the support of one: or if the one, too, conceded somewhat on his part, then the result was the opinion of none of the one and twenty. This was quite sufficient for the conclusion which every man must draw, that there was concession, and this was not denied.

Mr. *Canning* explained. He said, there had been mutual concessions only when the evidence justified them.

Lord *Cochrane* remarked, that the evidence laid before the Committee was not different from

the evidence which had been laid before a court of justice, where the verdict of a jury had declared the charges to be unfounded in point of fact. It was a pity, it was a matter of the deepest regret, that *ex-parte* evidence should be received, believed, and acted upon against the whole people of England. In a court of law such evidence was found to have proceeded from a fraudulent and perjured individual. (*Hear, hear.*) On a recent occasion, disclosures were made that reflected shame and scandal, if not on all the members of his Majesty's Government, at least on those whom they had deluded to support them in subverting the liberties of Englishmen. Without that house, not one member could put his hand upon his breast and say, that the suspension of the Habeas Corpus was necessary: no, it was a subversion of the Constitution; it was an explicit declaration, that England had at length become the land of slaves. What had we witnessed after so many years of war, and privation, and burdens? What was the issue of all this? A degree of suffering and misery that never was equalled, and could not be long endured. Did they believe that Englishmen would be content to die like dogs in a ditch? Well, after all the war, and patience, and misery, which successively tried our temper, came at last such a Report as this—an infamous scandalous libel upon the people of England. (*Hear, hear, and cries of order.*) He was perfectly in order. It was not fit that we should legislate against the whole people for the faults of a few; besides, those faults had not in one instance been proved, and had been disproved in more than one. He would, therefore repeat, that the Report was an infamous libel, scandalous—

Sir W. Burroughs rose to order. As far as he remembered, there was not one word in the Report imputing blame to the people of England.

The *Speaker* observed, that with respect to the names which the noble lord attached to the Report, unless he was greatly mistaken, he must say it was most disorderly. (*Hear, hear.*)

Lord Cochrane said, he bowed to the authority of the Chair, as he had always done, when it was filled in so distinguished a manner by their late *Speaker*. He had applied the epithets not to any individual of the Committee, but to the Report itself, which he did consider a most scandalous one, because—(*Cries of Chair.*)

The *Speaker* said, he must now appeal to the House, whether, in their judgment, the noble lord was not highly disorderly in the language which he persisted in using? (*Hear, hear.*)

Lord Cochrane said, he submitted; but he was sure the Chair would not have interfered of its own accord. (*Order, order.*) He should merely state again, that he applied the epithets, which he would not repeat, to the Report, and not to the Committee. His firm conviction was, that the evidence upon which the Report was founded, was not true. No one would believe that

there existed any conspiracy in the country, to overturn the Government.

The Report was then ordered to lie on the table, and to be printed.

THE BUDGET.] The *Chancellor of the Exchequer* moved that the order of the day be read for the House to resolve itself into a Committee on the state of the finances.

Mr. Tverney wished the subject to be postponed, rather than to be brought on at so late an hour.

The *Chancellor of the Exchequer* considered the subject too important, and of too much interest to the House and the nation, to be postponed, or to admit of delay.

The House then resolved itself into a Committee of Ways and Means.

The *Chancellor of the Exchequer* said, he had opposed the postponement of this question for the lateness of the hour, (half past 9); 1st, because which he apprehended no opposition to the measure which he had to propose, it being of a nature that admitted of as little objection as any measure of the kind that had ever been submitted to Parliament; 2dly, because much more information than usual had already been given on the subject. The speech from the Throne had directed their attention to the finances, in consequence of which a Committee was appointed to inquire into the revenue and expenditure of the country. The Reports which that Committee had made would relieve him from many details, into which he should otherwise have felt it his duty to enter. He should frequently content himself with referring to their labours, which he was sure would afford the House more satisfaction than any imperfect statement he could offer of his own. Another respect in which the question would require much less time was, the consolidation of the Exchequers of Great Britain and Ireland. Since January last, a very considerable portion of official labour had been directed to reconcile the accounts of Ireland with those of England; and those of the former country were now brought forward in a more convenient and uniform manner than on any prior occasion. This had been effected partly by official diligence, and partly by the act of the House itself: he alluded to the call which had been made by Parliament for the clearing up of all accounts between the English and Irish Exchequers to the 5th of January last, and for removing or cancelling all outstanding grants on the Consolidated Fund, which had not been realized, and were not likely to be realized within any moderate period; the consequence was, that from the 5th of January last, a new account had been opened for the Consolidated Treasuries, and the technical distinctions which had till now existed between them, were no more. The House would have the goodness to observe, that the Committee appointed to inquire into the expenditure and income of the country had not encumbered their Report with a statement of the various branches of the revenue and services of

the country, but had on the one side set down the whole amount of the finances of the country, and on the other the sum total of its expenditure. This was the plan which he now intended to follow. In looking to the revenue of Great Britain, it would appear that there was a deficiency in the last year, in the great branches of Customs and Excise, of about 10 per cent. With respect to Ireland there was, he felt, no ground for despondency, although the revenue of that country had fallen off about 20 per cent. But notwithstanding those unfortunate circumstances which naturally rose out of the diminished demand for the produce of an agricultural country, in consequence of the termination of the war, combined with the lamentable failure of the last harvest; there was still every reason to calculate upon the recovery of that country from all its embarrassments, through the operation of her inherent means, and the active industry of her population. In the usual form, he should first go through the Supplies required in the present year, and then state the Ways and Means to meet them. The first item was the Army, which, including 1,500,000*l.* for Extraordinaries, and exclusive of troops in France, amounted to 9,080,000*l.* It would be remembered, that in 1816 the total sum granted under this head of the service was 10,809,737; so that there was a reduction in this year, as compared with the last, of 1,729,737*l.*—The next item was the Navy. Last year, the sum voted amounted to 9,964,195*l.*; the sum now required, exclusive of a grant of 2,000,000*l.* for the reduction of the navy debt, were 6,000,000*l.* Last year 2,000,000*l.* of the navy debt were paid off. The sum appropriated to that purpose was taken from the unapplied money remaining in the Exchequer from the Grants of 1815. The saving, therefore, in this year, in the sum to be applied to the service of the navy, as compared with that of last year, was 3,964,195*l.*—The next head was the Ordnance. The sum required for this year amounted to 1,221,300*l.*: last year the sum voted was 1,613,142*l.* Here a reduction had been effected of 391,842*l.*, being nearly one-fourth of the whole.—The fourth item was, the Miscellaneous Services, which amounted to 1,700,000*l.* Last year the grant was 2,500,000*l.*; so that, under this head, a reduction had been made of no less than 800,000*l.*—The total Supply, therefore, that was called for in the present year, exclusive of the interest of the Funded Debt, for the expense of the several establishments for twelve months—not on the Peace Establishment, for he was far from thinking that we had yet arrived at what might properly be so called—would amount to 18,001,300*l.*, or what, speaking in round numbers, he would call 18,000,000*l.* It would be remembered, that at the opening of the Session, his noble friend (Lord Castlereagh) had estimated the expenditure of the year for the services he had enumerated at 18,375,000*l.* The actual supply called for came below the esti-

mated sum by 375,000*l.* Last year the grants for the same services amounted to 24,887,000*l.* The reduction effected in the present year, it would therefore be seen, fell little short of 7,000,000*l.*, being considerably more than one-fourth, and amounting to very near one-third of the whole.—In addition to the 18,000,000*l.* required for the proper service of the year, a further provision would be necessary on account of the Unfunded Debt. In the first instance there was a charge of 1,900,000*l.* for the interest on Exchequer Bills, the principal of which had been discharged in the course of the present year. This item, though large, the Committee would regard with satisfaction, when they considered how much the improved state of public credit lessened the charge thus incurred in providing for the Ways and Means of the year. A proper idea of this might be formed, when it was considered that what cost the country 1,900,000*l.* for the service of 1816, would in the present year create but a charge of 1,500,000*l.*; and when it was farther borne in mind, that a few years ago the same operation would have occasioned an expense of 2,500,000*l.* The Sinking Fund on the money thus raised would amount to 330,000*l.* The Unfunded Debt was at present 33,000,000*l.* On winding up the accounts between the English and Irish Exchequers, a further advance had become necessary, in order to clear all up to the 5th of January last, from which period they had started on a new account. This had caused a grant to be called for, in order to make good the permanent charges of Ireland up to that time, of 246,508*l.* Towards the reduction of the Navy and Transport Debt, a supply was demanded of 1,660,000*l.* There was thus, it would be seen, a new total of 4,136,508*l.* The different items and the grand total were as follow:—

£.		SUPPLIES.	
10,809,737	—Army (including 1,500,000 <i>l.</i> for Extraordinaries, and exclusive of troops in France)	£.	9,080,000
9,964,195	—Navy (exclusive of grant for the reduction of Navy Debt)		6,000,000
1,613,142	—Ordnance		1,221,300
2,500,000	—Miscellaneous		1,700,000
Total Supply for the service of the year 1817			
		£	18,001,300
Interest on Exchequer Bills.		1,900,000	
2,260,000	Sinking Fund on		
	Ditto	330,000	
To make good the Permanent charges of Ireland to the 5th January, 1817		246,508	
Towards Reduction of Navy and Transport Debt		1,660,000	
			4,136,508
			£22,137,808

He had now to call the attention of the Committee to the manner in which he proposed to meet the above demands. The first then he should notice as applicable to the Ways and Means of the year, was the balance of Annual Duties. After deducting the sums granted out of the duties for 1815 and 1816, there remained 3,000,000*l.* in the Exchequer, for which he should now take credit. He proposed also to avail himself of the surplus arising on the issues of Exchequer Bills for 1815 and 1816; the sum for the former year being 15,749*l.* and for the latter 1,849,810*l.* These sums formed what, in the language of the Exchequer, was called surplus Ways and Means. They did not, however, make a genuine surplus, but might be regarded as disposable ways and means. A great part were issued on Excise Duties not yet realized, and the whole amounted to 1,865,559*l.* The produce of the whole of the Excise Duties, which were proposed to be continued, after satisfying the grant charged upon them for the year 1816, amounted to 1,300,000*l.* These were a continuation of war taxes, which amounted last year to 3,500,000*l.*, of which the above sum was the balance, after allowing a sufficient sum to satisfy the grant of that year.—The next sum to which he should advert, was the amount of the Consolidated Fund remaining at the disposal of Parliament on the 5th of April last. This money arose from grants up to January last, and the sum in the Exchequer was, 1,225,978*l.* The deficiency of the Consolidated Fund, up to the 6th of January last, amounting to 600,000*l.*, had been made good by Exchequer bills.—The Lottery was taken at 250,000*l.*; and though this appeared a larger sum than that of last year, yet, when the whole account was compared, it would be found that the lottery was reduced 50,000*l.* instead of being that much higher.—The next item he had to state to the Committee was that arising from the sale of Old Naval Stores, the amount of which he estimated for the last year at 400,000*l.*—There was one item more: it was the arrears of the Property-Tax, of which a considerable sum was due up to January and April last. The whole received, or to be received up to the year ending on the 5th of April 1818, was 1,500,000*l.*—These several items of Ways and Means amounted altogether to 9,541,537*l.*; so that there was required to make good the supply 12,600,000*l.* This he proposed to raise by Irish Treasury bills to the amount of 3,600,000*l.* and a new issue of 9,000,000*l.* of Exchequer bills.—Having concluded these statements, he would now recapitulate the different items of the

<i>£.</i>	WAYS AND MEANS.	<i>£.</i>
3,000,000	—Annual Duties	3,000,000
	Disposable } 1815 15,749	
	Ways & Means } 1816 1,849,810	
		1,865,559
3,500,000	—Excise Duties continued (after satisfying the grant thereon for the year 1816)	1,300,000

Money remaining at the disposal of Parliament of the Consolidated Fund at April 5, 1817	1,225,978
900,000—Lottery	250,000
Old Stores	400,000
Arrears of Property Tax received or to be received between the 5th of April, 1817, and 5th April, 1818	1,500,000
	9,541,537
Irish Treasury Bills 3,600,000	
Exchequer Bills 9,000,000	
	12,600,000

£12,141,537

The first total of the Ways and Means which he had stated, namely, the 9,541,537*l.* might be regarded as the ready money in the Exchequer; but that was the whole which the ordinary resources offered for covering the expenditure. It was therefore clear, that the above balance of 12,600,000*l.* was necessary to equalize the Ways and Means and the Supply; and he was convinced that that sum could not be raised in a way more advantageous to the country than that which he had proposed. He should in the first place endeavour to explain to the Committee how the account of the 3,600,000*l.* Irish Treasury Bills stood. The House would recollect that, before Easter, there had been a vote for repaying certain Irish Exchequer Bills. Upon communication with the Bank of Ireland, it was found that the directors of that establishment were disposed to exchange the bills they held for new bills. These with an additional issue of 100,000*l.* made out the amount he had stated: but as the Bank of Ireland required 5 per cent. interest, it was not thought advisable to raise a larger sum in that way. Only a small part of the Irish Treasury Bills were due in December and January next, and it would therefore be time enough to make arrangements for paying them off after the next meeting of Parliament. The remaining sum of 9,000,000*l.* he proposed, as he had already stated, to raise by Exchequer Bills; and he was the more induced to take this proportion of the deficiency in that way, as the Bank of England in its negotiations would be satisfied with a more moderate rate of interest than was paid in Ireland. Before the meeting of Parliament he could have borrowed 12 millions, but from the appearance of the money market, he thought it better not to avail himself of it. He had indeed found the state of the market such, that by issuing Exchequer Bills in preference to borrowing, he saved 200,000*l.* The power of the money market to take off 9,000,000*l.* of Exchequer Bills, he thought could not be questioned, when it was considered, that of the 42,000,000*l.* previously issued, 27,000,000*l.* had been discharged in the course of the present session. There were, therefore, only Bills to the amount of 15,000,000*l.* outstanding. The 9,000,000*l.* he now proposed

to add would make 24,000,000*l.* and, all things considered, he apprehended, that there would not be more thrown into the market than could be easily absorbed. It ought at the same time to be recollected, that as the interest had been reduced from 5 per cent. to 3½, there was a saving in that respect of 1½ per cent. From the measure he proposed, he therefore had reason to expect great advantage both to the agriculture and commerce of the country, and he doubted whether it would have been possible to derive equal benefit from any other arrangement. Although the revenue, from causes over which his Majesty's Ministers could have no control, had fallen short six or eight millions, there had been an evident improvement in our public credit. It might be recollected, that when he addressed the House last year on the financial situation of the country, the three per cent. consols. were only between 62 and 63; at present they were above 74.* This was an improvement of 12 per cent. on 62, which, calculated upon 100*l.* stock, was equal to nearly 20 per cent. The Exchequer Bills were then at an interest of 5½ per cent. Those now in circulation bore an interest of only 3½ per cent.; and on this very day those bills bore 12*s.* premium. These were circumstances which proved the manifest advantage of the system he had pursued, and now proposed to continue. But it was not in the money-market only that the beneficial influence of that system had been felt. A proportional improvement was experienced in every description of property in the country. One of its most important results had been the resumption of cash payments by the Bank. When he had suggested that the Bank might be enabled to pay in specie in the course of two years, his statement was received with ridicule and incredulity. The suggestion which he threw out, had, however, been completely realized; for the payments in cash had been re-

sumed for every useful purpose. He could not but congratulate the House and the country upon the removal of the doubts and alarms which had been entertained on this subject. None of the evils which had been so profusely foretold, had occurred; and this great change had been accomplished without any shock or danger to public credit. Those who had with regret anticipated these mischievous consequences, he was sure would now join with him in rejoicing at the state in which our country was now placed. The notes of the Bank of England had even during the restriction been preferred to those of every other bank in Europe. What then must be the effect of the removal of that restriction? He felt that he could confidently anticipate the capacity of the Bank to resume its cash payments by the 5th of July twelvemonth, which was the period fixed by law. The fact was, that any Bank-note was at present convertible with ease into cash; and such was the facility of the exchange, that our Bank-notes were, in every nation upon the Continent, equivalent to bullion.—With regard to the public debt, the expectations he held out last year had been more than realized. It had been reduced at least 3,000,000*l.*: the balance of debt repaid exceeded this sum. The amount paid in 1816 had been stated at 9,400,000*l.*; but there was a deduction of 6,000,000*l.* charged for 1815, which had not been paid, so that the actual balance discharged was 3,400,000*l.* This was most satisfactory; but it was not all, for at the date of the 1st of October, 1815, 32 millions of capital stock had actually been purchased up. If, instead of borrowing Exchequer Bills, he had funded capital stock, it would have been impossible to have operated a reduction of the debt to the same extent. Whether there would be an equal diminution of debt in the present year as in the last, was what he could not pretend to assert. He did not wish to state a positive opinion on the subject; but he estimated that, with some addition to the 12,600,000*l.* he had already mentioned, he might have to borrow altogether about 14,000,000*l.*, and that it was probable there would be paid off about 16½. There might, therefore, be a diminution not of 3½ as in the last year, but probably of 2½ millions. With the improvement of our finances, he looked forward to a speedy improvement in the internal comfort and prosperity of the country. (*Hear, hear.*) He did not consider this expectation unreasonable. A great part of the public distress arose, not from any derangement in our domestic affairs, but from the general state of Europe. At a time when all over the Continent many were struggling for the mere necessities of life, it was not to be expected that there could be a great demand for our manufactures. This country, fortunately, had not been reduced to so low a state as some others had, but we could not expect to escape without sharing in the general calamity. If, however, Providence blessed

* The following statement (extracted from Mr. Fairman's Treatise on the Funds) exhibits at one view the highest and the lowest prices of Stocks since the year 1720:—

HIGHEST.		
3 per Cents.	June 1737.	107
4 per Cents.	Aug. 11, 1791.	107½
5 per Cents.	Ditto.	122½
Bank Stock.	Feb. 14, 1792.	219*
South Sea Stock.	May 20, 1768.	111
India Stock.	Dec. 29, 1768.	276½
LOWEST.		
3 per Cent Consols.	Jan. 25, 1798.	47½
3 per Cent. Reduc.	June 1, 1797.	47
4 per Cents.	Jan. 19, 1798.	59½
5 per Cents.	Jan. 23, 1798.	69½
Bank Stock.	Jan. 29, 1762.	91
South Sea Stock.	Feb. 22, 1782.	62
India Stock.	Jan. 14, 1784.	118½
The lowest price of the 3 per Cents. during the American war was 56½; and of 4 per Cents. 68½.		

* The price of Bank Stock here given is the highest price previous to the last increase of the dividend.

us with a favourable harvest, he should confidently hope to see a steady restoration of our revenues and our former prosperity. He had taken the liberty of stating thus much, merely to impress on the recollections of the Committee, that even under the unfavourable circumstances of the last year, all the benefits which he had held out as likely to result from the plans he had proposed, had been more than realized.—He anticipated a still more sensible improvement; but he sincerely trusted, that the country would never find it necessary to resort to any of those desperate and dangerous remedies which some persons had thought it proper to recommend. It was alone upon the firmness of Parliament and the loyalty of the people, that the security of public credit and the restoration of national prosperity depended. He had now only to state, that he estimated the amount of the interest, the Exchequer and Treasury Bills, necessary to meet the supply, at 450,000*l.* and he contemplated that that sum would be lowered by the reduction which would take place in the funded debt, in the course of the next session of Parliament. Thus the public would be subjected to no new charge whatever.—The right hon. gentleman concluded by moving a resolution for the issue of the Exchequer bills.

Mr. *Tierney* rose.—He said, that as the right hon. gentleman had now made his statement, he trusted that he would not be disposed to bring up the Report that night, nor press any further discussion at so late an hour; but name an early day when the subject might be taken into consideration.

The *Chancellor of the Exchequer* expressed his readiness to postpone such of the Resolutions as were chiefly calculated to give rise to any debate. He thought that Monday might be a very proper day for the House to enter into the discussion.

Mr. *Tierney* replied, that the more this subject was considered, the more discussion, he was afraid, would result from it, as nothing could be more placid at present than the statement of the right hon. gentleman. His (Mr. T.'s) object was, to have an entire discussion, with the view of including in it the consideration of the Report of the Finance Committee.—For this purpose he suggested Tuesday as a convenient day.

The *Chancellor of the Exchequer* said, no man could be more disposed than he was, to afford every kind of accommodation to the right hon. gentleman and the House; but he thought that matters of this kind, on which so much depended, should not be delayed. The House met to-morrow, and probably he might bring up some of the Resolutions then, and let the consideration be deferred to Monday.

Mr. *Tierney* said, there was no occasion for remarking that on this question much depended, for it was undoubtedly true, that the House and the public were feelingly alive to it, and that, therefore, it should be discussed with the great-

est deliberation. He did not see on what grounds Tuesday could be objected to as an unsuitable day, and while he did not refuse to agree, that the Report be received to-morrow, he could not but consider it absurd that any discussion on Saturday should for a moment be thought of.

Mr. *Grenfell* observed, that the right hon. gentleman (the *Chancellor of the Exchequer*) had in his speech stated, that the Bank of England had resumed cash payments. This he was somewhat astonished to hear, and he would ask the right hon. gentleman to state when the Bank had commenced doing so, and whether it was the fact that they had at all begun to pay in cash? (*Hear, hear.*)

The *Chancellor of the Exchequer* thought the hon. gentleman could hardly be so ignorant of the import of what he had said, as not to understand that the sense of his observation was, that the Bank might now be fairly considered as having virtually recommenced their payments in specie.

Mr. *Grenfell* wished to ask the right hon. gentleman another question. Could he positively assure the House, that any person by going to the Bank with a ten pound note, would receive cash for it?—An hon. friend of his had supposed that the restrictions on the Bank expired on the 5th of July next, whereas, in fact, they did not expire till the 5th of July, 1818. Would the right hon. gentleman be kind enough to answer the question, and say whether it was or was not the case, that the Bank would pay any person ten pounds in cash, who went to them with a 10*l.* Bank note?

The *Chancellor of the Exchequer* said, that if he hon. gentleman took ten *l.* notes of a certain class to the Bank, he would be paid in cash for them. This was what he meant when he alluded to the resumption of cash payments. (*Hear, hear, and a laugh from the Opposition benches.**)

*The following notice of the Bank's resumption of payments in cash on and after the 1st of October, 1817, appeared in the *London Gazette* of Tuesday, September 23, under the authority of Mr. *Speaker*, according to the terms of the Act.—“In pursuance of the directions of an Act, passed in the 37th year of the reign of his present Majesty King George III., intituled, an Act for confirming and continuing, for a limited time, the restriction contained in the minute of Council, of the 26th of February, 1797, in payments of cash by the Bank;” and also of the several Acts since passed, for continuing and amending the same;

I do hereby direct, that there be inserted forthwith in the *London Gazette*, the following notice from the Governor and Company of the Bank of England, dated 18th September, 1817, namely:—

“That, on and after the 1st October next, the Bank will be ready to pay cash for their notes of every description, dated prior to the 1st Jan. 1817.”

CHARLES MANNERS SUTTON, Speaker.

Sept. 22, 1817.

Sir J. Newport complained of the exaggerated representations of national prosperity, made by the right hon. gentleman. The House ought to institute an accurate inquiry, and not give credit to these accounts, because the Budget had been brought forward at so late a period in the session, and at so late an hour of the night. For his own part, he could not conceive how the prospect held out with regard to the Irish revenue, was to be made good. It was desirable that some explanation should be given, why Treasury Bills, at five per cent., had been suffered to remain in the Bank of Ireland, when they might be negotiated at a far more moderate rate in England. He knew no reason, except a wish to favour the Bank of Ireland, that should prevent the right hon. gentleman from making them payable in this country.

After some farther conversation, as to the most convenient day for bringing up the Report, it was finally settled that it should be received on Monday, and the Committee was ordered to sit again on that day.

OFFICES (SCOTLAND) REGULATION BILL.] This Bill was read a third time, and passed.

SIGNET AND PRIVY SEAL OFFICES BILL.] This bill was considered in a Committee, and ordered to be reported to-morrow.

HOUSE OF COMMONS.

Saturday, June 21.

SECRET COMMITTEE.] On the motion of Sir *W. Burroughs*, it was ordered that a message should be sent to the Lords, requesting to have a copy of the Report made to their lordships by the Secret Committee, on the 19th instant, respecting the state of the country.

NAVY ESTIMATES.] Sir *G. Warrender* brought up the Report of these Estimates, and the several resolutions were agreed to, and bills ordered accordingly.

LANDLORD AND TENANT LAW.] Mr. *Lockhart* brought in his bill for regulating the costs of distress for small rents, which was read a first time.

PRISONS.] On the motion of Mr. *Bennet*, it was ordered that all the papers presented to the House, relative to the King's Bench, Fleet, and Marshalsea prisons, should be printed.

Various bills were then forwarded through their respective stages, and the House adjourned.

HOUSE OF LORDS.

Monday, June 23.

A message was brought from the Commons by Mr. *Braddon* and other members, requesting the attendance of Lords *Dynvor*, *Cavender*, and *Amherst*, to give evidence before the Committee, the Administration of Justice in Wales.—

* It was told that the House would send an est prier by messengers of its own. An answer

Warwick, Hertford, &c. Petitions. [1891]

was afterwards sent, stating that their lordships had leave to attend.

Another message was brought from the Commons, by Sir *W. Burroughs* and others, requesting a copy of the Report of the Lords' Committee, relative to traitorous practices and conspiracies.—A copy was delivered to Sir *W. Burroughs* at the bar.

Lord Colchester's Annuity Bill was read a third time and passed, and several other bills were forwarded in their respective stages.

HOUSE OF COMMONS.

Monday, June 23.

CHIMNEY SWEEPERS.] Mr. *Bennet* presented a petition of inhabitants of London and Westminster, against employing boys in sweeping chimnies.—Ordered to lie on the table.

The Report of the Committee appointed to inquire into this subject was presented, ordered to lie on the table, and to be printed.

SIGNET AND PRIVY SEAL OFFICES BILL.] This bill was read a third time and passed.

WARWICK, HERTFORD, &c. PETITIONS.—HABEAS CORPUS ACT.] Sir *C. Mordaunt* presented a petition of Freeholders and Inhabitants of the county of Warwick, against the continuance of the Suspension of the Habeas Corpus Act, and observed, that he was sorry he could not, consistently with his sense of public duty, support the prayer of the petitioners.

On the motion that the petition be brought up,

Mr. *Dugdale* remarked, that in Warwickshire, and some of the neighbouring counties, it was the general opinion of the magistracy, that unless the additional powers conferred on the Executive Government were confirmed, they would be unable to preserve the public tranquillity.

The petition was then brought up, and ordered to be printed.

It was as follows:—"That the petitioners have seen with the utmost grief and dismay the operation of that Act, so essential to the personal safety of every individual in the kingdom, commonly called the Act of Habeas Corpus, suspended at the commencement of the present session; that as the Act of Habeas Corpus is founded upon Magna Charta, and was only passed in order to give greater force and efficacy to the provisions of that statute, to suspend that Act, without the most imperious and indisputable necessity, is, in the opinion of the petitioners, a gross violation of one of the leading principles of the Constitution, and of the dearest rights of Englishmen; that such necessity can only exist when the danger to the constitutional government of the country is so great and imminent, as to be wholly beyond the reach of the established laws, and of the ordinary powers possessed by the Executive; that the petitioners have in vain sought to discover any proof of such danger having existed at the time when Parliament thought fit to suspend the Act of

Habeas Corpus; the petitioners cannot see any proof of it in the Reports of the Committees of the two Houses of Parliament, Reports, which in some of their most material allegations, have been contradicted and disproved, and the whole of which, being founded upon *ex-parte* statements, without the persons implicated having had any opportunity of answering the accusations made against them, or of explaining their conduct in any of the transactions in which they were involved, afford good reason for doubting the correctness of the conclusions drawn from the evidence produced; the petitioners viewing all the circumstances of the case, cannot but think that the Suspension of the Habeas Corpus Act was resorted to by his Majesty's Ministers, not through fear of any real danger to the Government, but in conjunction with other measures, in order to stifle the voice of the people, and prevent them from obtaining that economy and retrenchment in the public expenditure, that redress of grievances, and that amelioration of the state of the country, which from every part of it were demanded; the petitioners are equally at a loss to discover, in the present state of the country, any thing to warrant the further Suspension of the Act of Habeas Corpus. The peaceable and orderly behaviour of the immense majority of the inhabitants of this kingdom, under circumstances the most calculated to excite every angry passion, and to rouse into action every latent particle of disaffection, in the midst of ruin, poverty and starvation, and under the irritation which the neglect of the situation of the people, by the Administration, must have created, affords, on the contrary, the strongest evidence that no real danger to the Government at this moment exists, still less such a danger as is beyond the control of the ordinary laws, and demands such an extraordinary interposition of the authority of Parliament. They are the more inclined to doubt the reality of any such danger from observing, that in the last Report of the Committee of the House of Lords, it is admitted that the facts stated rest principally upon the evidence either of persons implicated in the transactions to which their evidence relates, or of others who joined in those transactions, for the purpose of giving information to the magistrates, or to the Secretary of State, and the language and conduct of some of whom the Committee state they have seen reason to apprehend, may, in some instances, have had the effect of encouraging those designs, which it was intended they should only be the instruments of detecting; it must be obvious to the House, how little reliance ought to be placed upon the evidence of persons in such circumstances, evidence which, if unsupported by other testimony, would not be sufficient in a Court of Justice, to convict a person charged with a common misdemeanor. They are the more persuaded of the efficiency of the ordinary laws, to avert any threatened danger to the Constitution, from the consideration that in every instance of actual riot

or disturbance mentioned in the Reports, or which has since come to the knowledge of the public, it appears that the same was immediately suppressed by the magistrates, exercising the ordinary powers entrusted to them; the petitioners feel the more apprehension at such extraordinary powers to his present Ministers, from their conviction that measures lately pursued by them, naturally lead to the subversion of the liberties of England; a large Standing Army has been kept up in time of Peace; the Habeas Corpus Act has been suspended; Bills have been passed materially affecting the right of petition, and directly tending to prevent any expression of popular opinion; and not content with these measures, so hostile to the principles of the Constitution, they have assumed that power of dispensing with, and suspending of, the laws by their own authority, without the consent of Parliament, which was one of the charges against James the Second, and materially contributed to induce the people of England to withdraw their allegiance from that Sovereign, and to place the present reigning family upon the Throne of these Realms; the petitioners therefore intreat the House, that, taking the premises into their most serious consideration, they will adopt such measures as shall prevent the liberties of England from being sacrificed to the real or pretended fears of his Majesty's Ministers; they will repeal those laws by which the right of petition is so materially infringed; and that they will resist every attempt which may be made to continue the Suspension of the Act of Habeas Corpus."

Mr. Brand presented a petition of Freeholders and Inhabitants of Hertford, against a continuance of the Suspension of the Habeas Corpus Act, which was ordered to lie on the table.

The hon. member then presented a Petition of Paul Thomas Lemaitre, of the City of London, which was ordered to be printed. It set forth, "that at a distance of two hundred miles from the metropolis, the petitioner lately heard reports of the proposition having been made by his Majesty's Ministers to Parliament for the Suspension of the Habeas Corpus Act; the petitioner thought it an imperious duty he owed himself, his family, and his country, to submit to the House the following narrative, in order that the amount of confidence to be placed in the hands of the great Officers of State should be duly appreciated by the House; the petitioner accordingly hastened to town, but he arrived a few hours too late; the discussion of the measure of the Suspension Bill was already near its close, and shortly after the petitioner reached the Lobby of the House was passed; the general reports that have reached the ears of the petitioner, that it is now proposed to obtain their assent to a similar bill, extending the Suspension for a further period of time, determines the petitioner to entreat the earnest attention of the House to this his petition, containing a detail of facts he will not attempt to

characterize, and a recital of particulars in which several of his Majesty's present advisers have acted a distinguished part; that on the 27th of September 1794, the petitioner being then only eighteen years of age, was arrested on a charge of treasonable practices, and having undergone various examinations before the Privy Council, was fully committed on a charge of high treason; that the petitioner, having endured all the horrors of solitary confinement for thirty-two weeks in the Cold Bath Fields prison, not to mention the cruel oppressions of its keeper, during which period he had frequently demanded, in applications to the Privy Council, to be brought to a public trial, his father was informed by Mr. Justice Ford, then private secretary to the Duke of Portland, Secretary of State, that upon giving two sureties of fifty pounds each he should be liberated, and these terms the petitioner was constrained to accept; that after a short interval the petitioner received a letter from Mr. Secretary Dundas, requiring his attendance at the Treasury Chambers; the petitioner attended at the time appointed, and sent in his card to the Privy Council, then sitting, and having waited from the morning until it was late in the day without having received any communication, the petitioner expressed to several his impatience, and was at length informed the Privy Council had broken up, and the members long since had left the office; the petitioner in course retired; that shortly after this proceeding, the petitioner was informed, at eleven o'clock at night, his name had been included with others in a bill of indictment for high treason; the petitioner immediately retained Counsel to surrender him, at the opening of the Court the next morning; the Judge inquired of the petitioner as to his identity, and the petitioner answered, that although his description as he understood had not been faithfully given in the indictment, he the petitioner had been lately involved in a similar accusation, and that as he desired nothing so much as a public opportunity for the justification of his character, he now most anxiously presented himself; the petitioner, as he anticipated, was committed to the gaol of Newgate; that after an imprisonment of some weeks the petitioner was conducted to the bar of the Old Bailey, and was there placed beside three individuals, one of whom (his bookseller) he had never had a moment's conversation with, except upon matters of business; a second, with whom a private word had never passed, and a third, who to his knowledge he had never in the course of his life either seen or heard of, previously at least to his apprehension: the petitioner being called upon to plead to the Indictment then read to him, waived the informality of erroneous description, and pleaded Not Guilty; after the anxiety, labour, and expense of preparing a defence, and after suffering an imprisonment of sixteen weeks, the petitioner was again put to the bar, where Mr. Attorney-

General, now Lord Chancellor Eldon, informed the Court he had no evidence to produce, and the petitioner was acquitted; that the petitioner was again arrested 1798, and was again committed to the gaol of Newgate on a charge of high treason; that after upwards of one year's close and solitary confinement, the communication of the physician's report by the gaoler Mr. Kirby to the Privy Council, that the debilitated state of the petitioner's health was likely to prove fatal, procured, as the petitioner believes, a proposition made him by the said gaoler Mr. Kirby, that the petitioner might obtain his liberation upon the condition that he would give security to leave the country during the war; the petitioner gave for answer, that in whatever danger his health might be involved, he would agree to no terms short of the full and public justification of his character, too long suspended in doubt, and yet dearer to him than the life he now hazarded; the petitioner was shortly after removed to Reading gaol; the petitioner begs leave to inform the House, that during these several and long periods of confinement, the Habeas Corpus Act Suspension Bill had been several times renewed, and the petitioner having learned that a proposition was now again made for its renewal for another considerable period of time, forwarded, through the kind interference of Mr. Charles Grey, a petition to the House of Commons, alleging that the petitioner, with a full consciousness of entire innocence, had suffered two years' unintermitting, solitary and close confinement, beside the heavy suffering of former imprisonments, and the ruinous expenses of an unnecessary defence, praying the House that they would call the petitioner to their bar, and institute such inquiry as should shield him from continued incarceration; but this petition, he was informed through a communication he had the honour to receive from Mr. Grey, was rejected; that the petitioner, having been at length confined upon this occasion about three years, was called upon by a King's messenger and other officers, and conveyed back to London to be enlarged upon his own recognizance; that having been taken before Mr. Justice Ford, this gentleman congratulated the petitioner upon the instructions he had received to offer liberation from such long imprisonment upon terms amounting to little more than form, namely, personal recognizance for one thousand pounds; the petitioner however refused to accede to these terms, alleging that the length and severity of the imprisonment made it more imperiously necessary that he and the public should become at last acquainted with the grounds upon which he had been oppressed by such accumulated suffering; that he understood the Habeas Corpus Suspension Bill was about to expire, and that the Minister advising its suspension had tendered and had had his resignation accepted by his Majesty; that therefore the petitioner considered that the reign of the

laws being about to be resumed in full efficiency, it became him, in defence of his character, so many years unjustly subjected to suspicion, to suffer rather again for a short season, and be thereby enabled to challenge and meet the machinations of those who had heaped upon his head such accumulated suffering. Mr. Justice Ford expostulated, but the petitioner felt it no less a public than a private duty to maintain firmly his opinion, and was committed to the Parliament Street Hotel in charge of the Messenger: hence the petitioner addressed a memorial to his grace, the late duke of Portland, demanding an unconditional liberation or a public trial, but the answer to this application was in the shape of a new warrant of commitment for high treason to Tothill Fields Bridewell, in which prison the petitioner was compelled to pay two guineas and an half per week for lodging and board, or associate with the felons; at the next ensuing term the petitioner applied to the Court of King's Bench for an Habeas, which Lord Kenyon having desired time to consider of, the next day refused, as he expressed himself in answer to the expostulations of the petitioner's Solicitor, upon his responsibility; after a short interval a proposition was made in Parliament again to renew the Suspension of the Habeas Corpus Act: the petitioner verily believing the dread which the Ministers entertained of the exposure of their measures, an exposure which the examination of his case would necessarily involve, was mainly instrumental in inducing this measure, repeated his petitions, renewed the detail of his sufferings, and intreated that no measure should be adopted which might have for effect to perpetuate them, but the Suspension bill was once more passed and received the royal assent. Mr. Justice Ford on the following morning called at the prison, and renewing the proposal of the former terms of enlargement, the petitioner, unable to sustain singly a conflict with power so disproportionate, and the prospect of a defence of character at the probable sacrifice of interminable imprisonment, agreed at length to give his own recognizance for future appearance if called upon; restoration to society, with at best an equivocal character, with the deepest sacrifice of property and of health, and with a more frightful and fatal wound in the loss of a dear parent, who having in the first stage of persecution been informed by the officers that they had seized upon the petitioner the damning evidence of guilt, had taken to her bed and rose no more! these considerations weighed down the mind of the petitioner with the most bitter agony, and in order to obtain the means of a public investigation of such extraordinary transactions, he determined, upon mature consideration, to bring actions against his Majesty's Ministers and the Chief Justice in the Court of King's Bench; the petitioner gave his Solicitor instructions accordingly, but to his utter mortification he found bills immediately introduced into both Houses

of Parliament for the indemnity of all the parties concerned; the petitioner lost not a moment in petitioning against these measures, but his exertions were fruitless, his petitions unavailing; the petitioner has been many years endeavouring to recover his station in society, and to resist the too fatal consequences attending such treatment; he had repeatedly petitioned to have the charges against him, if any had really existed, investigated at the bar of the House, and for some remuneration for the greater part of seven years of sufferings and expenses of the most afflicting nature; he had adopted whatever, of other expedients, at any time presented which might lead to an examination of his case and the justification of his conduct and character, but having made every endeavour and urged his claims in vain, he has for some time sought to bring his mind into a state of resignation, and with a knowledge that, as far as regarded the petitioner, the old pretences for the Suspension of the Act of Habeas Corpus were utterly and in every respect groundless, the petitioner embraces this opportunity most solemnly to declare before his country, personified by the House, and with an equal solemnity as if he stood in the presence of Almighty God, that never in word, nor in deed, neither in whisper, insinuation, nor in fact, had he ever received knowledge or intimation, nor was he ever party to any of the alleged treasons of which he has understood himself to stand charged, and on account of which he has suffered so grievously, nor of any other treasons or conspiracies whatever; that after the sad experience of the past he petitioner trembles for the future, and believing himself as much or as little deserving of ensure and surveillance at this period as at any former period of his life, and that in consequence of the renewal of the Suspension Bill now proposed, may be a renewal of suffering however unmerited, the petitioner anxiously implores the House that they will allow him to verify these allegations at their bar if they be doubted; that he House will refuse their assent to the proposed Suspension Bill, which will, if passed into a law, again have for effect to put the petitioner and the whole people of England out of the protection of those revered Laws securing their personal freedom, which may involve the family of the petitioner in utter ruin, and again subject his character for integrity and love of country to have been endeavouring to re-establish, to a repetition of the bitter, cruel and destructive calamity too nearly alike consequent upon such suspicion and actual guilt."

[UNFUNDED DEBT.] On the motion of Mr. Tierney, Accounts were ordered of the unfunded debt in Exchequer bills outstanding, to the latest period to which the same could be made up; distinguishing under what acts issued, and what part of the same was unprovided for.

[WAYS AND MEANS.] The Report was deferred till to-morrow, and the sitting of the Committee till Wednesday.

SUSPENSION OF THE HABEAS CORPUS ACT.
Lord Castlereagh, in rising to call the attention of the House to the bill now on their table from the House of Lords, declared that no individual could feel more deeply than himself the importance of the subject, or the amount of the responsibility that attached to Ministers in recommending a course of proceeding which involved the suspension of the most valuable rights of the subject; but he thought there could be no difference of opinion on the principle of the measure, and that there was no one present who would contend that under such circumstances it might not be necessary. The question therefore was, whether the situation of the country was such that its internal tranquillity could no longer be preserved by the action of the ordinary laws, and whether some extraordinary powers ought not now to be resorted to, or at all events some remedial measure other than the Suspension of the Habeas Corpus. He trusted, that he had placed this issue fairly before the House. There was no difference of opinion on the question, whether or no danger existed; and strong measures it was necessary to adopt, for the purpose of overcoming this danger. Strong he admitted them to be; but in arguing the question, he protested against any inference that Ministers were disposed to form their opinions under an undue bias; they had, at least, as fair opportunities of forming a judgment on the subject as any other individual, and were as likely to come to a safe conclusion. The present measure had often been discussed as if Ministers had some special interest of their own, and promoted it either for the enlargement of their power, or with other views of an ambitious nature; but he hoped he addressed an audience too liberal to attribute such motives to them under circumstances of peculiar difficulty, or that they had any other interest than that of reconciling the opinions of the public. Among all the arduous tasks which they had had to perform, none was so arduous or so painful as this; nothing so lamentable as, day after day, to lie under imputations for every event that happened, and to call for extraordinary powers, under the most severe penalties, if they made an improper use of them. He trusted that his Majesty's Government had shewn, in the early part of the session, an anxious desire to see, even at the hazard of being again obliged to come to Parliament before the termination of the session, and of travelling again through the painful discussion, if by any possibility the country could be delivered from the measure within a short period. He trusted, too, that in confining it to this part of the United Kingdom, they had shewn the same desire to give as little extension as possible to its operation, as they had shewn to limit its duration. Nothing in the general conduct of the Government, or in that of the *secretary of State*, had occurred, which ought to excite jealousy: their only object was to afford protection to the Constitu-

tion, and to the liberty and tranquillity of the people against the dangers which surrounded them. With respect to the Committee, he could most conscientiously state, that Ministers had shewn no disposition to urge it to any particular recommendation. They would have been perfectly ready to concur in confining the Report to the mere statement of facts in evidence; and with leaving it to the House to come to the discussion of this question on its own merits—namely, the internal state of the country, as laid before that Committee. There was another mode of viewing this subject, to which he should now advert—namely, that Parliament could not pass such a bill, without being guilty of a libel on the people of England; and that it was a species of bill of indictment against the whole people. But he protested against the measure being considered as levelled against the people of England; on the contrary, he claimed it in behalf of the people of England; in behalf of the loyal, the industrious, and the tranquil, to save them from machinations contrary to their interests and those of the nation at large. It might be looked at with the greatest alarm by the seditious, for such, he was sorry to say, there were: it would arrest those persons in their guilty march: but the loyal, and those whose pursuits were honest and orderly, would be inspired with confidence; every one of them would lie down a security, and, in his conscience he believed, that they would be grateful for it. But it might be said, that the very description which had been given of the treasonable persons, disproved the necessity of resorting to this measure: it might be contended, that, supposing the existence of treason, and admitting all the facts to be true, the delegation, the nomination of leaders, and the simultaneous rising; admitting all these, still the treason, in the hands in which it existed in the country, was not of a description to excite any great alarm. His views of the subject were very different. It was certainly a great consolation to find, that the property and the general surface of the country were sound: the mischief was chiefly among the lower classes of manufacturers: but he could not go along with those who thought the danger small. Population in some places was almost exclusively manufacturing, and contagion might increase among them more rapidly than among those in agricultural employment. The disaffected themselves did not look upon their means as contemptible. They seemed to consider the circumstances of former rebellions. Treason might be dangerous even though people of rank were unconnected with it; and it might cover the country with desolation. History informed us of the insurrection in the reign of Richard II, which seemed to be taken as a kind of model by the present conspirators, who had argued on the instance of the 100,000 men said to have met at Blackheath. They kept the precedent in view, and calculated on similar results: under the mask of petitioning for Reform,

they were to come up to London to hold a parley with the Sovereign, and to enforce their demands. This kind of treason might produce the greatest calamities, even though it did not subvert the State. He would therefore protest against its being represented as not formidable to the Government. It might be more destructive than a disputed succession, in which persons of consequence had a control, and thereby prevented the general ruin and destruction of social order. He wished to call the attention of the House to the outline of the evidence. He was addressing himself to two classes of persons—those who had supported the measure in February, and those who had opposed it. Let them look at the events which occurred before the middle of April, and those which had happened since. He was prepared to contend that it was quite impossible for those who supported the bill in February to hesitate now. (*Hear.*) The case at present was much stronger than at first; so that even those who opposed its former enactment might now vote for its renewal. It would not be prudent to leave the country without this protection, after the confirmation of the allegations of the first Report, and in the view of all the existing circumstances. An impulse would be given to the traitorous and disaffected by those who would be let loose again on society. That the case had acquired more strength was his conscientious persuasion. The result of a late trial did not negative the propositions of the first Report. The verdict did not disprove the existence of a treasonable conspiracy. After considering all the collateral circumstances which had been brought forward, all the arguments of the professional men who conducted the prosecution, and what was said by those who defended the prisoner, no rational man, none who did not shut his eyes, could fail to see that the treason stated in the Report was confirmed by subsequent events. It became then a duty to weigh well the dangers of a premature termination of the law. The evidence of danger was of such an accumulated nature and extent as to remove all doubts. Attempts might be made to shew that the agents of Government had occasioned and encouraged the treason, and that without them it would not have been heard of. Down to the middle of April no such interference had taken place. As to Mr. Oliver, who was supposed to be a moving cause of the mischief, he did not leave London before the middle of April; therefore, his conduct could not be applicable to former events. He went on his first mission on the 17th of April. (*Loud cries of hear.*) The noble lord hoped gentlemen would not let their zeal overcome their prudence, and that they would not be too precipitate. (*Hear.*) The explosion of the treason had now been seen, and the first Report was confirmed, with which Mr. Oliver had nothing to do. The evidence came through a number of channels, corroborated by the nature of the case and the events, and by parties not employed by

Government. A right hon. gentleman allowed that he was a party to every word of the first Report. (*Mr. Ponsonby rises and assents.*) The truth of it was now at the progress of treason by comparison of dates, at three different periods at which an effort was determined upon, and when insurrection was contemplated for a particular day. Two of these preceded the period of Mr. Oliver's appearances. Mr. Oliver had nothing to do with the projects of the 9th March at Manchester, which were to lead to the march to London, and which was to be carried on under the pretence and mask of asking for Reform. Those who supposed these conspirators destitute of faculties would change their opinions if they had witnessed their examinations before the Council, and would be surprised, perhaps, at their astuteness and the sort of legal knowledge they had acquired, by which they endeavoured to cover their real designs with a constitutional cloak, and to make out a case something short of treason. The treasonable object of forcing a change of the Government was discussed among them with considerable ability, and although the meeting had been dissolved, and the intention of the conspirators frustrated, they were not in the least discouraged, but resolved to bring matters to what they considered a point, and to act with more boldness than before. The plan for the 30th of March had in it every character belonging to treason—attacking the barracks, for instance. The rising in the town of Manchester at that time, was to be combined with simultaneous risings in all the other manufacturing towns. Nothing but the arrest of the delegates at Ardwick Bridge, near Manchester, on the 28th, could have prevented the calamity with which that town was threatened. This, as well as the meeting of the 9th, was totally disconnected with Mr. Oliver, or any other person in the employment of Government. The House would now allow him to say a very few words with respect to what had taken place since the employment of Mr. Oliver, because a colour had been given to that transaction which did not belong to it, and because an active attempt had been made to create an impression, that Mr. Oliver had been sent down to excite the people to insurrection. It had been said, that the very circumstance of such a man (he had no knowledge of him individually) having been directed to interfere in the business, served to encourage and call forth the disorder. He did not feel that it was an improper exercise of their discretionary powers, if Ministers apprehended mischief, to send some persons to work themselves into the confidence of the disaffected, in order to protect the country against the evils which they meditated. But Mr. Oliver came of himself to Government, and stated to the Home Department, that he had been applied to by a delegate from the country to obtain information respecting the discontent in the metropolis. It would be improper in him

to suffer any other name to be known on this occasion than that of Oliver himself. Mr. Oliver was not employed, in the first instance, to go to the country and make acquaintances among the people there, and to use language encouraging them to rebellion against the Government. When he applied to the Home Department, he stated that he had been invited by a delegate, a man of known character as a traitor, who came to London to see what was the disposition of the people there, and to give encouragement, that even without them, the people of the country would make the attempt themselves. Mr. Oliver described himself as not engaged in these transactions till circumstances led him to the knowledge of this delegate, and another person known for his having embarked in the treason, and who was now out of the country, but who would have remained in it if the projects had been successful; and the individual in question proposed that Oliver should accompany him to see if he had overstated the matter, and if the people were not prepared to rise. The question was, whether his Majesty's Government, under these circumstances, should not have employed him to go to the country, and endeavour to gain a knowledge of the real state of the case? Would Government have done their duty, if they had not given every encouragement to him to go on that mission, and to endeavour to gain every information which he possibly could? So far from having received instructions for getting up a treason, Mr. Oliver went with letters to certain magistrates, with the view of acting to prevent unnecessary mischief, if there was any danger of an explosion taking place. Mr. Oliver had no means of accrediting himself as Mr. Oliver. When they were told that the treason had been produced by Mr. Oliver, he put it to the House to say in what a state that country must be, in which a stranger on a cursory visit through the country, could dispose it to rebellion (*hear! from the Ministerial side*)? He had never heard any thing against Mr. Oliver down to the latest moment, and the statement respecting him would not have been produced, if any other circumstance could have been found more useful to the prisoners in the Tower. How could an itinerant, even if disposed, get up such a treason as this? The thing had not been mentioned till it was found that Mr. Oliver was what was called a Government spy, and then the statement was made to serve a particular purpose. Mr. Oliver left the country about the 15th of May, a week before the disturbances in Nottinghamshire; and he did not return till the very night when the meeting at Nottingham took place. On the 23d he left town, and the business must therefore have been settled in his absence, and he could have had no concern whatever with it. It was impossible for Government to say what he might or might not have done in his absence in the country; but the whole of his Reports marked no other purpose than what

was necessary in acting the character he had assumed. If he had gone down and made his own way with the people, that would have been another thing; but he had been carried down by a leading man in the treason, and he had therefore no motive to carry on the course which had been ascribed to him.—It was the opinion of Sir J. Byng that Oliver had prevented the explosion of the 9th of June, and that, to the utmost of his power, he had discouraged the intentions. So far from being the creator of all these meetings, he named one place to Sir J. Byng, and the next day, without his knowledge, it was changed to another place. This was enough, he trusted, to make the House receive the statement which had been made with caution. The conspiracy was in full vigour before Oliver had any thing to do with it. Certainly there was information before the Committee, that Oliver had stated, that there were 70,000 men in London ready to co-operate with the disaffected; but it was also proved that the country delegate, who left London with him, chose also to make the same assertion. This was in the spirit of exaggeration which was the true character of that treason. The same character prevailed in the Irish treason, and in every treason that he had heard of. The fact was, that Oliver, when pressed upon these subjects, corroborated the opinion of the other delegate. As to the share which the Government had in these transactions:—two persons would have been sent in the character of delegates to the country; this had been agreed to between the delegate from the country and the person with whom he communicated. If the Government had not agreed that Oliver should go, another would have gone in his stead, with this difference, that he would not have communicated with the Government, and the country would ere now have been deluged with blood. An imputation had been attempted to be thrown on the Administration for the employment of such persons. For himself he should not feel justified in taking a part in any Government which should be prevented from adopting the means of obtaining knowledge of a rebellion before it break out into open acts. The law held a different language, and imposed on the Ministers as a duty, those precautionary steps; it entrusted them with the disposal of considerable sums of money to pay for detecting treasonable conspiracies or other projects against the peace and welfare of the country, without requiring any account of the manner in which it was used, or establishing any safeguard for its proper application, but the oath of the Minister that he had employed it to the best of his discretion in the public service. He allowed, that in a court of justice, or when the persons apprehended on the authority of spies were put on their trial, it was proper that the testimony of such persons should be received with due caution, and that those against whom they appeared should have all the guards

that a salutary jealousy of the witness could give them; but to mix up the character of all persons employed in a necessary service of Government in one indiscriminate mass of infamy, and to hold them all equally up to the suspicion and obloquy of the world, was not just towards them, and might be mischievous towards the State. Many persons might engage in criminal projects or enter on the dangerous ground of treason, who had too much principle or too little audacity to proceed all the lengths contemplated by their associates, and who, therefore, when they repented, would be enabled to give the best information; but if the present system of denouncing them to public scorn and infamy was persisted in, these persons would rather have motives to proceed in their criminal career, than inducements to retrace their steps, and would be discouraged from giving information that might repair their errors, by the dread of losing their characters. None but the lowest and most discreditable of mankind would be found to come forward to disclose what they knew, if the character of a witness was to be run down, or his situation rendered dangerous and disreputable, merely because he gave evidence that might be useful for the stability of Government or the preservation of the public peace.—He had now gone over some of the grounds that rendered the bill necessary; but before he moved its first reading, he thought it his duty to state, that the majority of the persons intrusted with the execution of the laws, and most interested in the preservation of the public peace, had given their opinions in favour of the measure, and had expressed their belief, that it had contributed more than any thing else to check and control the treasonable designs of the disaffected. The magistrates of Manchester, and of the other disturbed districts, had, in particular, made such representation. It acted, as it was intended and ought to act, by way of prevention, and by inspiring a salutary apprehension into the delegates of disorder, who knew to what they were exposing themselves if they persevered in their plans of mischief. Parliament had, therefore, now more reason for adopting this measure than when it was last proposed, as it had the experience of success, and the opinion of magistrates in its favour, while at the same time the mischief it was intended to guard against still continued too strong for the ordinary course of the law, and required this salutary restraint. The country could not all at once be restored to tranquillity: but we had now a practical proof that this measure would be efficacious in hastening that desirable event, while the prudence and discretion with which Ministers had already used the powers which it conferred, tended to allay all fears with regard to their future application.—He moved the first reading of the bill to continue the Suspension of the Habeas Corpus Act.

Mr. Ponsonby rose. He said, he was anxious to seize the first opportunity to state facts,

which, as a member of the Committee, had come to his knowledge, and which he thought ought to be sufficient to prevent the House from adopting a measure as vicious in its principle as it must be mischievous in its effects. As he was about to disclose information which he had gained in the Committee, and was uncertain how far he was restrained by the seal of secrecy, he begged that he might be stopped when he was thought proceeding to an indiscreet length, or was considered as producing a false impression. He would begin with the conduct and transactions of an individual who had occupied a great part of the noble lord's speech, and whose character had become notorious to the country. If he (Mr. P.) were to state that Mr. Oliver had excited the disaffection that prevailed, that he had formed the plots and arranged the insurrections which were described in the Report, and that no design to disturb the peace of the country had been entered into till he left London to go to the agitated districts, he should be stating what was not consistent with fact, and what he did not believe. (*Hear, hear, from the Ministerial benches.*) He believed that insurrectionary movements were contemplated before this individual began his labours, or received his commission, and that he had predecessors in the course which he pursued. (*Loud cries of hear from the Opposition.*) He did not know who those individuals were; he did not know their names or characters: the only person on whose authority he could rely was that of the person himself so often alluded to. It was true, there had been dangerous movements in some of the disturbed districts, but who were the agents or agitators the Committee had not learned. These movements were not of recent date. He begged to state to the House, that in those counties there existed an association more atrocious, malignant, and bloody, than any that had ever before disgraced this country, or braved its laws: but that this association had not originated in political principles, and did not direct its view to political objects. The House would anticipate that he meant Luddism or Ludditism. It had commenced several years ago, it still continued in full vigour, and some of the most atrocious suggestions for the disturbance of the public peace, or the commission of cruelty and bloodshed, proceeded, he believed, from individuals trained to mischief by its laws. That they might have mixed themselves with those who had political objects in view, he was not disposed to doubt; but he believed that the great mass of the people never intended disturbance, or were disposed to engage in any criminal proceedings. He was convinced that these people met for the purposes of Reform, and that they formed themselves into numerous associations, merely because they thought that was the only means of obtaining their object. Though he believed them innocent of any criminal intention, he could not say the same of all their leaders, many of whom entertained, he had no

depth, very designs. He begged it, however, to be remembered, that in any observations which he made he was speaking with no personal knowledge, and from no investigation of evidence on both sides, but merely from documents of no other labour than that of connecting them together, so as to gain a knowledge of their contents. He had given the Report his sanction because it was agreeable to that evidence, but in no other way was he responsible for its contents. (*Hear.*) He would state, under the correction to which he had formerly appealed, some of the information gained from the papers and evidence presented to the Committee. It happened that in the month of March last, a person calling himself a delegate, came to town from one of the midland districts, and was introduced to a person of similar opinions in London. The object of his visit was to inform the people in London of the situation of the country, and to carry back to the country the degree of assistance which in any movement in the north might be expected from the metropolis. He told here that the people in the country laboured under an intolerable load of distress, and were excited to great disaffection; that they were unable longer to bear their sufferings, and were determined to throw off the yoke: that they merely wanted to know what aid they could expect from their friends in London, and were anxious to learn the public feeling here. The person to whom this delegate addressed himself gave only discouraging information; expressed great dissatisfaction with the state of the public feeling; and told him that, in consequence of the present situation of affairs, he was about to leave London, and even England; a purpose which he carried into execution soon after. This delegate, however, found two other persons ready to accompany him as delegates from London, to inform the country of the feeling of the capital, and Oliver proposed to go along with them, making a fourth delegate. They soon afterwards left London; but before they proceeded on their journey, Oliver applied at the office of the Home Secretary for permission to go to the disturbed districts, to examine appearances, and to transmit such information for the use of Government as he might obtain. He (*Mr. P.*) thought it only justice to the noble lord at the head of that department to say, that he gave no authority to Oliver to commit such acts as he had been stated to have committed, or to compromise the safety of any by tempting them into practices which he afterwards exposed. (*Hear, hear.*) The country delegate placed full reliance on the zeal and sincerity of Oliver. He introduced him to all his friends in the country; he told them that they might place implicit confidence in him, that he was a second self, that nothing which they could disclose to him would be misplaced. Oliver was accordingly received by these people with that confidence which became such a recommendation; he was called the

London delegate, was acknowledged and treated in that character, and acquired all the confidence and influence which his high commission conveyed or inspired. He remained among these people a month, from the 17th of April to the 17th of May. He (*Mr. P.*) could not tell how he comported himself at that epoch; but he was every where received as the London delegate. The account which he gave of his transactions was the following:—The people in the country often asked him how the people in London were disposed? To this he was shy of returning an answer, and sparing of information when he did. He told them that he came to learn the situation of the country, to convey intelligence to the capital, and not to inform the country of what was doing in the capital; that London was ready to rise, and only wished to know what assistance could be derived from the country; and that the people in London would not stir first, but would be ready to second any movement from the country. His friend, and as he might call him his constituent, the country delegate, gave effect to this information, by telling his brethren, the country delegates, that 75,000 individuals could be relied on in the eastern parts of the capital, and 75,000 in the western, making in all 150,000 men. At any rate, he assured them, that there could be no doubt that all who attended Spasfields were zealous reformers, and these amounted to 70,000 men. Could it be denied, that a person communicating such reports as this would not do mischief? Must not the effect of his conduct necessarily be to excite the wretched individuals with whom he conversed to acts of rebellion or insubordination, by assuring them of the certainty of a relief to their distress by means of a revolution which, there was no doubt, they could produce, by merely giving the signal to an irresistible force which would follow in their trains, and be guided by their example? (*Hear, hear, hear.*) Without bringing any accusation against Government, who employed Oliver, he would ask, must not this have been the natural result of his conduct? Could any thing be more calculated to encourage criminal hopes, or to lead to desperate enterprises? Yet the information which Oliver gave to the Committee was calculated to destroy any belief that might exist of a correspondence, or an understanding between the disaffected in London and the country. He (*Mr. P.*) asked that individual, if, when he thus encouraged the country delegates with hopes of assistance from the capital, he knew of any society or association established in London for the purpose of corresponding or co-operating with any society or association in the country, or if he had ever seen traces of such correspondence? and he answered that he neither knew nor had known of any such society. "I next asked him," said the hon. gentleman, "if he knew or had known of any gentleman or man of rank, wealth, character, or influence in London, with

whom the disaffected in the country were correspondence, on whom they relied for assistance, or whom they regarded as favourable to their designs?" and he answered, "I neither now know nor have I known such a person." "I then asked if the person who accompanied him to the country, ever mentioned the name of any individual whom the country meetings or delegates had selected in London as the channel of communication between any body of disaffected men in the metropolis, and the districts which he traversed?" and he answered "that the delegate never named such a person or spoke of such a proceeding." (*Hear, hear.*) He (Mr. P.) mentioned these things, not to criminate Government for what they had done, but to shew that if no society existed in the metropolis to correspond with the disaffected, if no man of rank, wealth, influence, or character, was implicated in their designs, or favoured their projects, if the disturbances were confined to districts of the country where there were so many causes of excitement, besides political, our liberties ought not to be suspended. (*Hear, hear.*) He allowed that disaffection existed in the manufacturing districts, but was this a reason for depriving the whole of the country of the benefits of the Constitution? The Suspension of the Habeas Corpus was neither necessary nor was it adapted to the evil. A local evil required a more particular legislation. It was the duty of the House to apply a remedy to the evil complained of, which was daily growing more inveterate. There could otherwise be no hopes of tranquillity. It was not by suspending our liberties that tranquillity could be restored, but by destroying this system of outrage and atrocity, supported by an association who had wrought their minds to such a pitch of rancorous and cruel malignity, that they would shoot any person for a few shillings who never did them any injury, and who was perfectly inoffensive: unless this system could be rooted out, in vain would any attempt be made to restore the peace of the country, or to retrieve England from a stain which was now cast on her for the first time by the atrocious conduct of Englishmen who hired themselves to murder their unoffending fellow-subjects. (*Loud cries of hear.*) A measure like that now proposed, instead of putting down the evil, would increase it, by teaching the more respectable part of the nation to be dissatisfied with that Constitution which was no longer worthy of their attachment, and that Government which robbed them of their liberty. How could the present measure repress the efforts of these people? Would a few months' imprisonment cure them? Would it deprive them of their malignity? After suffering a few months' captivity, would not they be turned out to disturb the world? It was not his duty to propose a remedy, but he would say, that penalties must be enacted against those desperate associations. He would recommend an inquiry into this subject; he would recommend it as a good thing for the districts in-

festes with these banditti; for the honour of the nation; and above all, for the purpose of destroying that pretence for the Suspension of the Constitution which was now resorted to. (*Hear, hear.*)

Mr. LEGG, next said, the people in the disturbed districts knew no other remedy against the Luddites than the Suspension of the Habeas Corpus. The magistrates had endeavoured, without success, to put down these associations by the ordinary powers of the law; though a more active body of magistrates no where else existed (*hear, hear, hear*): their whole time and exertions were spent in preserving the public peace, and even their lives were exposed in the performance of their duty; yet all their attempts had failed. The evil had fixed its roots so deep, that as long as free agency was allowed to the leaders of these associations, it was not in the power of man to put them down. (*Loud cries of hear.*) He knew of one of the leaders now in custody, though he had heard of others; and he thought it would be dangerous to let them immediately loose on society. (*Hear, hear.*) The usual powers of the law were useless; there was but one opinion on this subject in that part of the country to which he belonged. If any gentleman knew a better remedy than the present, let him propose it, and the magistrates would willingly adopt it. With respect to Oliver, it would be found that his case had been greatly misrepresented. His character stood higher than that of the class of men to which he was generally described as belonging. Against his moral character there was no imputation. (*Shouts of hear, from the Opposition, re-echoed by the Ministerial benches.*) Without such agents the designs of the disaffected could not be counteracted. He was glad that this subject had been brought before the House, as the magistrates, since the publications about Oliver, had not known how to act. Sir J. Byng's letter was, however sufficient before to remove all scruples. (*Shouts of hear from the Opposition.*) At the last midland assizes, the magistracy of the counties of Derby, Nottingham, and Leicester, were so sensible of the extent of the prevailing disorders, that they recommended the renewal of the frame-breaking bill, with the re-enactment of the capital part of it. The secrecy, however, and spirit of co-operation with which the proceedings of the Luddites were carried on, rendered every measure short of the power of taking away their leaders, in his opinion, nugatory and ineffectual. (*Hear, hear.*) Whatever might have been the original object of the Huddenden clubs, he did not scruple to say, that they had become the pest and bane of society. They were instituted ostensibly with a view to advance Reform, but these sinister objects were soon disclosed. Yet the magistracy, who had always a cautious eye upon those clubs, sought in vain to detect their delinquency. (*A laugh, and hear, hear, on the Opposition benches.*) The magistrates could not, indeed, bring home conviction to any member of those clubs. But

the Luddites could not so contrive to escape detection, as they had not equal art, and therefore six of them were executed after the last Assizes for Leicester.

Mr. *Abercromby* observed, that the existence of considerable danger was admitted on all sides, and the only question for discussion was, whether such a bill as that before them could encourage any rational expectation of its proving a successful remedy for the evil. The opinions of the hon. gentleman who spoke last were, from his experience and knowledge of that part of the country which was most disturbed, peculiarly entitled to attention; but he was sorry to say, he had never heard a less convincing speech than that of the hon. gentleman. It was made up of statements which rested entirely on his own assertion, or of reasonings which directly controverted those statements. (*Hear, hear.*) How was it that the hon. gentleman pronounced the present to be the only effectual legislative proceeding applicable to the case in question, when he himself had informed the House that the grand juries of Derby, Nottingham and Leicester, whilst this very measure was in existence, found it so ineffectual that they recommended the renewal of a local act passed in 1812, and since suffered to expire? (*Hear.*) The hon. gentleman had expressed his satisfaction that the case of Oliver had been brought forward, and had stated his conviction that nothing could be proved against the moral character of that individual. It surprised him much, that any hon. member should deem it necessary to enter into a vindication of so strange a species of morality—a morality which led the party to introduce himself to the confidence of persons resident in the country, by flattering their prejudices, instigating their zeal, and inflaming them to acts of sedition; by assuring them that 75 or 70,000 men in London waited for no other inducement to insurrection, than the indication of the same spirit in other parts of the country. Such was the morality of the man employed by his Majesty's Ministers to sound the dispositions of the people by mischievous suggestions supported by false statements; and to his judgment it certainly appeared, that those whose object it was to prevent mischief would have pursued a conduct just the reverse of this. (*Hear, hear.*) The House were bound also to consider into whose hands they were about to commit so great a power. There never was a time when so many constitutional questions were pending, with respect to the conduct of a Minister, as were now raised with respect to the conduct of Lord Sidmouth. The Government might appeal to their majorities in Parliament; but who was there who had heard the discussions on the subject of the prisoners confined in Reading gaol, or the circular letter to the magistracy, founded on the opinion of the law officers of the Crown, and lastly, on the extraordinary mission of Mr. Oliver, who would not say, that

a strong case presented itself against any reliance on the discretion of a Minister whose proceedings had in those instances been impeached; and, he believed, condemned by a large majority of the country? From all the evidence of which the House was in possession, the inference was, that the disorder was local; that it had no communication with London; and that with regard to its capacity of subverting the Government, nothing could be more futile or contemptible. The Luddites, it was true, were extremely well organized for the purposes they had in view, but these were very different from any political object, or design of overturning the State. Their means, as instrumental to the prosecution of such a design, were utterly contemptible. There was, indeed, no example of a great State, supported by property, by a gradation of ranks, and enjoying a free Constitution, overthrown by a general conspiracy of the lower orders. If the people had powerful or formidable leaders of their own, how came Oliver to acquire such sudden influence among them? It was ridiculous to imagine that any association of individuals, not one of whom was worth 20*l.*, could be really dangerous to the security of the Government. The removal of Oliver would do no good so long as the system was maintained; and new Olivers would appear every day; there never would be any want of persons of his description. What he would recommend to the House would be the enactment of a code of laws referring precisely to the nature and extent of the evil, and the rigorous enforcement of them when enacted. Our ancestors, when they passed the statute of treasons, never thought of constructive treasons; they contemplated a real conspiracy against the King's life, or an actual levying of war against him, and so strong was this feeling in the country, that so long as the disaffected were brought to trial in this form, he believed the Crown would obtain no convictions. (*Hear, hear.*) Let, then, laws be passed, if the present were ineffectual, applicable to the existing evil. So far from thinking a continued Suspension of the Habeas Corpus Act a measure of that nature, he apprehended that it would only serve to alienate the affections of the public, and to render the conviction of offenders more rare and difficult. The consequence must be, that Ministers would be glad to avail themselves of any plot as a pretext or ground for the farther continuance of this measure. (*Hear, hear.*) In every former case of a suspension of the law, the sentiment of the people had gone with it, but the compendious argument which, after being so often applied to their pockets, was now applied to their liberties, that they must surrender a part to preserve the rest, gave no satisfaction under the present circumstances of the country.

Mr. *Leigh Keek* explained, and declared that Mr. Oliver had been in danger of his life at Nottingham.

Mr. *Barclay* was of opinion, that the noble lord, in looking at the extent of the evil, had forgotten the remedy already in his hands. Whilst he magnified the danger, he diminished the strength of those laws which had been provided against it. The plans of insurrection which had been disclosed, proved that the parties had no certain knowledge or just calculation of their own force. He could not consent therefore to sacrifice one of his dearest liberties upon vague apprehensions and futile dangers. He could not forget that 200 men had marched through the city without finding any addition to their numbers. The magistrates would be encouraged to act with tenfold vigour, now that they perceived with how few of the disaffected they had to contend. The present circumstances were very different from those under which this measure was before brought forward. Parliament was then sitting, and if any instance of an abuse of authority occurred, it was sure to be represented to that House. The employment of spies and informers he considered necessary; but it was obvious that the trust reposed in them might be easily perverted to injurious purposes. As the representative of a large body of his fellow-countrymen, he could not, although he believed Ministers had no sinister purposes in view, support such a measure upon the grounds alleged, and during the recess of Parliament. The country was in a course of improvement, labour was again beginning to find employment, agriculture was recovering, and that severe distress, which it was only wonderful had not still more exposed them to the instigations of the disaffected, would soon, he trusted, disappear, and banish all those violent symptoms which were supposed to render so extraordinary a measure as the present necessary.

Mr. *Wilberforce* declared, that he should always feel a strong reluctance to sacrifice so important a privilege as that which it was now proposed to suspend; and if he consented on this occasion to invest his Majesty's Ministers with such a power, it was because he concurred with them that they had the best means of judging that it was necessary to the safety of the country. He thought that, in the late disturbances all over the country there was much more of a political character than had been represented by a right hon. gentleman (Mr. Ponsonby.) If the leaders were without property, they were not without great natural energy. (*Hear, hear.*) Those preachers of seditious doctrines, who went about among the multitude, unhappily too well disposed to receive their lessons, infusing their poison where they saw it most likely to be effectual, and converting unavoidable sufferings into motives to insurrection and rebellion, were unquestionably among the most pernicious members of society. He could readily conceive how the lower orders, that valuable portion of the community, whose labour was so essential to the social system under which we lived, might be tempted by the delusive and

wicked principles instilled into their minds, to direct their strength to the destruction of the Government, and to the overthrow of every civil and religious establishment. It did not appear that Oliver had asserted, when he mentioned in round numbers the force of the disaffected in London, that there existed any general committee, or that there was any precise calculation formed upon that subject; but surely nobody would deny that there was a great deal of disaffection in London, which, although in consequence of this measure it might hide its head for a while, only waited for the first favourable opportunity. (*Hear, hear, hear.*) How was the circumstance, so fully attested, of the number who in many populous districts in the country daily watched the arrival of the mail, in the expectation of hearing that the Tower and the Bank were in the hands of insurgents, to be explained, except as the indication of a belief, that the rising in one place would be the signal for a rising in others? He believed this disposition was created, not by the spirit of Luddism with all its dreadful system of secrecy, and tendency to mischief, but by the dangerous political doctrines which had been propagated. He begged to refer them to the first Report: in that they would find that the Committee entertained this opinion, and that they took the same view, both as to the extent and malignity of the disease. The question then was, whether this was an appropriate remedy. Strictly speaking it was not, for the object was to take away those who infused the poison, whilst the complete remedy could only be expected from that alternative system which must be brought about by a more general diffusion of knowledge and moral principles. With regard to the possibility of its abuse, he believed that the best affected, and the most respectable, entertained the smallest fears. (*Hear, hear.*) He could not easily bring himself to apprehend that the noble lord (Sidmouth) would so far forget the character which he had always sustained, as to employ the authority intrusted to him to wicked or oppressive purposes. (*Hear, hear.*) He hardly thought it fair to indulge in representations of this nature. Although Parliament might not be sitting, no case of cruelty or hardship could remain unknown in the present state of the press, and every such case would most certainly be canvassed whenever Parliament should be re-assembled. Candidly speaking, however, did any honourable gentleman believe that such abuses were likely to take place? He admitted that all power had a tendency towards excess; but in this country that tendency was corrected by various controlling causes. If such instances of abuse had already occurred, the blame attending them was not imputable to his Majesty's Ministers, nor did they afford any ground for believing that they had been actuated by any other intention than that of discharging their duty. It was often the accident of human affairs, that nothing was left but a choice of

evil, and such he conceived to be now the case with Ministers. (*Hear, from the Treasury Bench.*) He confessed that when he saw the designs of those who, whatever the world might think of them, were yet wise in their generation, and when Ministers pledged themselves that this measure was necessary, he felt himself, however reluctant, compelled to yield to such necessity. He certainly thought it an evil; at the same time he hoped that the natural good sense of the people of England would at length restore them to their suspended rights. Till then he must, for the sake of the patient poor, for the sake even of the turbulent themselves, consent to the passing of the bill now proposed. (*Hear, from the Treasury bench.*)

Lord Althorpe said, the main reason for passing this bill, was the danger alleged to exist; but when he looked about, it was somewhat difficult to discover that danger. The proceedings disclosed at the late trial, shewed the absurdity of apprehending any serious mischief. He denied that the acquiescence in the first Report made it necessary to agree with the second; for many fresh circumstances had arisen which proved the utter want of foundation of much of the alarm contained in that first Report; and certainly where so much had been found to be groundless, he was not at all disposed to give that implicit confidence to Ministers of which the last hon. gentleman had spoken so much, whose doctrine went at once to destroy the best safeguards of the British Constitution. (*Hear.*) Comparing the alleged objects of the conspirators with their acknowledged means, he felt that the actual danger was a mere trifle. It was pretended, among other things, that it was their intention to burn the town of Manchester to the ground. The idea was certainly horrible; but when it was considered that the persons accused of such a design were precisely the persons who would be ruined by the execution of it, he confessed that he felt more than a doubt as to its probability. It was impossible to expect such a result from such persons; and he did not think that a man in that House could lay his hand upon his heart and say that he seriously believed it. (*Hear.*) Some gentlemen talked a great deal about the Constitution which had been transmitted to us by our ancestors; but he felt assured, that they could set very little value on it, since they attempted to cut asunder its best safeguards, at the very moment that they were decaying on its excellence and stability. As to any genuine regard for the Constitution, it was sufficient mention, that though a most dangerous conspiracy was asserted to have existed for eight months, and within the perfect knowledge of Ministers, yet not one individual had yet been convicted of any crime against the State. It would have been much better to have brought some of the conspirators to justice than to have suspended the rights of the whole people. Nothing of this sort had been done; and even with respect to those persons who had been arrested,

they might still have been apprehended under the usual laws, without having recourse to the present odious measure. (*Hear, hear.*)

Sir S. Romilly observed, that the noble lord (Castlereagh) had assumed that all those who agreed with the first Report ought to support the second. He did not see any soundness in this observation; though he was ready to aver that he should vote for the present bill, if he did not in his conscience believe that it was an inadequate remedy for the existing evil, and even aggravated the very mischief which it was designed to prevent; but even allowing that the former bill was necessary, the present bill was by no means in the same situation. The question was much more important now than it was at the beginning of the session. Though the House then took away the most important right of the subject, yet the suspension was for a limited period, and Parliament were expressly enabled to revise or revoke it. But now it was proposed to take away this right during a time when there would be no safeguard, no security for its restoration. The duration of the suspension was indefinite, for how could it be determined when the next Parliament was to meet—whether in December, February, or March next. This rested entirely in the breasts of Ministers; and so repugnant to the spirit of liberty did he think such a power, that, if the bill should be carried, it was his intention to move that some fixed time should be named, at which Ministers should be compelled to convoke the Parliament. The noble lord had talked of circumstances of augmented danger; if such were the case, what did it prove, except that not only was the suspension bill inefficient, but that treason had grown up under it, instead of being crushed? And; indeed, could any one doubt that it must furnish food for discontent and disaffection? Before the passing of this bill, the grievances complained of by the people might in some sense be said to be imaginary. They had some remote notion that every thing was not precisely as it was in the reign of King John. (*A laugh.*) But now it was very different; there was a positive and present evil to complain of; an evil no less than the possibility of the privation of personal liberty, and that without notice and without trial. (*Hear.*) There was also another evil no less grievous. It was now for the first time avowed, that spies were in the regular pay of Ministers, and were part of the cruel system of Administration. Surely, here was enough to excite discontent and disgust through the House and the nation. (*Cheering.*) It was impossible now not to feel that the last Report, of course unintentionally, had been in many respects grossly exaggerated; and was there a man who could doubt that if the Committee had seen the examination of certain witnesses, they would never have made so strong a Report. (*Hear, hear.*) It was a most striking feature in this case, that though these treasonable practices were said to have com-

uned so long, and though the Quarter Sessions and the Assizes had been since held in the disturbed districts, yet nobody had been brought to trial. Government indeed had studiously avoided bringing the matter into any tram of open examination. Though 140 persons had been arrested in the neighbourhood of Manchester alone, and though some of them were indicted, yet rather than bring them to trial, Government had sent down a *certiorari* in order to prevent immediate investigation. How was this to be accounted for? How was it that, where there was an opportunity of making that example which of course Ministers must consider as the most salutary, yet they did all in their power to put off that result which they ought to consider as the most desirable? How was this to be explained, except on the supposition that they felt that investigation would do more harm than good to the object which they had in view (*Hear.*) There was another circumstance well worthy of notice, which was, that notwithstanding the parade that had been made in the first Report respecting seditious libels, yet not one person had been brought to trial except for an offence which had been created by the very suspension of the Habeas Corpus Act. Thus the measure had produced the very result which it pretended to remedy. (The hon. and learned member alluded to the case of *Mr. Wooler*, on which a debate arose on the 26th instant.) Looking at the last Report, he found more than one passage corroborative of this position, that the act had rather increased than diminished the evil so much complained of. The Report in one place stated, that "it appears to the Committee, that the utmost confidence prevailed among the delegates as to the ultimate attainment of their objects; that the successive arrests of several of the principal leaders, though they occasioned a momentary disappointment, did not extinguish the spirit of insurrection, or the hopes of success, in the parts of the country above mentioned; and the utmost impatience was manifested at the delays which had taken place in fixing the day for the general rising." (*Hear, hear.*) Another passage was still stronger—"You Committee cannot contemplate what has passed in the country, even since the date of their former Report, without the most serious apprehension. During this period, the precautionary measures adopted by Parliament have been in force: many of the most active promoters of public disturbance have been apprehended: the immediate projects of the disaffected have been discovered and deranged; yet nothing has deterred them from a steady pursuit of their ultimate object." (*Hear, hear.*) What did this prove, except that no permanent good could be expected from these boasted measures of repression? It was somewhat curious, that when Ministers were already armed with the power of transporting any of these delegates who might be found offending, yet they carefully shunned what

might be a useful example, and preferred locking them up in obscurity, so that not even their names could escape to warn their followers, or deter their followers. (*Hear, hear.*) And that their punishment was at once odious and useless. (*Hear, hear.*) The hon. member for Leicester (*Mr. L. Keck*) had intimated that this measure was necessary for the repression of Luddism. He (*Sir S. R.*) deprecated this idea, and conjured the House not to entertain it for a moment; for if it was once to be allowed that the suspension of the rights of the whole people was the only effective remedy for Luddism, he feared that the consequence would be, that the Suspension Act might last, not for six weeks or for six months, but for six years, or for sixty; for he thought that Luddism was not likely ever to be eradicated by such a proceeding, or within so short a time as some gentlemen contemplated. The Report seemed to acquit London from the charge of any connexion with the disaffected; at least it stated, in a very ambiguous manner, that the Committee had obtained no specific information of any body of men associated in the metropolis with whom the disaffected in the country appeared to be acting in concert. This ought to induce his hon. friend (*Mr. Wilberforce*) to regard the spirit, of which he was afraid, as less extensive and powerful than he had supposed it to be. He must confess, too, that after the petitions which had been laid on the table, stating instances of great oppression under the suspension of the Habeas Corpus Act, and particularly one which had been laid on the table that evening, and which related to a case of uncommon severity, he could not but be surprised how his hon. friend, with the knowledge he possessed of these facts, could still believe that none but the disaffected entertained apprehensions on the subject of the suspension of the Habeas Corpus Act. He well knew the humane disposition of his hon. friend, who, he was convinced, could not have looked into the circumstances and situation of the country with his usual attention when he delivered this opinion. The kindness of his hon. friend to him would not permit him to suppose that he ranked him among the disaffected, though he frankly avowed that he was one of those persons who entertained most serious apprehensions from the passing of this measure. It gave to Ministers a power most dangerous to the Constitution, and he cared not in whose hands that power might be placed. It was one of the melancholy signs of the times, that while day after day encroachments were made on public liberty, the answer to every complaint was, that the power which was given would be placed in gentle hands. Was there ever any despotic government which did not claim the right of exercising power on this ground? It was the interest of every sort of government to govern well; and when the most despotic enforced mischievous measures, it often proceeded more from ignorance or want of judgment than intention; but the only real

security for the governed was that responsibility of the Government which it was the object of this measure to remove. He saw, besides, no particular reason for satisfaction at the hands in which this monstrous power was now to be placed. The private character of the noble lord on whom the powers would devolve, he was sensible, was meritorious and praiseworthy, but he was not on that account bound to entertain respect for him as a public man. He could not reconcile himself to so light a way of speaking of the Constitution as that which made the suspension of its most valuable privileges a matter of indifference, because certain persons, of whom a favourable opinion was entertained, were to be invested with the arbitrary authority which must be the consequence of that suspension. He could not, however, so readily join in that favourable view of the mode in which that authority was likely to be exercised, when he recollected that it was placed in the same hands that vindicated the violation of the statute for the protection of prisoners. It was no slight objection to the bill that it was made to extend to Scotland, though the Report afforded no ground for that extension. He would ask whether it was possible to point out a sentence in the Report which could afford a pretext for depriving Scotland of the protection of the act against "wrongous imprisonment." He could state that the disposition of the people of Scotland was most orderly and loyal; and this he could do, not upon vague and uncertain evidence, but upon the best authority. He alluded to the address lately voted by the general assembly of the Church of Scotland to the Prince Regent. That address came from a body of the clergy, who did not, as was unfortunately too often the case in England, live absent from their charge, but who were always resident in their respective parishes, and intimately acquainted with the opinions and situations of their flocks. The address described the people as enduring the distress and difficulties which they had to encounter with the greatest firmness, tranquillity, and patience, and "congratulated his Royal Highness, that neither privations nor the corrupting influence of inflammatory language employed by seditious persons had been able to seduce the people from their principles of loyalty and allegiance." He must contend, therefore, that the people of Scotland were completely acquitted of any charge of disaffection. Why then were they threatened with the suspension of that act, which was justly regarded as the Magna Charta of that country? He was afraid, however, that he must anticipate the passing of this measure; for could any body doubt that that House of Commons which had not thought fit to call upon Ministers to produce the names of the persons whom they had already immured in dungeons, would refuse to grant a continuance of the power which they had thus sanctioned? It had been asked by some, what was the difference between the

present mode of proceeding, and the bringing the persons to trial in the ordinary way? The great difference was that, under the present system, individuals might be carried off from their homes and imprisoned in dungeons, without any of their friends knowing where they were to be found. His honourable friend supposed that such transactions could not take place without being soon inquired into, and that any act of oppression must speedily come to the knowledge of the public. That would indeed be true, with individuals of distinction like his hon. friend, or persons of any consequence, but who would inquire after unfortunate journeymen shoemakers or weavers? The obscurity of these persons rendered them liable to the greatest oppression. He did not know whether his hon. friend had been in the House when a petition was presented from an individual who had been detained seven years in close custody. There were many such cases, and the parties, though no charge had been brought against them, were ultimately shut out from all means of obtaining redress. It was said that Ministers had no interest in possessing themselves of this extraordinary power: on this point the public were not exactly of the same opinion with some members of that House. The public in general were satisfied that the session has passed over in a very different manner from what it would have done, had it not been for the introduction of these arbitrary measures. An opinion prevailed very extensively in the country that the noble lord and his colleagues had in some degree been obliged to the alarm they had raised for maintaining them in their situations: for what questions of economy or reduction of expenditure could be attended to when measures of such magnitude were forced upon Parliament? He was sorry to say that he looked with dismay to the situation of the country: he saw in it two great parties strongly opposed to each other: one actually devoted to the Ministers of the day; the other calling itself no party, but most active and industrious in promoting its views: those two parties were playing into each other's hands; the one disgusting by its violence, and the other, the Government, doing still more mischief by provoking that violence. A principal part of the system of the one was to take away the confidence of the people in public men; and he was sorry to say that the conduct of his Majesty's Ministers tended most directly to promote the same object; for whenever any thing blameable was urged against them, they did not attempt any defence of the transaction itself, but endeavoured to find out that something as bad had been done by others. The consequence was, that the people were left without any persons to look up to except temporary adventurers. Such was the lamentable situation to which the country was brought. If any political concussion should take place, this want of confidence in public men would be attended with

most awful consequences; and for this dreadful state of things the noble lord who now spoke so much of the disorders of the country, was himself of all men most deeply responsible.

Mr. *Wilberforce* explained.

Mr. *Banks* supported the bill. He said, he was fully convinced of its necessity, and had no fears that the powers it conveyed would be misused by the noble lord in whom they would be invested. They had no reason to doubt the regard of that noble lord for the Constitution, who, when he sat in the chair of that House, had shewn so much knowledge of the Constitution, and so strong an attachment to its principles. But the character of that noble lord was not the only reason for his giving his consent to the measure. He was prepared to justify it on the ground of its necessity. He was satisfied that no other remedy could be applied to the existing situation of the country; and the circumstance of Parliament being about to rise was, in his opinion, an additional reason for passing the bill, as the country ought not to be left unprotected during the period of the prorogation. A right hon. gentleman (Mr. Ponsonby) had said that the greatest danger was to be apprehended from the spirit of Luddism, and that the Government ought to direct their attention to put it down. If the right hon. gentleman had any measure to propose for that purpose, he should be glad to consider it; but whatever it was, it was not in his opinion probable that it would render the present bill unnecessary. It was said that the conspirators were not dangerous, because there were no persons of consequence among them. It appeared to him, however, that they were the more dangerous on that very account. When persons of distinction are engaged in plots, if the heads be seized the whole business is over: but such was not the case with insurrections of the present description; for one head was no sooner seized than another Hydra started up. The most dangerous systems, those which had most agitated and disturbed the world, had commenced in the way in which these insurrections had taken their origin. This would be evident from a reference to history, and particularly to the history of this country and France. Nothing was more fallacious than to say that these men could never rise to a head, because they wanted a head. A most dangerous spirit had gone abroad, and he believed that the well disposed part of the country would be very sorry to see Parliament rise without passing the bill now before the House.

Lord *Milton* opposed the motion for the first reading of this bill, because he considered it a measure altogether uncalled for. This he said without regard to the hands in which the power which the bill would give was to be placed, notwithstanding the eulogies which had been pronounced on the noble lord at the head of the Home Department. Those eulogies could not justify the measure; and some of them were the more remarkable in coming from the same

person who had argued that the prorogation of Parliament was a reason for adopting the proposed measure. That certainly was not a very convincing nor a very parliamentary mode of reasoning. He hoped, however, that when the bill came to a Committee, if it should proceed so far, that the hon. gentleman who had delivered this sentiment would agree with him to limit the duration of the bill to the Autumn, because by doing so he would secure the meeting of Parliament, and thereby remove the necessity for a measure which all must lament. He was against the bill, not only because it was an infraction of the Constitution, but because it was not applicable as a remedy for the evil complained of; for if it had been a remedy, the cure ought to have been completed before now. When he last opposed this measure, he had done it with a trembling hand and an aching heart. (See p. 355.) It was the only time he had ever had the misfortune to differ from one to whose opinions all his respect was due, and he had given his vote with great pain; but with what satisfaction did he give it now, knowing that that difference which then made him regret the course he was taking was removed. He opposed this bill with as much joy and satisfaction as he had the former with regret and sorrow; for he had now the happiness of concurring with him from whom he had never differed on any other occasion, and hoped he never should differ again. (*Hear, hear.*) An hon. friend had stated that all the civil and military authorities in the disturbed districts were for the bill. He could tell him of one who now entertained a different opinion, and one whose opinion he believed his hon. friend was inclined to respect. That person had made a strict investigation into the situation of those parts of the country; and the result was, that he was perfectly satisfied that there was no ground for the present measure. Such was the opinion of one who, of all the persons in this country, was perhaps more particularly liable to be termed an alarmist. What was now proposed to be done? They were going to prolong a bill in a manner for which there was no precedent. If there was nothing to support the measure in point of precedent, there was still less to be said in its defence, on the ground of the hands to which the authority was to be intrusted. The love of power was predominant in the human mind, and there was no reason to suppose that the noble Secretary of State for the Home Department was divested of that passion. Indeed there had been circumstances in the conduct of that noble Secretary which ought to teach the House to be rather jealous of placing any extraordinary powers in his hands. The House might perhaps recollect a correspondence which had not long since passed between the noble lord and a gentleman of Norwich, who had placed himself at the head of a club called the Brunswick Knights: these Brunswick Knights had a political creed of their own, one of the tenets of which was that Hampden died a

enjoy to his country. (*Shouts of hear from the Opposition.*) Now the noble lord, while he declared his general dislike to political associations, expressed a very favourable opinion of the object of that institution; and this exemption from disapprobation might by some be supposed to throw light on the tendency of that noble lord's mind as to certain political questions. In fact, it was no matter of importance into whose hands the authority was to be placed; for if any man was to be trusted with power, it was natural he should desire more; and he did not believe that the present Ministers were exempt from the operations of this law of nature, which extended from the peasant to the Throne. Speaking of the Throne, in which the passion for power was so generally admitted to exist, he could not refrain from alluding, as an instance in point, to a work lately published. He meant an account of the Life of James II., which, he supposed, most of the members of that House had read. In the appendix to that work there was a very curious document, entitled "*King James's Advice to his Son.*" That advice was known to have been transcribed by the fair hands of a lady in a high station, whose name it would be unparliamentary to mention. That there should be any thing in such advice to delight the eyes of those Princes of the House of Brunswick who were brought to this country to maintain the Habeas Corpus Act, to protect the liberties of the people, and to maintain that very Constitution which King James II. had violated, was most extraordinary. (*Hear, hear, hear.*) The advice given by King James to his son, which had met with such distinguished approbation, contained a sentiment to this effect—that it was a great misfortune to the people as well as the country, that the Habeas Corpus Act had been passed, as it obliged the Government to maintain a great force, and enabled the turbulent to prosecute their evil designs. This, it was alleged, had been the object of Lord Shaftesbury in promoting the passing of the act. He (Lord M.) had no doubt that, with all thrones, Habeas Corpus Acts were great evils. For this opinion he had the authority of King James; he had also the authority of the Government of France. There had been a struggle in that country in former times, the great object of which was to obtain a constitutional law similar to our Habeas Corpus. The Court of France, however, prevailed, and the history of the succeeding century and a half sufficiently proved what had been the lamentable effects of that success. He had, the other night made some statements which, as a member of the Secret Committee, he had a right to do. He should now take the liberty to notice a passage in the Report. It stated, with respect to the metropolis, that the Committee had received no specific information of any associations. He had acceded to that proposition; but he must say, that the thread of evidence on which it was founded was most slender. He would repeat, that throughout the

whole proceedings there was a disposition to give a stronger impression to the evidence of disaffection than he thought it fairly bore. On this account he had prepared a paragraph with the view of inserting it in the Report to diminish the effect of that impression. He had also wished to introduce a proposition recommending the bringing the individuals accused to a speedy trial, a measure which was calculated to have the most salutary effect. "This," said the noble lord, "is a bill of attainder against the people of England. Do not tell me of

Kings and good Ministers; that is not proper language for a House of Commons. (*Hear, hear.*) I know of no Kings, I know of no Ministers, who are not disposed to increase their power (*hear, hear*): and therefore I say, let us preserve the Habeas Corpus Act. (*Loud cheering.*) Much, Sir, has been said of the danger arising from seditious and inflammatory publications, and certainly no man can be more ready than I am to vote for the punishment of the authors; but if the Ministers of this country shall persuade country gentlemen that the Habeas Corpus Act is not to be held in religious veneration by the people, they will add much to the dissatisfaction which now prevails. (*Hear, hear.*) I believe that this act will be administered mildly; so much the worse; because it must tend to create an opinion, that the people of this country can do without the great measure which our ancestors considered the principal security of their liberties. (*Hear, hear.*) Sir, I confess that I would much rather have this power in the hands of those who would abuse it; (*hear, hear, hear, from the Ministerial benches, cheered by the Opposition;*) because in that case, the people would be more likely to value their liberties, and to demand the restitution of them. (*Hear, hear.*) On looking back to the various suspensions of the Habeas Corpus Act, I observe one remarkable circumstance, namely, that each suspension of that law has been carried on less serious facts than the former. (*Hear, hear, hear.*) Where, then, are we to go? At what point are we to stop? Who is to measure the quantity of danger that shall render this measure necessary? Is every disorder to be cured by this desperate remedy? Sir, I admit that there may be considerable discontent in the country. Great distress exists in all classes of the community, and wherever there is distress there must be also discontent. The one cannot exist without the other, at least in the minds of the lower orders. This distress has arisen, either from the badness of the Government itself, (*hear, hear,*) or from circumstances which have operated upon persons in every station. Let the Ministers restore prosperity to the country, and we shall hear no more of the risings of the people. It is upon these grounds, Sir, that I think it my duty to vote against the introduction of this bill: I consider it unnecessary and uncalled for by the existing state of things, and I believe it will rather increase than

allay the spirit of disaffection which is said to prevail in the country." (Loud cheering.)

Mr. W. Courtenay defended the accuracy of the Report, and supported the bill.

Sir J. Newport observed, that no one had yet convinced him that this measure would remedy the evil which was said to exist. Ministers had already apprehended certain persons whom they had not brought to trial; but would not the speedy trial of those persons have a greater effect in putting down the projects of the discontented than by arresting and detaining in custody a great body of others? The arguments which had been adduced on this occasion were of no greater weight than when this measure was first recommended to the House; and as he thought the danger still less at this moment, he should certainly vote against the bill. It was a very dangerous power to be intrusted to any man, and it was in order to prevent those explosions which had taken place in France, that he besought the House to have that example before their eyes, and to conciliate rather than to inflame the minds of the people. (*Hear, hear.*)

Mr. W. Elliot said, he would pass by entirely those objections against this measure, that it would be an encroachment on the Constitution, because he was satisfied that no man, no lover of his country, no Englishman, could tolerate such a measure without a conviction of its adequate necessity. (*Hear, hear.*) Parliament having reserved to itself the power of re-considering the state of the country before its separation, the question turned upon the nature and extent of the danger that existed. It certainly appeared to him, that there was a systematic design to corrupt the lower classes of the people, particularly in the manufacturing districts, which comprised the most efficient part of our population. If Luddism took a favourable turn, it was capable of being converted to the worst of purposes. The peculiar danger which he saw, was in the mind, and temper, and disposition of the people. Who could contemplate the fact of great bodies of people turning their attention to arms and ammunition, without feeling the necessity of adopting precaution? Slight as this mischief might appear to some, it was of a character to associate to itself greater force, and it would work even into higher classes of the community. (*Hear, hear, from the Ministerial side.*) He knew the argument, that the spirit of disaffection and rebellion was confined to low persons; but he did not know that men of that cast were not peculiarly calculated to effect the object which they had in view. A Government might be overturned and destroyed by people of the lowest rank, though greater abilities were required to recover the scattered elements. No one could doubt that the object of the Manchester expedition was force. The circumstances of that case established the fact of influence: it was a concerted plan, undertaken by demagogues, and intended to be carried into execution by armed men. The demagogues harangued, and

the people followed. The people were capable of doing considerable mischief, and were actually doing it; and if we were now to withdraw this measure, we should give them a fresh impulse. Upon the whole, he thought this precaution necessary for the preservation of the lives, the property, and the liberties of the country; and although he lamented exceedingly to have occasion to differ from his old and noble friend (Lord Milton), whose decision, from his superior means of knowing all the evidence, made him reel and stagger when he ventured to express a contrary opinion, yet he found himself bound in conscience to give his assent to the bill, and to express his hope that it would be adopted by the House. (*Hear, hear.*)

Mr. Brougham said, the question simply was, had the House evidence to prove that this measure was absolutely necessary? Upon that question he said, No. He did not mean to impeach the integrity of the Committee, but men might be mistaken, and it was of the nature of alarm to be infectious. By the second Report it was asserted that the treasonable practices were confined to the country, while the first had insisted that the whole centered in the metropolis—a contradiction of no small importance, because there was a wide difference between an organized plan in the heart of the empire and the seat of Government, and a scattered and uncombined discontent in distant parts of the country. It was not a little curious to contrast what was inserted in the first Report as fact, and as reason for unlimited alarm, and what had now come out to be the truth on the recent trials. The Report talked of numerous leaders and of large funds, and of one individual in particular, (Thistlewood,) as having pecuniary resources, not only for providing arms, ammunition, and equipments for horse and foot, but for the payment of the wages of the thousands who were thrown out of employ in consequence of his plot, and who engaged to devote their labours to its accomplishment, demands which the fortunes of the Duke of Devonshire or Bedford would be incapable of answering. What appeared to be the fact, but that this man of inexhaustible wealth was in reality so poor as to be unable to appear on his trial in court in the ordinary dress of the country, but was content to put up with the jacket and trowsers of an old sailor! When the managers were arrested, they were found in a miserable garret, two or three in one bed, and in the depth of winter covered only with a single blanket. At least, therefore, if it were true that they had immense funds at their disposal, they had behaved most disinterestedly in appropriating no part of them to their own purpose. The subscriptions of which the first Report said so much, amounted in the whole to 11. 2s.; and the whole scheme of summoning the Tower, taking the Bank, and seizing the bridges, was as contemptible in its reality as the Report had endeavoured to make it important in the representation. The cavalry was to consist of horses

taken from hackney-coaches at a time of night when there were none in the streets; and the general who was to lead them had been appointed to his command, not so much because he could ride, as because from his lameness he could not walk. All the craft in the Thames, like the Tower, was to be captured by a single rebel; and when a few barges had been furnished with one gun each, they were to proceed to the Nore, to capture all the first rate men of war there stationed for the protection of the river. (*Loud laughter.*) Upon the subject of the ammunition waggon the Report had been very diffuse; and the right hon. member for Liverpool had added to the gross exaggeration by his taunt, that he could see no connection between a peaceable meeting for reform of abuses and a waggon loaded with military stores: yet what did it turn out to be but an ounce or two of powder in a little tincanister, and a few bullets in the foot of an ancient stocking. (*Laughter.*) These, too, placed in the waggon by the miscreant and accomplice Castle, or by some person employed by him for the purpose. Having thus contrasted the truth with the statement, was he not warranted in saying that if the members of the Committee who agreed to the last Report were now called to confirm their former opinion, they would at least hesitate before they arrived at the conclusion. The right hon. gentleman who spoke last had observed, that his alarm was occasioned because he plainly saw that some men in the country entertained a design to corrupt the principles and pervert the allegiance of the lower orders; but what evidence was there of any such attempt? Did he refer to the men recently acquitted, and who had thus been cleared of the guilt of treason, but who still were not free from a heinous offence, for which had they been tried, they would doubtless have suffered the punishment of the law? After the exposure they had undergone—after the crimes in which they were involved, and the stigma that still remained upon them, it would indeed be a subject of deep regret, and of more astonishment, if these wretched companions and associates of Castle received any portion of the support or confidence of their fellow-countrymen. Did the fears of the right hon. gentleman then arise from the recent discoveries at Manchester, in a county where discontent undoubtedly prevailed, because the distress was peculiarly severe? Were there, however, no laws to check these discontents? Were there no adequate laws in 1792 and 1793, a period of ten thousand times more dangerous than the present, when we were on the eve of a war with the Revolutionary Government of France; when the Revolution was in its strength, because in the vigour of its youth; and in the height of its popularity, because it was untainted with crime? Why were those provisions now considered so inefficient when there are no affiliations, and no jacobin societies holding 'correspondence' in the two countries? Passing over the intermediate period, was there

no discontent in 1812, when Luddiam was at its height, and when all the formalities of a green bag and a Secret Committee were gone through to give it importance; and yet Ministers had not then ventured to propose the Suspension of the Habeas Corpus? The late member for Yorkshire (Mr. Wilberforce) had insisted that no resemblance could be drawn between the Suspension Bill and the *lettres de cachet* of France, and he had no apprehension of abuse; but surely when he so said, he had forgotten the names of Castle, Reynolds, and Oliver; and had forgotten, too, when he talked of the controlling superintendence of Parliament, that the House had refused to do any thing in favour of the liberty of the subject, and had recently rejected a motion to assert the rights of magistrates to visit State prisoners. As he considered this ground very tenable, the same hon. member had, with all the simplicity of innocence, put it to the House, whether it could suppose, that such a man as Lord Sidmouth would abuse the powers intrusted to him. It was an old saying, that if all men were angels, despotism would be the best Government; but as that was not the case, the law had wisely provided securities both for the rulers and the ruled: and, however mild, gentle, and inoffensive might be the disposition of the noble Secretary for the Home Department, he might be the instrument if not the agent of abuse. There were two ways of abusing a trust—either by voluntary corruption, of which, as it was not necessary for his argument, he (Mr. Brougham) did not accuse the noble Secretary. (*Hear, hear, and laughter.*) Constitutionally speaking, and not swerving from the strict line of his duty, he ought to charge him even with wilful corruption. (*Hear, hear, hear.*) The gentlemen on the other side seemed surprised that the imputation was not cast, but for the sake of argument it was not necessary that he (Mr. B.) should go so far. There was, however, another mode of abusing a trust; the noble Secretary was not infallible; he might, like other men, be deceived; and that his sagacity might be imposed upon recent experience had shewn, for he was the admitted and recorded dupe of the informer Oliver. Private malevolence might find its way where self-interest had already made a lodgment, and the footing which Oliver had gained in the Home Department might lead to the establishment of others, with designs equally desperate and wicked. Oliver might point out a suspected individual; and a second informer, a second brewer of plots and mischief, apparently from another quarter, might direct the penetrating eye of the Secretary, who, lost in the strong conviction of the guilt of an innocent man, confounded by the cross-fires of the positive evidence he had so cunningly obtained, might condemn him under this bill to solitary and indefinite confinement. Who then was to give security that, even if the noble Secretary were free from voluntary corruption, he might not be made the

tool of a band of informers, whom he had collected round his office, and who were daily filling his ears with tales of terror, of sedition, and rebellion? Much had of late been said upon the employment of spies, who, it was cautiously stated, might not be much the reverse of respectable persons; and it was asked whether there existed any charge against the moral character of Oliver? Was it nothing to prove that he was a spy and an informer, that he had employed the names of Sir F. Burdett, Lord Cochran, and Major Cartwright, to inveigle the unwary, and to lead them into crimes by which their lives would be forfeited? Was it nothing against his moral character to prove that he was a cheat in fact, and a murderer in contemplation? (*Hear, hear.*) Was it nothing to say that he would have been responsible for every drop of blood shed in the contest or on the scaffold, to both of which he had led his blind and miserable victims? (*Hear, Hear.*) Hon. gentlemen on the other side of the House seemed to entertain strange notions of moral character. Could a greater act of immorality be shewn than that of which Oliver had been already guilty? Could a more blackened, a more blood-stained villain be found, than a man who went about the world to ensnare, that he might betray, and to corrupt, that he might destroy? (*Hear, hear.*)—The hon. gentleman then proceeded to censure the period at which this question was agitated, namely, the eve of a prorogation, which would give Ministers the power of continuing the operation of the measure at their own pleasure. It was his firm conviction, that the existing laws were adequate not only to prevent the mischief, but to punish the guilty: if it were said that Ministers had not evidence to bring offenders to trial, what was it but a confession that the suspension bill was to enable them to punish, without proof, 170 individuals already in their power in Lancaster Castle, and other prisons of the kingdom. He felt no such alarm as the two Reports of the Committee endeavoured to excite; and he was prepared to set against them, and the evidence on which they were founded, the venerable authority of Earl Fitzwilliam, who, notwithstanding his constitutional unwillingness to be lulled into security where any real danger existed, was convinced that the fears of the supporters of this measure were without foundation. That intelligent and most excellent nobleman, had perhaps sometimes listened with too attentive an ear to the apprehensions of individuals; and just at the time when it was believed that the inclination of his opinion was against the Suspension of the Habeas Corpus, a story had been artfully circulated of some design by the rebels against Wentworth Rouse. He had, however, treated the idle rumour with contempt, and departing from town for his lieutenancy, had been the most active in his duty, attending all the meetings of magistrates, and taking his share in the examinations and discoveries of Oliver. How

far those disclosures operated upon the mind of the noble earl could not be known; but with a heart as honest as it was courageous, and a mind as delicate as it was sound, he must disdain all fellowship with such a disgusting crew of spies and informers. Upon this point he (Mr. Brougham) begged to quote a remarkable passage from one of the most celebrated writers in the Augustan age of English literature, Dean Swift, who said, "But of all things I am against a suspension of that law upon which depends the safety of the most numerous class of the community; and any experiment to suspend it yet made has not been such as to make me more in love with it; inasmuch as, besides that it is going against the cardinal maxim, that it is better that ten guilty should escape than that one innocent should suffer, it opens the gate to the whole tribe of informers—the most pernicious, corrupt, pestilent crew, that ever existed on the earth." (*Hear, hear.*) It was commonly said by the supporters of this bill, that in times of danger the Constitution required support. He begged leave to protest against this doctrine:—the Constitution of England was not made merely for fair weather, and if it could not defy and outlive the storm, it was not worth preserving. It required none of the aids which Ministers were so ready to afford, more especially against such beings as Watson, Preston, Hooper, and their fellows, whose understandings seemed to have been impaired by the miseries they had endured: until the streets swarmed with such base reptiles, until the units of their adherents were converted into millions, he would not believe that the Constitution could not protect itself, and that Englishmen must be deprived of their liberties under the pretence of its preservation. If, indeed, this measure were unfortunately passed, he hoped never again to be compelled to listen to the pharisaical cant of—how much happier and more free the subjects of this country are than the nations by whom they are surrounded; for what did the Suspension of the Habeas Corpus Act prove, but that the Constitution of England was of no use, and the liberties of Englishmen of no value?

Mr. Canning, after observing that all sides were agreed as to the ground on which this measure should be adopted, admitted that no one ought to give his consent who was not conscientiously persuaded of these three propositions: first, of the existence of danger; secondly, that it was of a sort to which the ordinary laws could not be applicable; and lastly, that the specific measure proposed did apply. The right hon. gentleman then, after stating that an hon. and learned gentleman, (Mr. Brougham,) had underrated the danger, gave it as his opinion, that all the affirmatives of these three propositions ought to be maintained. He considered the evidence on the late trials, and the result of them, as affording an additional reason for this opinion; and in answer to the argument, that the means of the disaffected were

disproportioned to their ends, he desired the House to look back to the time when the mob of Paris sacked the palaces of kings. The hon. gentleman had impeached the accounts of the danger, and reprobated the employment of spies; but what would be the situation of a Government of any form if it were to receive no evidence of treasonable crimes but what it could obtain from men of unimpeached character? It would be satisfactory to the House to know, that on the testimony of Oliver no one had been arrested. He had the admission of the hon. gentleman himself that the ordinary laws were not sufficient for the repression of Luddism; but this Luddism, now extended to political purposes, afforded facilities to the disaffected which they could not originally have enjoyed. As to the objection that the powers demanded would be placed in improper hands, believing, as he did, those powers to be necessary, he could not conceive the Administration, framed out of gentlemen of this country, to whom he would not confide such powers. But as the noble lord at the head of the Home Department had been made the object of attack, he thought it necessary to offer something in his defence. It was, indeed, altogether a new charge to say, that he was disposed to abuse the powers of his office; that after the humanity which he had constantly displayed,

"He turn'd a tyrant in his latter days,

"And lost the merit of his former praise."

One noble lord, indeed, had made a counter accusation, and had apprehended danger from the lenity and mildness of the Minister in question. He (Mr. C.) affirmed that there was no person to whom, under the present circumstances, he would not intrust the necessary powers; but of all men, he thought the noble Secretary, by reason both of his integrity and talents, the safest person to whom they could be committed. How then was any mischief to arise? The hon. gentleman had deprecated the argument that the British Constitution was pliable, and would yield to circumstances; but the deprecation of the hon. gentleman would not drive him from an argument which he thought strictly true; and he thought a temporary loss of liberty a much less evil than a lasting enactment that might be equally powerful in obstructing disaffection. It was absurd to say that this was a law against the people; they could not all be imprisoned, and the law was a law in their favour to prevent the present fermentation from exploding, to save the deluded from the wicked, and to save the wicked themselves for better times (*a laugh*): for he did not think the times so gloomy as the hon. gentlemen on the other side would make them out to be; and the state of political parties had nothing in it more to be lamented now than at any other period. If the hon. and learned gentleman, who talked of driving the people to despair, meant that the pursuing this ~~are~~ that effect, he (Mr. C.) believed that the Government carried

with them the wishes and applause of all the loyal. (*Hear, hear.*) There were indeed those who possessed a morbid sensibility only for crimes, and who saw in all disorders nothing to be pitied but one person—the main-spring of all the mischief. For himself, he wished such a person no ill, and by voting for the measure he shewed that he wished him good, for he should perhaps thereby save both him and his victims; but he could not confine his sympathy to a person of such description, and forget the evils, which others endured, danger, anxiety, loss of quiet, and loss of property. In the name, therefore, of all the loyal and well-disposed, he called on the House to pass a law, which would save to society the deluders and the deluded, those who were innocent, and those who would be the destruction of both.

Lord Folkestone confessed that there had been a smile on his countenance at one part of the right hon. gentleman's speech, and it seemed to him very extraordinary, even after the reconciliation that had taken place, to hear the right hon. gentleman stand up for the talents of that poor doctor (*loud laughter*) who had so long been the butt of his most bitter and unsparing ridicule (*loud cries of hear*). Whether in poetry or prose, the great object of his derision, and that for want of ability and sense, was the noble lord whom he had so strenuously defended that night, and now, forsooth, he wondered that any person could object to confide unlimited power in the hands of a person, according to his own former opinions, so likely to be duped and misled. (*Hear, hear.*) Yes, the House would remember the lines in which, at different times, the right hon. gentleman had been pleased to panegyrize his noble friend, of which the following were not the worst.—

"I shewed myself prime Doctor to the country,

My ends attained, my only aim has been,

To keep my place and gild my humble name."

(*A loud laugh.*)

Yes, this was the view which the right hon. gentleman had once drawn of his noble friend, who was then described as

My name's the Doctor—on the Berkshire hills,

My father purg'd his patients—a wise man:

But I had heard of politics, and long'd

To sit within the Commons' House and get

A place, and luck gave what my sire denied."

(*Loud laughter.*)

Such was the opinion which was once entertained of the noble Secretary, a creature, the diagnosis of whose characteristic infirmity had so repeatedly amused the right hon. gentleman—

"The symptom, a dulness that sits in the head,

"And dislike to all changes of place."

(*Hear, hear, hear.*)

In no hands would he (Lord F.) intrust such uncontrolled power, but least of all in those of the noble Secretary; for, in his opinion, and in the right hon. gentleman's formerly, he did not possess that sagacity requisite for the discharge of such a trust.—The noble lord then proceeded,

with great fervour, to point out several inconsistencies in the arguments by which it had been attempted to support the measure; among others, he contended that either the prisoners lately discharged, if guilty, were now turned out to increase the amount of discontent and disaffection, or if innocent had been most grievously injured; and so far from there having been no abuses, this was a most flagrant and scandalous abuse. A petition had been presented that very day, which exhibited a series of the most unjust and dreadful oppressions. Mr. Le Maître had been imprisoned seven years under the last suspension, though there was so little fear of him, and so little guilt, that he was repeatedly offered to be discharged on his own recognizance; and having refused, in order that he might vindicate his innocence by an action, was at last deprived of all redress, or even the power of justifying his character, under the bill of indemnity. And then the hon. gentleman bemoaned the heavy responsibility of Ministers! What could be the amount of that responsibility, when the House was refused the names of parties committed, under pretence of a fear of affording communications to the disaffected; who, if they existed, could not exist without knowing already the names of those with whom they were connected? He believed that the bill was pressed for the purpose of intimidation. A distinction had been attempted between the powers granted by this bill, and that exercised in France by *lettres-de-cachet*; but there was no difference between the two; and *lettres-de-cachet*, from being at first only employed on State occasions, had been afterwards applied to redress imprudent speeches, (*loud cries of hear, hear*) and in the end, to gratify the private fears or enmities of every great man: so it might be in the end with these repeated suspensions of the only security of the subject. There might be some danger, he admitted, from the release of persons, in the influence that it might have on those who were considered disaffected; but that was not enough to incline him to agree with a proposal to renew the suspension. If the suspension were passed for several months more, the reasons would be still stronger for the continuance of it, for it was not improbable that the disaffection would be increased. If it was good now, it would be made to appear so then; and by reasoning upon circumstances it might be rendered perpetual. He entreated the House to pause and to consider before they consented to the perpetuation of a measure which was of the nature of that horrible inquisition, which led in a main degree to the French revolution, and which, if carried long into practice in this country, might destroy all that was most valuable in our own Constitution.

The cry of question then became general, and the House divided:

Ayes, 276; Noes, 111; Majority, 165. The bill was then read a first time.

This bill was read a second time, and committed for Wednesday next.

FINANCE COMMITTEE. Mr. Brough brought up the sixth Report of this Committee (respecting the Navy) which was ordered to lie on the table, and to be printed.

PAPER DRAWBACK BILL. Lord J. Russell brought in a bill "to amend an Act of the 54th year of his present Majesty, to regulate the payment of Drawback on Paper allowed to the Universities in Scotland," which was read a first time.

LIST OF THE MAJORITY

IN FAVOUR OF THE BILL FOR CONTINUING THE SUSPENSION OF THE HABEAS CORPUS ACT, ON ITS FIRST READING:

Abdy, Sir W.	Canning, Geo.
Abercromby, Hon. Sir A.	Cartwright, W. R.
Acland, Sir T. D.	Casberd, R. M.
Addington, Rt. Hon. J. H.	Castlereagh, Visct.
Alexander, Jas.	Chatwode, Sir J.
Allan, Geo.	Chichester, A.
Allan, Alex.	Chute, Wm.
Apsley, Lord	Clive, Hen.
Arbuthnot, Rt. Hon.	Clive, Wm.
Chas.	Cockerell, Sir C.
Arkwright, Richd.	Cocks, James
Ashhurst, W. H.	Cocks, Hon. J. S.
Atkins, John	Collett, E. J.
Babington, Thos.	Collins, H. P.
Bagwell, Rt. Hon. W.	Colthurst, Sir N.
Bankes, Geo.	Corry, T. C. S.
Bankes, Henry	Cotterell, Sir J. G.
Barry, Rt. Hon. J. M.	Courtney, T. P.
Bastard, John	Cranborne, Vict.
Bastard, R. P.	Crickett, R. A.
Bathurst, Rt. Hon. C.	Crosbie, Jas.
Bective, Earl of	Curtis, Sir Wm.
Bentinck, Lord F.	Cust, Hon. W.
Bentinck, Lord W.	Daly, James
Beresford, Sir J.	Dashwood, Sir H. W.
Beresford, Lord G.	Dashwood, Geo.
Bernard, Visct.	Davenport, Davies
Bernard, Thos.	Davis, R. H.
Binning, Lord	Dawkins, Jas.
Blackburne, J.	Dawson, G. R.
Blair, J. H.	De Roos, Hon. H.
Blake, Val.	Disbrowe, Edwd.
Bloomfield, Sir B.	Doveton, Gab.
Boswell, Alex.	Douglas, W. R. R.
Bourne, W. Starges	Dowdeswell, J. E.
Bridport, Lord	Dalrymple, A.
Broderick, Hon. W.	Drummond, G. H.
Broden, Jas.	Duffrie, Lord
Browne, Ant.	Dugdale, D. S.
Brydges, Sir S. E.	Dundas, Rt. Hon. W.
Burrell, Sir C. M.	Edmondstone, Sir C.
Burrell, Walter	Egerton, Sir J. G.
Butler, Hon. J. W.	Egerton, Will.
Butler, Hon. C. H.	Ellor, Rt. Hon. W.
Butterworth, Jos.	Estcourt, T. G.
Cally, Thos.	Evelyn, Lyndon
Calvert, John	Fane, Sir H.
Chamberlain, Gen. A.	Fane, John
Cadogan, Rt. Hon. G.	Fane, J. T.

Farmer, Samuel
 Farquhar, Jas.
 Fellowes, W. H.
 Finch, Hon. E.
 Fitzgerald, Aug.
 Fitzgerald, Rt. Hon. W.
 Fitzhugh, W.
 Flood, Sir F.
 Forbes, Visct.
 Forester, C. W.
 Foster, F. T. H.
 Foulkes, Evan
 Frank, Adml. F.
 Fremantle, W. H.
 Fynes, Henry
 Gascoigne, Isaac
 Gell, Philip
 Giffard, Sir R.
 Gilbert, Davies
 Gips, Geo.
 Glerawley, Visct.
 Golding, Edw.
 Gooch, T. S.
 Goulburn, Henry
 Grant, Alex. C.
 Grant, Charles junr.
 Grenville, Hon. Sir C.
 Gunning, Sir Geo.
 Hammersley, H.
 Hart, Gen. G. V.
 Harvey, Charles
 Heathcote, T. F.
 Hill, Rt. Hon. Sir G. F.
 Holdsworth, A. H.
 Holford, G. P.
 Holmes, W.
 Honeyman, R. B. J.
 Hope, Sir Geo.
 Horne, Wm.
 Houblon, J. A.
 Hulse, Sir Chas.
 Hume, Sir A.
 Huskisson, Rt. Hon. W.
 Jackson, Sir J.
 Jolliffe, Hylton
 Jones, John
 Irving, John
 Keck, Geo. A. L.
 Kirkwall, Visct.
 Knox, Thos.
 Lacon, E. K.
 Lambon, H. W.
 Lascelles, Visct.
 Law, Hon. Edw.
 Leader, Wm.
 Leigh, J. H.
 Leigh, Sir R. H.
 Legh, Thos.
 Lewis, T. E.
 Littleton, E. J.
 Lockhart, J. I.
 Loftus, Gen. W.
 Long, Rt. Hon. C.
 Longfield, M.
 Lopez, Sir M. M.
 Lovaine, Lord
 Lowndes, W.
 Lowther, Hon. H.
 Lowther, James
 Lowther, John
 Lowther, J. H.

Lowther, Visct.
 Lattrell, H. F.
 Lygon, Hon. J.
 Lyxter, Richd.
 Mabery, John
 Macdonald, R.
 Macnaughton, E. A.
 Macqueen, T. P.
 Marsh, C.
 Manners, Ld. C. S.
 Manners, Ld. R.
 Manners, Robt.
 Majoribanks, Sir J.
 Mellish, Wm.
 Meyler, Richd.
 Michel, Gen. J.
 Mills, Chas.
 Mitford, Wm.
 Moore, Ld. H.
 Moorsom, Sir R.
 Mordaunt, Sir C.
 Morgan, Sir C.
 Morgan, Charles
 Morland, S. B.
 Morritt, J. B.
 Murray, Sir J.
 Naper, J. L. W.
 Nicholl, Rt. Hon. Sir J.
 Northey, W.
 Odell, W.
 Onslow, A.
 Osborne, John
 Owen, Sir J.
 Paget, Hon. B.
 Palmerston, Visct.
 Patten, B. Peter
 Pechell, Sir T. B.
 Peel, Rt. Hon. R.
 Peck, W. Y.
 Pennant, G. H. D.
 Perring, Sir J.
 Phillimore, Dr.
 Phipps, Hon. E.
 Pocock, Geo.
 Pole, Sir C. M.
 Pole, Rt. Hon. W. W.
 Powell, W. E.
 Pringle, Sir W. H.
 Quin, Hon. W. H.
 Robinson, Gen. J.
 Robinson, Rt. Hon. F.
 Rocksavage, Earl of
 Round, J.
 St. Paul, H. H.
 St. Paul, Sir H. D. C.
 Scott, Samuel
 Scott, Rt. Hon. Sir W.
 Sebright, Sir J.
 Sheldon, Ralph
 Shelling, Sir Tim.
 Shephard, Sir Samuel
 Shipner, Geo.
 Simeon, Sir J.
 Singleton, M.
 Smith, Christ.
 Smith, T. A.
 Somerset, Lord G. C. H.
 Stewart, Hon. J.
 Stirling, Sir W.
 Stopford, Hon. Sir E.
 Strutt, Jos. H.

Stuart, W. J. A.
 Sumner, G. H.
 Suttle, Sir J.
 Sturt, H.
 Tomlins, W. G.
 Thynne, Lord J.
 Townshend, Lord C.
 Townshend, Hon.
 H. G. R.
 Tremayne, J. H.
 Tyrwhit, D. T.
 Ure, M.
 Valletort, Visct.
 Vansittart, Rt. Hon. N.
 Vernon, G. V.
 Vyse, R. W. H.
 Wallace, Rt. Hon. T.
 Walpole, Lord
 Ward, Hon. J. W.

Ward, Robt.
 Welby, Sir W. E.
 Wellesley, W. P. T. L.
 Wetherell, Chas.
 Wigram, Robt.
 Wilberforce, Wm.
 Wilbraham, E. D.
 Williams, Robt.
 Wilson, Chas. E.
 Wood, Sir M.
 Wood, Thos.
 Worcester, Marq.
 Wright, J. A.
 Wrottesley, H.
 Wynn, Chas. W. W.
 Wynn, Sir W. W.
 Wodehouse, Edm.
 Yorke, Rt. Hon. C.
 Yorke, Sir J. S.

TELLERS—Wm. Courtenay and S. R. Lashington.

PAIRED OFF.

Davis, R. H.
 Graham, Sir Jas.
 Warrender, Sir G.
 Bolland, Jas.
 Seymour, Lord R.
 Kerrison, Sir E.

Henniker, Lord
 Croker, J. W.
 Duncombe, Chas.
 Thornton, Wm.
 Grenville, Rt. Hon. T.
 Strahan, Andrew

MINORITY.

Anson, Hon. Sir G.
 Atherley, A.
 Aubrey, Sir John
 Burroughs, Sir W.
 Baring, Alex.
 Brand, Hon. T.
 Brougham, Henry
 Burdett, Sir Fra.
 Browne, Dornick
 Birch, J.
 Barham, J. F.
 Barnett, J.
 Bennet, Hon. H. G.
 Byng, George
 Barclay, C.
 Broadhurst, J.
 Baker, J.
 Carter, J.
 Calcraft, J.
 Cavendish, Lord G.
 Cavendish, Hon. H.
 Cavendish, Hon. C.
 Campbell, Lord J.
 Campbell, Hon. J.
 Cochrane, Lord
 Coke, T.
 Caulfield, Ho. H.
 Donnan, Visct.
 Dundas, Hon. L.
 Dundas, C.
 Douglas, Hon. F. S.
 Fazakerly, N.
 Folkes, Sir M.
 Fergusson, Sir R. C.
 Fitzroy, Lord J.
 Folkestone, Visct.
 Fellowes, Hon. N.
 Gaskell, Benj.
 Gordon, R.
 Guise, Sir Wm.

Gurney, H.
 Heathcote, Sir G.
 Heron, Sir R.
 Hughes, W. L.
 Hanbury, Wm.
 Hill, Lord A.
 Howard, Hon. W.
 Latouche, R.
 Latouche, R. junr.
 Lester, B. L.
 Lemon, Sir W.
 Lloyd, J. M.
 Methuen, P.
 Macdonald, James
 Mackintosh, Sir J.
 Madocks, W. A.
 Martin, H.
 Martin, J.
 Molyneux, H. H.
 Monck, Sir Charles
 Moore, P.
 Milton, Visct.
 Markham, Admiral
 Mostyn, Sir T.
 Newman, R. W.
 Newport, Sir J.
 Nevills, Hon. R.
 North, D.
 Nugent, Lord
 Orde, Wm.
 Osquiston, Lord
 Osborne, Lord F.
 Palmer, C.
 Parnell, Sir IL
 Peirse, H.
 Pelham, Hon. C. A.
 Pelham, Hon. G. A.
 Piggott, Sir A.
 Ponsonby, Rt. Hon. G.
 Ponsonby, Hon. C.

Powlett, Hon. W.
Preston, R.
Pym, Francis
Portman, E. B.
Protheroe, Edwd.
Ramsbottom, Sir J.
Ramsden, J. C.
Rancliff, Lord
Riley, Sir M. W.
Romilly, Sir S.
Rowley, Sir W.
Spencer, Lord R.
Scudamore, R. P.
Sefton, Earl of
Sharp, R.
Smith, W.

Smith, J.
Smith, R.
Smyth, J. H.
Shaw, Ald. Sir J.
Tavistock, Marq. of
Taylor, M. A.
Tierney, Rt. Hon. G.
Walpole, Hon. G.
Waldegrave, Hon. W.
Webb, Edwd.
Warre, J. A.
Wharton, J.
Williams, O.
Wood, Rt. Hon. M.
Webster, Sir G.

TELLERS—Abercromby, Hon. J.; Althorp, Visct.

PAIRED OFF.

Raillie, J. E.
Calvert, N.
Calvert, C.
Curwen, J. C.
Foley, Hon. A.
Howorth, H.
Lambton, J. G.
Latouche, J.

Lefevre, C. S.
Morpeth, Visct.
Plumer, W.
Shelly, Sir J.
Symonds, T. P.
Townshend, Lord J.
Western, C. C.

HOUSE OF LORDS.

Tuesday, June 24.

PERSONS CONFINED FOR TREASON.] Lord Sidmouth laid on the table a return of the number and ages of persons who were or had been confined under the Habeas Corpus Suspension Act, and of the several and respective places of confinement. (See page 1479.)

HOUSE OF COMMONS.

Tuesday, June 24.

PAPER DRAWBACK BILL.] This bill was read a second time.

ELECTION LAWS.] Mr. W. Wynn brought in a bill "to alter and amend the laws concerning the Election of Members to serve in Parliament, and for further limiting the duration of Polls," which was read a first time.

LEATHER TAX.] General Gascoyne presented the following petition of tanners, residing in the borough of Liverpool and its vicinity, for the repeal of the Leather Tax.—"That the petitioners venture to throw themselves once more upon the wisdom and consideration of the House, to press upon their attention the late impolitic and destructive additional duty upon leather, which, up to the present period, has been attended with all the baneful results they had ventured to predict at the time of its being levied, and which, if suffered to continue, must necessarily be productive of still more calamitous effects upon those carrying on the tanning trade, and will throw out of employ a large proportion of persons at present supported by manual labour: that since the levying of the new duty, numbers before supported by the trade, have

wholly abandoned it, and those who to this time carry on the tanning business, have continued it under the sanguine expectation of receiving aid from the House; this ground of hope was further strengthened by the petitioners observing the small majority by which the additional duty was carried, and the prevailing feeling manifested by the House, that the case of the tanners was one of peculiar hardship; the perseverance of the petitioners, in continuing to follow their business under the prospect of almost certain loss, is further to be accounted for by the ruinous consequences necessarily attendant upon the conversion of their premises and capital to other pursuits and occupations; that they humbly presume to advert to the nearly total cessation of the tannage of foreign hides, which they conceive is chiefly to be attributed to the high rate of duty, which renders it almost impossible for the tanners in this country to bring them into the market secure from loss, the consequence of which is the exportation of them to foreign markets, to the manifest loss both of the trade and of the revenue; that the petitioners beseech the House to take into consideration the propriety of remunerating the tanners at large for the severe and unavoidable loss accruing from the levying of the additional duty upon the stocks in hand at the time of impost, which the House will please to bear in remembrance was contrary to the precedent established in the reign of Queen Anne; and they further beg to call their attention to the recommendation by a Committee of the House last session, that such remuneration should be made; the petitioners therefore earnestly but respectfully pray, that the House will, without delay, take the nature and operation of the additional tax into consideration, from which discussion by the House they anticipate they will perceive the necessity of withdrawing the late additional duty, a measure which the petitioners conceive is called for on every principle of policy and justice, and with a view of preserving this great staple manufacture from impending ruin."

On the motion for bringing up the petition,

Lord Althorp expressed his hope that the House would listen to the prayer of the petitioners, who had suffered materially from the circumstances of which they complained.

The Chancellor of the Exchequer had no objection to the reception of the petition, although he retained the opinions which he had expressed on a former occasion.

Mr. W. Smith hoped the right honourable gentleman would be induced to reconsider the subject.

Sir T. Acland and Mr. Benson supported the prayer of the petitioners.

The petition was then brought up, ordered to lie on the table, and to be printed.

STEAM-BOATS.] The Committee on this subject presented their Report, which was ordered to lie on the table, and to be printed.

CONFISCATION OF BRITISH PROPERTY IN

DENMARK.] Sir J. Mackintosh presented the following petition of Merchants and Manufacturers of Leeds, Wakefield, and Sheffield, in the county of York, on behalf of themselves, and others in a similar situation.—“That the petitioners have sustained very heavy losses, in consequence of the confiscation by the Danish Government, in the year 1807, of British property, and of all debts due to British subjects; and as the peculiar circumstances of the attack upon Copenhagen, the capture of the Danish fleet, and the condemnation of the Danish merchant ships and their cargoes, which were seized in the British harbours, or captured previous to hostilities, seemed to justify this unusual severity, as a measure of retaliation on the part of Denmark, the petitioners were naturally led to expect relief from the proceeds of the said ships and cargoes which had been condemned to the Crown, a very small proportion of which would have amply sufficed; and they accordingly addressed several memorials to the Lords of his Majesty’s Treasury, praying for such relief. They relied with the greater confidence on obtaining it, seeing that the confiscation of their property was altogether owing to circumstances which were productive of great national benefit, and that the funds to which they looked for relief consisted chiefly of property which had been destined by the Danish merchants, in substance and in gross, if not in detail, to the liquidation of those very debts which were afterwards confiscated by the Danish Government; that the petitioners, in an early stage of their applications, were led to hope that they were favourably received, from having been requested to send a statement and classification of their claims to the Treasury, and from being told that a portion of the proceeds of the confiscated Danish property would for some time be kept unappropriated, but several objections were afterwards made to their claims, namely, the want of a precedent, and that they might probably recover their property on the return of peace: and at the same time they were consoled with an assurance that it was the intention of his Majesty’s Ministers, in the event of a negotiation with Denmark, not to lose sight of their interests; and lastly, the Lords of the Treasury intimated by their Secretary, on the 3d of July 1809, that they could not recommend to his Majesty to grant the relief prayed for, on two grounds, namely, first, that there was nothing in the case of the petitioners to distinguish it from all other cases where war might be commenced without previous notice; and secondly, that the manner in which the Danish Government had retaliated upon the property of British subjects, contrary to the usages of modern warfare, could furnish no ground upon which the petitioners’ claims could be allowed, without great public mischief, as it would necessarily go far towards the establishing the seizure or forfeiture of property so circumstanced as a principle in the conduct of future wars, and would give an additional mo-

tive for the enemy to practise it; that the petitioners, feeling severely the loss of their property, were induced, along with others in the same situation, to make further representations of their case to the Lords of the Treasury, and, at an interview with the late Chancellor of the Exchequer, in the year 1812, he was pleased to intimate, that although he saw no reason to grant their request, he was yet willing to receive any additional statement which they might wish to submit; and another memorial was accordingly addressed to the Lords of the Treasury, in which it was satisfactorily proved, as the petitioners conceive, that the war with Denmark, in respect of its original motive and sole object, the manner in which it was conducted, and the very great advantages derived from it to the British Crown and nation, was altogether unprecedented, and that it was not within the ordinary course of human events that a similar war should again occur, and therefore that any relief to be granted to the petitioners could never be drawn into a precedent on any future occasion; and they also shewed that the relief which they claimed was fully supported by precedent, in the indemnification granted to the merchants who had suffered from the confiscations in Spain out of the proceeds of the Spanish frigates which were captured in 1805, and condemned to the Crown; they further endeavoured particularly to impress upon their lordships, that, as the Danish mercantile property which was confiscated by the British Government greatly exceeded the confiscations of British property in Denmark, therefore, if any stipulation should be made in the treaty of peace for the restitution of confiscated property, it would no doubt be mutual, and that the Danish Government, instead of refunding any thing, would have to receive a large balance from the British Government; and, on the other hand, if the treaty did not provide for the restitution of confiscated property, then the funds belonging to the petitioners, which had been paid into the Danish treasury, were to be considered as irrecoverably lost; and the petitioners submitted that these considerations pleaded strongly for the present application of a part of the confiscated Danish property for the liquidation of their claims; and the said memorial was delivered to the late Mr. Perceval in May 1812, a few days before his lamented death, and a duplicate was afterwards lodged at the Treasury, and copies were also handed to three of his Majesty’s present Ministers individually, but no answer was returned to the petitioners, further than verbal assurances that their interests would be attended to in the event of any negotiations with Denmark; and being thus ultimately compelled to rely on these assurances, as their only hope, they looked forward to the period of peace with great anxiety; and in July 1814, the petitioners of Leeds and Wakefield, presuming that a treaty was then about to be concluded with Denmark, addressed a memorial to the First Lord of the Treasury, praying that their case might be taken

into consideration in the pending arrangements, and that provision might be made therein for their relief; to which application an answer was received from the Board of Trade, stating that the treaty with Denmark, which had been recently ratified, contained an article on the subject of sequestrations, and directing all claims on that account to be addressed to Augustus John Foster, Esquire, his Majesty's Minister at Copenhagen, who had been instructed to attend to such applications; on receiving the intelligence which seemed to realize their most sanguine expectations, the petitioners applied to Mr. Foster, who happened at that time to be in England; but it did not appear that he had received any instructions relative to sequestrated or confiscated property; and, upon examining the eleventh article of the treaty with Denmark, they perceived, to their great astonishment, that it effectually cut off all hope of relief on account of property confiscated, and, in fact, guaranteed the Danish Government against all future claims on that subject, being conceived in the following terms: "The sequestrations which have been laid by either of the contracting parties on property not already confiscated or condemned, shall be raised immediately after the ratification of this treaty;" the petitioners felt that, in so far as concerned them, this article was quite nugatory, for the holders of sequestrated property were obliged, very soon after the first decree of sequestration, to render an account thereof to their Government under the pain of death, in order that it might be confiscated; and the petitioners, in their said memorial of 1812, had relinquished all claim for property which was merely sequestrated, and limited their prayer for relief to cases where it had been actually confiscated, and paid into the Danish treasury; that the property thus abandoned to Denmark amounts, as nearly as the petitioners can judge, to 200,000*l.*, and they cannot believe that so great a sacrifice of British interests would have been made to an enemy suing for peace, or that his Majesty's Ministers, for the first time in modern history, would have sanctioned, by a solemn treaty, the right of a foreign Government to confiscate debts due to British merchants, if it had not been for the very great advantage derived by the Crown from the confiscation of Danish mercantile property; and the petitioners humbly conceive that their property has thus been doubly sacrificed, first, to the great national interests which directed the attack upon Copenhagen, in retaliation for which it was originally confiscated; and secondly, to the separate and peculiar interests of the Crown, in order that it might retain the confiscated Danish property, amounting, according to the estimate of an high and official character, to nearly two millions of pounds sterling; that after the above-mentioned declaration of the Lords of the Treasury, that the confiscation of British property by the enemy was a great public mischief, and that to allow the petitioners' claims would go far to-

wards establishing it as a principle in the conduct of future wars, and would give an additional motive for the enemy to practise it, the petitioners cherished a justifiable confidence that whatever might be the result of the treaty with Denmark, the British Government would at least not abandon a great public principle for the advantage of an enemy, which was found to be an insuperable bar to granting any relief to the sufferings of its own subjects; that the petitioners feel the peculiar hardship of their situation more severely by comparing it with that of the sufferers from the confiscations of English property in the French funds, for whom an indemnity from the French Government has been secured by the late treaty, and although it has been alleged that their right to this relief is founded upon previous treaties, the petitioners have not discovered any specific article in their behalf, either in the treaty of Amiens, or in the commercial treaty of 1786: for the former merely provides that all sequestrations shall be withdrawn, and does not contain one word as to confiscations; and the treaty of 1786 only stipulates, in general terms, that the subjects of either state shall, in the event of a war, be allowed twelve months to remove with their effects and property, whether intrusted to individuals or to the state; the petitioners cannot perceive why these general stipulations should bind the Government to do more for the speculators in the French funds than they might have been expected to do for the petitioners, whose property was intrusted to the Danish merchants in the ordinary course of trade, seeing that Denmark was not in a situation to resist any reasonable demand of the British Government any more than France was, and that there were valuable colonies to be restored to Denmark, which might have been retained till justice was obtained from that Government; to conclude, the petitioners are persuaded that their present unfortunate situation is entirely owing to the great amount of confiscated Danish property, and they trust the House will perceive that they are in nearly the same predicament as if they had been obliged to contribute a large proportion of their fortunes to the wants of the Crown; in these circumstances they humbly beg to lay their case before the House, and humbly pray that the House will be pleased to do therein as in its great wisdom shall seem meet."

Lord Lascelles thought, on a general principle, that merchants could not call on the Government for an indemnity against such losses; yet that the case of the petitioners was very peculiar, and that hostilities having been commenced without notice, they were taken by surprise; he had, therefore, heretofore supported their claims, and should do so on the present occasion. After a few words from the *Chancellor of the Exchequer*, who had no objection to allow the petition to be brought up, it was brought up, read, and ordered to be printed.

MIDDLESEX PETITION—HABEAS CORPUS

ACT. I. Mr. Byng presented the following petition of Freeholders of the county of Middlesex. The meeting was called by the Sheriffs, on a requisition signed by Sir P. Francis, and others, and was attended by the Duke of Bedford and Lord Holland, who supported the petition:—

"That the petitioners feel it as of itself, and in the first instance, a grievance and degradation to be obliged to claim a right inherent and unalienable in the natives of this land, or to avert the privation of it by an humble petition to any human power, and most of all, by an humble petition to the members of the House, who profess, and ought to be, not their masters, but their representatives, and who derive, or ought to derive, their power, as they do their seats, from the constituent body of the nation, to be used only for the benefit and protection of those by whom they are appointed, with whom they are bound to sympathize, and whom they ought to represent; that the petitioners do not mean now to enter into a detail of those powerful, and in their judgment unanswerable, arguments, which have been or may be urged against the law still in existence, or against the continuance of it, by which the right of appeal to the established Courts of Justice for relief and security, against arbitrary imprisonment, is denied to the subject, without a case made out, without evidence produced, or even a plausible pretence deduced from facts or testimony examinable by the House; that the proceedings of the House on this subject, and the bill now pending in Parliament founded on those proceedings, have nothing to shew for their justification, but the Report and opinion of a Secret Committee, the grounds of which, or a direct proof in support of it, in any shape other than the naked assertion and supposed conviction of a majority of their Secret Committee, are not exhibited even to the House; that imprisonment of itself is a grievous punishment, which, while the benefit to be derived from the Writ of Habeas Corpus is, in fact, suspended, may be arbitrarily inflicted on any man in this realm, by a Minister of the Crown, on a bare, and possibly a pretended, suspicion of criminal intentions, which, were it real, would furnish no justification of the power so vested in such Minister, to deprive a free man of his freedom, without a specific charge made, or a time assigned for trial; that in the construction of all laws entitled to obedience, in those countries, at least, which are not avowedly governed as Morocco and Spain are, and as France has been, by absolute will and pleasure, it is essential to their due execution, that the true sense and purpose, and the motives of the Legislature, should be made known to the people, and that to be so made known, they must be promulgated: but it appears to the petitioners, that in the present case there has been no promulgation of the law in the rational and established sense of that term, that is, to instruct the subject in his duty, and shew him how he may avoid the penalty inflicted by the law, in this sense, the giv-

ing a power to punish without cause assigned, is no promulgation, unless it be contended that arbitrary and indefinite imprisonment is no punishment; that such charge or cause of imprisonment, if it were duly assigned, ought to be speedily brought to trial; whereas, on the contrary, by the Suspension of the right of the Habeas Corpus, the party imprisoned, who may possibly be innocent, and who before his trial ought to be deemed so, is first deprived of his liberty: secondly, of an appeal to the King's protection in his High Courts of Justice, the Judges of which might examine, not merely the authority, but the valid reason of the Warrant of Commitment, and thereupon either bail or discharge, or remand the prisoner; thirdly, that the party so restrained and imprisoned, may be detained in a solitary cell, and kept and confined during an indefinite time, or at least as long as the Habeas Corpus Act shall be suspended, at the pleasure of the Crown, since the Act of Suspension itself declares, that such prisoners may be kept wholly separate and apart from each other, so as to prevent all communication between them and with other persons, except such communication as his Majesty may think fit to permit; fourthly, that if at the end of any indefinite period, the suffering party should be dismissed and set at liberty, he would have no compensation or satisfaction for loss of time, for the confusion in his affairs, and the distresses brought upon himself and his family, and for a long privation of personal liberty, for which there can be no equivalent to an English heart; fifthly, that if finally he should still have the means of seeking some redress by an action for damages, he would find himself barred even of the poor and inadequate compensation which that remedy might offer him, by an Act of Indemnity, immediately granted to the authors of his ruin; the petitioners admit it to be true and constitutional doctrine, that the Executive Power of this Government may lawfully confide in the wisdom, and follow the advice of its Privy Council, and of its Ministers and Judges, in their respective offices and departments, subject to the constant superintendence and controul of the House, since all those offices and appointments emanate directly from the Crown; but they do most respectfully contend and affirm, that the House of Commons, who receive their legislative powers by delegation from the people, cannot of right delegate those powers to any other persons, or to any portion of their own body: that even in a Committee of their whole House, with a full knowledge of the subject on which it may be proposed to them to legislate, they cannot resolve or act in legislation; and that if it were possible for a House of Commons to pass a penal law, or any other, in absolute reliance on the wisdom and integrity of a Secret Committee, and without knowledge of the grounds or evidence on which the opinion of such Committee might have been formed, it would be equivalent to a surrender of the powers

and functions exclusively delegated to themselves, and a transfer in trust to others of their own appropriated and unalienable duties; the members of this House cannot vote by proxy, much less can the whole House legislate in trust and confidence that any of its Committees, however individually well chosen, cannot make an erroneous report, or wilfully deceive or mislead the House; for a further and complete illustration of their meaning, the petitioners humbly desire to be informed, on what specific evidence exhibited to the House, or on what direct knowledge of its own, it has been or can be affirmed that a traitorous conspiracy has been formed, for the purpose of overthrowing, by means of a general insurrection, the established Government, Laws and Constitution of the Kingdom; they well know that the guilt of treason may be incurred by any individual, by merely imagining the perpetration of an enormous crime, and that acts of violence, deserving a rigorous legal prosecution, have been committed: but they know that these acts, criminal as they are, have proceeded from other causes or pretences, and have been done by riotous multitudes, incapable of acting in concert, and clamouring against taxes, or for bread, not for a subversion of the Government; and that it is impossible that they should be connected with or accounted for by the causes assigned to them by a Committee of the House, on loose general presumptions, of which the evidence, if there be any, has been kept out of sight for some professed, and to the petitioners incomprehensible, reasons of State, and is still unknown to the House, in whose view that which is not apparent ought not to be presumed to exist; for these reasons, on which the petitioners are unwilling to occupy the time of the House, and for others, which for the same motive they now omit, they do most earnestly pray, that the Bill denounced by his Majesty's Ministers for continuing the Act of the present Session, which declares that any person or persons that are or shall be in prison, by Warrant of his Majesty's Privy Council, or of the Secretaries of State, for high treason, suspicion of high treason, or treasonable practices, may be detained in safe custody without bail or mainprize, may not pass the House; and finally, that if the prayer of this petition shall not be granted, such measures shall at least be taken as may effectually prevent the Ministers of the Crown from dissolving the present Parliament and calling another, while the Act so intended and denounced shall be in force; unless it should appear to the House to be safe and reasonable, that a general election should take place, while the Ministers of the Crown have the power to imprison without bail, or mainprize any freholder, citizen, or burgess of this United Kingdom, whom they may really suspect, not of high treason, but of being adverse to candidates set up and supported by themselves, and by whose interest or activity, the election might be carried against them; the quality essential to

the character, and inseparable from the duties, of an upright House of Commons; in a vigilant and anxious jealousy of the Ministers of the Crown; the House of Commons was not instituted to be a controul upon the people, nor of late it has been taught by a doctrine of the most pernicious tendency, it was designed as a controul for the people; whether the present Ministers will or will not, in their immediate practice, go the full length of the licence given them, is best uncertain, but this the petitioners know, and assert without a fear of contradiction, that laws are made to guard against what men may do, not to trust to what they will do.

The petition was ordered to lie on the table, and to be printed.

KENT PETITION.] Mr. Calcraft presented the following petition of the Nobility, Gentry, Clergy, Freeholders and Inhabitants of the county of Kent, and took the opportunity of expressing his disapprobation of the measure in contemplation.—“That the petitioners yield to no class of his Majesty's subjects in attachment and loyalty to the Constitution, and they are persuaded that, however severe may be the distress under which every class of the community now labours, there is a general sentiment prevailing through the whole, to seek alleviation and redress by such means alone as are authorized by the Constitution; that the petitioners have, in the present Session of Parliament, made humble representations of their manifold grievances to the House, and have most patiently waited to see what steps would be taken for their relief, but hitherto they have the mortification to observe, that nothing has been done either likely to mitigate present suffering, or to guard against a future accumulation of burthens, even now almost intolerable; that the disappointment of the petitioners is grievously embittered by learning that his Majesty's Ministers have announced their intention of proposing a further suspension of the Habeas Corpus Act, the great bulwark of personal security; that the alarm excited in the minds of the petitioners is considerably augmented by the House having referred the said proposal to a Secret Committee, in part composed of his Majesty's Ministers, and generally of members most likely to fall into their views, from whom there is too much reason to apprehend that the result will be a recommendation of the Suspension of that important Statute, though much of the ground on which such recommendation may rest, is founded upon the depositions of persons implicated in criminal transactions, or who have engaged in them with a view of obtaining information, and impeding it to magistrates or the Secretary of State, and though they may have reason to apprehend, that the language and conduct of such persons may, in some instances, have had the effect of encouraging those designs, which it was intended they should only be the instruments of detecting; that the petitioners are humbly of

opinion, that it is the duty of the House, in a case so unprecedented and so important, in which the usual motives and reasons for secrecy cannot justly be alleged, collectively to institute an inquiry into facts, and to examine witnesses, previous to any decision on so momentous a matter, instead of delegating their power to any Committee of the House; that the petitioners take leave to observe, that, until the present year, there existed no precedent in the history of this country, which could sanction the suspension of that great palladium of our liberties, in a time of profound peace, and undisputed succession to the Throne of these realms; that its suspension at this particular juncture, when it is notorious how many petitions have been presented to the House, demanding a redress of grievances, cannot but be viewed with jealousy, and create a suspicion that it is intended as a measure to prevent, by intimidation, the expression of the just claims of the numerous petitioners for relief; that it cannot require the surrender of our dearest privileges to baffle the machinations of the few, if there be any, who wish to take advantage of the general distress, to produce disorder and confusion, totally unsupported, as they must be, by such means as might render them really dangerous to the State; and if such surrender be deemed necessary at such a moment, the petitioners cannot foresee to what period they must look for their restoration, since it can scarcely be hoped, in so numerous a community, that no pretext can be found, which may not be exaggerated by evil and designing men, so to protract the period of the suspension of our liberties, that it may be finally of easy accomplishment, to substitute arbitrary power instead of that government by law, under which this kingdom has so long flourished, and by which alone, liberty and property can be secure; that the petitioners look to the Habeas Corpus Act as a most valuable part of the inheritance they have derived from their ancestors; that it is the pride and distinction of Englishmen, in comparison of every other nation, and they cannot, and ought not, tamely to surrender such dear privileges without remonstrance; that the petitioners are convinced that the existing laws, duly administered, are fully adequate to the repression of any disturbances that have arisen, or are likely to arise, in this season of calamity and distress, as they have heretofore been found, and that those committing excesses, may be punished without confounding the innocent with the guilty, and without encroaching on the liberties of the people; that the petitioners, therefore, humbly beseech the House to reject any proposal for the further Suspension of the Habeas Corpus Act, and beg leave to impress upon the House, that the best means of counteracting the designs of the disaffected, if any such there be, is to be found in the adoption of such measures, as will convince the people at large, of the earnest endeavours of the House to afford relief in the

present unexampled distress, and in proving themselves the faithful guardians of those rights and liberties, they are specially delegated to protect."

The petition was ordered to lie on the table, and to be printed.

SUSPENSION OF THE HABEAS CORPUS ACT.] Lord Castlereagh moved the second reading of the bill for continuing the Suspension of the Habeas Corpus Act.

Mr. Douglas said, he had maturely considered all the arguments which had been urged in support of this measure, and was very far from being convinced of its necessity. On every former occasion when a Suspension of the Habeas Corpus Act was obtained, the evil against which it was intended to guard, was of an extensive and general nature. The Report, indeed, had alluded to the ramifications of a plot to overthrow the Government, but the strongest charges had been not only disproved by statements submitted to the other House, by accounts to which the utmost credit was due from several of the places stated in the Reports as tainted with disaffection, but by the verdict of a jury at Norwich, and the verdict of a jury in Westminster-Hall. The last Report exclusively referred to the lower classes of individuals in the large manufacturing towns. But even in this point of view it did not appear to be borne out by facts. With respect to one of the towns alluded to, Birmingham, he could answer from his own knowledge that nothing could exceed the patience, good conduct, and loyalty exhibited by the population during a long continuance of sufferings and privations. The allegation in the Report with respect to that place he considered as resting on no proof. And even with respect to Manchester, out of the 12,000 people said to be assembled in March, with the idea of proceeding to London to force concession to their demands, it appeared that only 50 reached a distance of 50 miles from the place.—Did that look as if the neighbourhood was favourable to their views, or as if the combination was so general as had been stated? The evil therefore was restricted and partial, and the remedy also should be partial. Why should the whole of England suffer for the misconduct of not a twentieth part of her population? This universality with respect to the operation of the measure, was what rendered it so very dangerous in the way of precedent. It was too much, that because districts in a remote part of the country exhibited symptoms of disaffection, the other parts of the country should also be deprived of their liberties. The noble Lord (Castlereagh) had stated, that the powers already given to Ministers had not been abused; but the House should remember, that it was the very mildness of the execution of the measure in the sound parts of the country that was most to be dreaded; when people saw that the suspension of their liberties was attended with no danger and no personal inconvenience, they

gradually ceased to reverence them as they ought. There was nothing so dangerous as the mild administration of despotic laws. A great objection to this measure, among all to whom the moral character of the country was dear, was that, like all other despotic measures, it could only be supported by treachery and fraud. He did not allude merely to Mr. Oliver; he was not the only person of the same character to whom he referred. The Report of the House of Lords was cautiously worded, as all Reports generally were; but it disclosed the fact, that the people had been incited by more than one informer. They were all aware how easily a populace might, at times, be impelled by an unguarded word to acts at which on other occasions they would have startled; and this was particularly the case with a populace already half seduced by their distresses. Hence the whole of the evidence submitted to the Committee was of a very doubtful kind. He should like to see the persons who could state, in such a case, where the original intention began, and where the informers commenced their operations. Was the evidence which a jury in Westminster Hall had found insufficient to convict men whose conduct was far from unexceptionable, to be deemed sufficient to rob the whole people of England of their rights? There was nothing like a general combination in the present disturbances—there were merely local combinations for purposes of outrage and violence. These combinations had been much too frequent of late years. Nothing excited the astonishment of foreigners so much as the facilities with which riots were excited and repressed in this country. In England there was a broad distinction between the people and the mob: the people had advantages which were unknown to other countries, and hence they usually ranged themselves on the side of the laws. What was the cause of the success of the tumults in France at the Revolution? It was because there was nothing between the mob and the Throne, but the nobility, all the rest of the people being deprived of their rights. Our evils were caused by the distress of manufacturers, which supported Luddism; and which, to the discredit of Government, was suffered to exist too long. The disease could only be removed by an alteration of our policy, by a change of erroneous commercial regulations, by mild yet vigorous execution of the existing laws, by preserving the rights of the loyal, by not lending the dignity of the Government to spies and informers, and by keeping the courts of justice free from political considerations in the highest degree. There might be cases in which it would be necessary to surrender a part of our liberties for the preservation of the whole; but they must be proved and extreme cases. In such instances he would suspend either the powers of the Crown or the liberties of the people, if no other and better remedy appeared. Still the danger must be general and

vital, and there must be a total want of all other appropriate remedies. Such a case was made out from riots, though frequent, in remote towns. Mr. Hume had truly observed, that the King, the Parliament, the Judges, the Army, were all established for preserving the liberties of the people.

Mr. Lockhart agreed that the great object of all was to preserve liberty, but that included the preservation of good order. The Constitution was best protected by watching every law and every measure, but it was also necessary to preserve public tranquillity. The present danger was shewn from the Report, and even from the admissions of hon. gentlemen opposite. Scarcely anybody denied that considerable danger existed, and that it was untangible by the ordinary laws. It was even said that some new code was necessary. All felonies, and murders, and riots, and treasons, were punishable if made out; yet it seemed generally allowed that our laws were insufficient to meet the present evils. Would gentlemen have recourse to martial law, the most abhorrent to the Constitution, to meet them? He must support the suspension of this valuable act, as the offence was new in character: though confined to six or seven counties, it was not so confined in intention. The essence of it was a system of delegations and missions, for the purpose of subverting the attachment, habits, and prejudices, of the people in favour of the Constitution, and of destroying their religious opinions; thus making a vacuum in the public mind, into which a new species of poison was to be poured, rendered palatable by the hope of reward, arising from the destruction of the property of the industrious: and this, not to create a new industry and property, but to occasion a total eradication of both. No other measure was applicable to the state of the country. It could not be maintained that the suspension had produced no beneficial effects. The evil had spread far before the law was enacted. The remedy broke the links of communication, and deterred others from joining in the plots. Gentlemen dealt only in generals, and appeared to have no other measure to propose. No man was less disposed to employ spies than he was, and he believed such was the disposition of Government, who could hardly be supposed capable of encouraging them in order to find plots for which they might get new laws made to crush the liberties of the people. What would be said of a general who did not employ such means when necessary? And was Government to be prevented from doing so in a time of danger? A spy would be of no use, if he did not accommodate himself to the views and habits of conspirators. He must put on a certain degree of colour, and must assimilate himself to those whom he was to detect.

Mr. Curwen said, he was sorry to see so thin a House on such an important discussion. Where was the necessity of hurrying the question through? Five or six individuals like the

men who had been arraigned might do much mischief, but were not likely to overturn the Government. The plot reminded him of what Lord Thurlow said about a measure respecting the Isle of Man, (when it was urged that it would occasion much discontent among the people of Man,) that it was only a storm in a —. If those persons who had been tried for treason had been tried for sedition, he had little doubt but they might have been convicted; and one such conviction would have had a better effect than all the imprisonments and trials for treason. Spies might be necessary; but to push the system to such an extent, and to vindicate it as was done in that House, disgusted the country: the system, so extended and maintained, destroyed all social confidence, and produced in the minds of Englishmen the fear, the suspicion, and the baseness that had hitherto distinguished the most despotic governments. (*Hear, hear.*) Were not Ministers accordingly every day losing much of the confidence of the country? He could see no applicability in the law to the evil. If thirty persons without character, without fortune, without talent, without influence, were to run into riots, or even to dream of insurrection, was a law therefore to be passed affecting the whole people of England? The first Suspension was founded on the riots at Spafields. Since then he admitted, there had been other riots, but they were not of a nature to call for any such law. On the Sunday, when Manchester was supposed to be in the utmost peril, a gentleman had been there, and heard nothing of it till he came to Stafford, five miles distant. Could any man pretend to say that the laws were not sufficient for any danger that existed, when he considered that only one person had lost his life, and for riot, not treason, during the last six months? It was argued that this power might safely be committed to such hands; but the danger was not from those hands, but from the hands to whom Lord Sidmouth delegated this power. (*Hear, hear.*) He would never, however, consent to suspend the laws of England, and to trust to any man. The more penal any law was made, the more difficult was conviction. This law was therefore excessive, and unoperative, but as an engine of terror and oppression. He called upon the House to reflect on the character which they had exhibited to the people during this session: More petitions for Reform had been presented to them than had ever been heard of on any occasion. Whatever variety of opinions might exist as to the remedy, it was undeniable that there was corruption in that House. All those petitions were answered, not by a denial of their truth, but by recrimination. (*Hear.*) Instead of economy, retrenchment, or reform, chains were the only blessing which that House bestowed. There never were greater expectations from any session, at least in his memory, than from the present: yet what had been done? Where was the retrenchment? Where the reduction of burdens? We had, indeed, wonderful financial

arrangements, and unfunded debts provided for without any money to make the provision. (*A laugh.*) If a report should be made on the poor laws, it would have no present effect, and it would be forgotten before another session. If they had interfered for the relief of the distressed, instead of introducing arbitrary laws, the effect would have been very different, and they could meet their constituents with satisfaction and confidence. It was true Government was not in distress for credit; but it could borrow only because the general distress left capital unemployed: whenever the prosperity of the country revived, the Government would be distressed, and he wished that might speedily happen. (*Hear, hear, from the Chancellor of the Exchequer.*) At the beginning of the session he wished to give his confidence to the Government, in hopes that some relief might be afforded to unexampled distress; but what had they done? This suspension of the laws was the reply. Instead of preventing danger, it was calculated to destroy affection. The last week of good weather had done more to tranquillize the people than all their Suspensions. (*Hear, hear.*) Even Ministers were compelled to admit that the patience and the sufferings of the people at large were never more conspicuous. In several manufacturing districts wages had fallen from 25s. to 5s. In return for all this patience and privation, they were exposed to the artifices of spies, to the suspicions of alarmists, and to the arbitrary power of the Government. (*Hear, hear.*)

Mr. Barneswall said, that although charges and imputations might be cast upon him for his conduct, he would not cringe before the tyranny of clamour. It was a libel upon the Constitution of England to say that the suspension affected it; it was not so ill founded, its parts were not slightly connected, its materials were not so brittle as to be so affected. This was not a law to suspend the liberties of the whole people of England. "Let the gall'd jade wince, our withers are unwrung!"—the measure would operate only on the guilty. Two causes would prevent its abuse. 1st, The arm of the law, extending from the doors of the people to the highest rank of power and dignity: 2d. The superintendence of that House, which was not callous to any well-substantiated case of individuals or bodies, or politically servile to any party views. The hon. baronet opposite (Sir F. Biddell) had operated upon their feelings often when no injustice could be proved. Prudence condemned, and feeling revolted, from setting fire to combustible materials, or introducing the iron hand of power into a gun-powder magazine: but it was wise to prevent the accumulation of the elements of ignition. It was said that the juries at Norwich and Westminster had disproved the existence of danger. As well might it be said, that if a man had his head and hands cut off, he was not murdered, because the person tried on suspicion was acquitted. The rioters of Spafields made no attack

upon the shops of butchers or bakers, though they were said to be half finished. This was decisive of their intention. The people would feel their security confirmed by the suspension. When benefit of clergy was taken away in certain crimes, it might as well have been said, that it was taken from the people of England, as that the liberties of the people of England were taken away by this measure. He concluded by expressing a hope, that the goodness of the cause might not be affected by his inability to do it justice.

The Lord Mayor rose. He said, after the able and eloquent speeches he had heard on his side of the house last night, speeches which appeared to him irresistibly convincing, but which the division proved not to be convincing on the other side; he did not indulge the presumption that he could add any thing to what was so forcibly argued, or make any impression on those who had resisted the arguments; but he thought it a duty which he owed to the situation he had held for a considerable time back, and to the place he now occupied as a representative, not to give a silent vote on this question. He should be obliged sometimes to speak of himself; but from the circumstances of the case this was unavoidable. His exertions, he would fairly state, were constant and effectual; but they had not been properly treated by persons whose duty it was to pay his situation and his conduct more respect. On the day of the meeting at Spafelds, he took every step to prevent riot or outrage; he summoned all his men to attend; he was himself at his post. He came into possession of many letters connected with that business. Many of them threatened that himself would be shot, but those he disregarded. All the papers that seemed worthy of the least attention he carried to the Secretary of State's; but he must observe, that they had no mark of authenticity. He had discovered that they were written by designing persons, whose object was to create alarm, and not rebellion. (*Hear, hear.*) He had papers that would employ and amuse the House till this bill expired; and if they would examine them, he should be happy to procure, by such means, liberty to the people of England to breathe one day in freedom. There was one paper, however, which he would beg leave to read to the House. It related to the meeting at Spafelds, and was written by one who had been always attached to the Government. The paper to which it referred was sold for one penny, though it could not be printed for less than three pence halfpenny. This was a proof that the printer was employed, and paid otherwise than appeared at first view. He begged not to be misunderstood. The paper he was now about to read was not sanctioned by his Majesty's Ministers, but the paper to which it referred was. This paper was put up in several very conspicuous places.—"Spafelds' row. A penny's worth of truth. Go it, my boys." He would appeal to the House whether

that paper did not excite to riot; and whether if it had proceeded from the other side, it would not have been thought worthy of notice. But this most inflammatory and mischievous paper advertised a publication sanctioned by Ministers. As to the meeting, when so many met together at so early an hour, when a few leaped from a waggon, and, joined by others, proceeded towards the city, all in presence of the magistrates and their assistants, when the cry was raised at one time, "To the Tower!" again, "To the Lord Mayor!"—why were no steps taken to prevent them? Why was no communication made to him? The first intelligence he received was from one who was not much attached to his Majesty's Ministers, but who loved his country, and deprecated the shedding the blood of his fellow-citizens. The officers were not in attendance with him so early, because they had been at an execution that morning. When he encountered the mob, consisting of many hundreds, at Cornhill, they immediately dispersed. It ought to be recollected, that in the pretended attempt on the Tower, they never proceeded to the Tower gates. The whole then of this mob, from a meeting of 15,000 persons, was at once dispersed without any military force. What was wanting in the laws in this case? In what respect were they inadequate to the danger? He afterwards found some papers in the pockets of a man whom he since understood to be Watson. He found Preston lying on the floor, there being no bed, and his two daughters in the same room, with scarcely any covering. No paper whatever was found in that room. On his examination, Preston talked of many thousands marching up to London to take it. This was the mighty danger that called for the Suspension! After all, this alarming insurrection was put down in one hour, it did not really last so long, and without any force. Was it to be gravely said, then, that the laws were not sufficient, and that the liberties of all England must be thrown at the mercy of the Secretary of State? (*Hear.*) From that time to this there had been no meeting in London. There was no evidence of any meeting; nay, their Committee expressly admitted that there was none. As to another part of the country, with which he was connected, where the population was very great, and the distress almost insupportable, where multitudes were obliged to endure the severest labour and toil, without sufficient sustenance, many living on four or five ounces of barley bread in the day, yet, in that extensive, populous, and distressed county (Cornwall), there was the greatest tranquillity. This was to him clear proof that the Suspension was not required. But the advocates of the measure had said that the law was not sufficient. The law indeed was not sufficient to punish where there was no offence, therefore this suspension of law was necessary in order to imprison upon mere suspicion. (*Hear, hear.*) These were his views and feelings

on this question: he was sensible that he could not, particularly after the able discussion that had taken place, add any thing new; but in the circumstances in which he was placed, he could not give a silent vote. (*Hear, hear.*)

Sir W. Curtis allowed all credit to the conduct of his right hon. friend the Lord Mayor, for his conduct on the occasion to which the greatest part of his speech referred; but he denied that the effect of the present measure, which he opposed, would be to deprive the people of England of their liberties (*hear*), nor did he think it true that his exertions had been the only obstacle to the success of the traitors who would have deluged the city in blood. Good and loyal men would not have remained inactive while their property and their lives were in danger. (*Hear, and a laugh.*) The Spafelds riot should not, however, have been treated so lightly by his hon. friend, and considered a little disorderly disturbance. It could not be denied, that the multitude had arms; that they had fired their guns in the air to shew how formidable they were; and in his (Sir W. C.'s) opinion, a mob so disposed and so prepared should be considered rather as engaged in treason and rebellion than in a common tumult. (*Hear, hear.*) Those people pretended that they met for the purpose of petitioning for Reform; he did not believe a word of the statement. (*A laugh.*) Why were they armed, if they meant peaceable petitioning? Were muskets and military implements the instruments of quiet Reform? (*Hear, hear.*) No; they wanted no Reform; they headed rebellion, and intended plunder. The right hon. gentleman (the Lord Mayor) had spoken of facing the mob unarmed; and allowed his courage to be inferred from the hazards of the enterprise; but he would remind his hon. friend that prudence made a part of courage. (*A laugh.*) He (Sir W. C.) had heard his right hon. friend declare out of doors that he had given the chief information to Government about the Spafelds plot, and had mainly contributed to fill the green bag; but if this was the case, he thought it strange, that he, as a member of the Committee, had not seen in the bag the papers which he communicated. (*A laugh.*) A noble lord (Milton) had gone last night a little farther than he (Sir W. C.) thought he was warranted, in speaking of the insignificance or the peaceable intentions of Reform delegates. They always at first proposed peaceable petitioning, but they generally followed up that proposal with a recommendation of a resort to physical force, if their petitions were rejected. He remembered a meeting of delegates that was held at the Crown and Anchor Tavern, where there was a discussion of physical force; but these men used every means of inflaming the minds of the people, and after they had excited them to those disturbances which they pretended to deprecate, or exposed them to be attacked and put down by the military, they would turn about and say to them, "Go along, you igno-

rant mob: you have neglected our advice, and exposed yourselves to danger by your precipitation and folly." (*A laugh.*)

The Lord Mayor shortly explained.

Lord Deerpurcell felt that it would not become him to give a silent vote on the occasion, as an imperious sense of duty impelled him to come to a decision different from that to which he was led at the commencement of the session. He had then voted for the Suspension Act; he should now vote in direct opposition to it. On that occasion he was actuated, not by any alarm arising from what was past, but from a prospect of the future; and supported the policy of the measure on similar grounds as a man whose house had been on fire would continue to play the engines for some time on the smoking embers, after the violence of the flame had been subdued. Seeing that now the danger was completely extinguished, he could not agree any longer to this odious measure. Like the most deadly poisons to the human frame, it might sometimes be administered to the Constitution with advantage; but in both cases the necessity must be urgent, and the danger threatening, that could justify such remedies. If our political fabric had been in any manner dilapidated, or if any part of it threatened decay, let it be repaired; let the confidence of the people in its security and benefits be renewed; and let it be held together by the cement of conciliation rather than by the iron cramps of despotic power. (*Hear, hear.*) He should decidedly vote against the second reading.

Mr. Grenfell had, like the noble lord, voted for the suspension formerly, but he was not, like him, disposed to give a contrary vote on the present occasion. However much he regretted to believe that dangers existed which warranted this measure, and however reluctant he was to differ from those friends with whom he commonly acted, but who he was sure would give him credit for the purity of his motives, even when he could not coincide with them in opinion, he felt it his duty to declare, that he must give his unqualified support to the second reading. (*Hear, hear.*) It was said that there was no danger, because the people whom this bill was intended to check were low in rank, and degraded in character; but who that had read the history of the same class of men in France, could allow themselves to be lulled into a false security by such an argument? Were the Robespierres and the Dantons much raised at first beyond the level of our present agitators? and was their success such as to remove our fears? (*Hear, hear.*) In his judgment, the bill should be immediately passed.

Lord Cochrane observed, that he had nothing to say in the way of new argument, nor did he see any necessity for new arguments, as none of the reasoning against the measure had been answered. What was the House required to do?—to suspend the whole benefits of the Constitution. On what grounds?—on the

grounds of a Report to which he was not allowed on a former night to apply the epithet, which he then thought, and which he still thought, it deserved. Was the whole kingdom to suffer for the errors of a few? Ministers called upon the House to rally round the Constitution; but how absurd was this call in the face of a measure which destroyed the Constitution. It had been remarked by a member of the Royal Family (Duke of Sussex) in another House, that when the sentiments of men were suppressed by a despotic measure, Ministers rather increased than diminished their danger. The remark was well founded, the warning was deserving of their notice. Look to the state of Italy, where the public voice was suppressed—consider the murders and malignant crimes that prevailed in that degraded and enslaved country. Let Ministers likewise look to the condition of Portugal, where the steel of the assassin superseded the exercise of law, and revenged wrongs for which the courts of justice afforded no redress. Did Ministers really consider, that by suspending our liberties, and claiming the powers of arbitrary punishment without a pretence of justice, or any of the forms of trial, they were doing all that they could to change the character of the people of England, to bring them to a level with the most degraded nations, and to render them malignant, murderous, and revengeful? He (Lord C.) never felt so much pain on any occasion as now, when he observed the measures in progress, and contemplated their consequences. The Committee had gone beyond its instructions; it was ordered to report information, and not to recommend specific acts of despotism: it was constituted in a way that made it nothing else than the tool of Ministers. At first the names of the members were pretended to be chosen by ballot; but an hon. member (Mr. Brougham) read the list before it was announced. Was not this a mockery, a palpable deceit, a delusion? Was it not like the packing of a Government jury? He (Lord C.) pledged himself to bring forward a measure to correct the present mode of balloting, and to obtain a more unbiassed election. (*A laugh*.) Then the Report of this Committee concluded by recommending a measure for the suspension of our liberties. This was of a piece with the other measures of the House. He did not recollect a single instance in which it had attended to the petitions or complied with the wishes of the people. Unless the House turned over a new leaf, unless it changed its system, it could not much longer proceed in its career. To suppose that borough-mongering oligarchy could be long supported by a despotic military force, was an absurd delusion. The British people would not allow their Constitution to be so destroyed, and that too by men like the present Ministers. He had now expressed rather his feelings than his opinions or arguments, and he could not help warning Ministers of their danger. A despotic

Government was always the most insupportable, and a revolution was rapid in proportion as the oppression of the people was severe. The Duke of Algiers generally received the first intimations of discontent from the rebels who surrounded his palace to decide his fate, and who must either destroy him or be themselves destroyed. He (Lord C.) had himself been present when many heads were cut off for attempts at insurrection in that state, and he had seen them piled along the wall of the city, like shot in the arsenal of Woolwich. If the present system was continued, the walls of the Tower would soon be covered with heads in a similar manner, or the heads of his Majesty's Ministers must be cut off. (*A laugh*.)

Mr. H. Addington rose to make a few observations in reply to some points that had been stated by the Lord Mayor, to whom he had paid that attention which he deserved on every account, and which was particularly due to his first speech in the House. During the two first parts of the hon. member's speech, he (Mr. A.) thought he had forgotten the question; his remarks had been so irrelevant. He complained of a want of respect in certain quarters, but he was sure his noble relative, and all those connected with the Home Office, were anxious to show him all the respect which his zeal and activity merited. His conduct on the 2d of December had been particularly the object of their praise. Yet he (Mr. A.) thought that he had attributed too much to his exertions, (from which he was far from wishing to detract,) and had, without foundation, reflected on the conduct of the Home Office.—The right hon. gentleman then detailed the arrangements made for preserving the public peace on the 2d of December; and contended, that they were as prompt and efficacious as could have been expected. Adverting to the state of the midland districts, he stated, that Oliver was introduced to the office of his noble relative as a good and useful character. He had been a respectable builder: he gave references to people who could vouch for his former conduct: he mentioned, that his only desire was to be employed in procuring and transmitting information, and that he had no sinister purpose whatever to accomplish. No reward was proposed to him, no hire was offered, nor had he been led to rely on the hope of any remuneration whatever. He (Mr. A.) regarded the whole question as involving a mere difference of opinion with regard to the nature and tendency of acknowledged facts. He trusted that hon. members on the other side did not arrogate to themselves an exclusive attachment to the constitutional rights of the subject; at least, he was sure that the love of power must be exceedingly strong, if for its gratification it could cover an authority, the exercise of which was attended with so much responsibility, anxiety, and trouble.

The Lord Mayor, in explanation, stated that he had always received the most and

prompt attention from the right hon. gentleman, whenever he required his assistance; but upon the occasion alluded to, namely, on the 2d of December, he must repeat that no cavalry were in Skinner Street or near the Tower, and that the first appearance of any cavalry was at Aldgate, after the outrages were committed, and when the people were employed in collecting the arms which were scattered about the streets. As to the inflammatory paper to which he had referred, he contended, that as it was issued at so low a rate as not to defray the expense of printing, that expense must have been paid by somebody—he could not pretend to assert by whom.

Mr. *Maudonald* said, that he had some observations to submit upon this subject; but as he perceived it was the disposition of the House to close the debate for this evening, he should reserve what he had to say for another stage of the bill.

The question was here called for, and the House divided:

Ayes 80, Noes 30, Majority 50.

The bill was then read a second time and committed for to-morrow.

[WAYS AND MEANS.] Mr. *Brogden* brought up the Report of the Committee of Ways and Means.

Mr. *Owenfall* remarked, that he was desirous of taking this opportunity of alluding to the prospect held out to the country by the Chancellor of the Exchequer of the speedy resumption of cash payments by the Bank of England. The right hon. gentleman, with a kind of triumphal flourish, had flattered them with this expectation; and when pressed a little upon the subject, had put a case which he seemed to think quite in point, and fully illustrative of the accuracy of his statement. He had the next day, for the purpose of putting it to the test, gone into the city, and on applying to three very eminent banking-houses, learned that they had so each note as that described by the right hon. gentleman in their possession. He had reason to believe, therefore, that the Chancellor of the Exchequer had introduced the boast of a capacity to pay in specie at the present moment, in order to have what was vulgarly called a *fling* at the Bullion Committee—he meant that Committee of which his late lamented friend Mr. *Hosmer* was the chairman. It was important, however, that the principles of the Report produced by that Committee should not be misunderstood: they never maintained that the system of paper-credit was injurious or dangerous, or that it was not of the utmost advantage to a commercial country: their doctrine was, that such a system ought to have its limits, and that the true and only necessary limit was the convertibility of paper into specie at the pleasure of the holder. With regard to the actual fact of paper having recovered its level under so small a compensative decrease in the issues of the Bank, it was to be explained by the prodigious dimi-

nution in the amount of country notes. That amount had been calculated at about 50,000,000*l.* of which it was probable 20 or 30 had been withdrawn from circulation.

Mr. *P. Moore* thought nothing could restore the integrity of the Bank but a return to its situation in the year 1797.

Mr. *Ponsonby* said, he had a motion to submit, unless he should receive some satisfactory explanation, on the subject of the actual amount of the unfunded debt. A part of this was called provided, and a part unprovided for: what he desired to know was, whether what was described as provided for, had been already paid off, or whether, if not paid off, the funds for that purpose were now in the Exchequer? Of the whole outstanding debt of 53,000,000*l.* and upwards, the sum represented as provided for was 11,897,900*l.*, and he wished to have a clear understanding as to what was meant by the phrase in question.

The Chancellor of the Exchequer said, he thought it unnecessary to add any thing to what he had stated the other night respecting the payment of notes in specie. With respect to the bills alluded to by the right hon. gentleman, they were not actually paid off, because if they were, they would not have appeared in the account at all; nor was there money in the Treasury to pay them off, because if there were they would have been immediately paid off, in order to prevent the increase of interest. But they were stated to be provided for, because provision had been made for their payment by votes of Parliament, upon which the money had not been raised.

Mr. *Ponsonby* declared, that when he saw a statement that certain exchequer bills were provided for, he understood they were actually paid off, and such he believed was the impression upon the minds of all the country gentlemen, who would, from this statement, calculate that the country was relieved from the interest upon those bills: whereas it now appeared, he was to understand that there was no difference to the country, whether Exchequer Bills were provided, or unprovided for, and that we had still to provide for the payment of an unfunded debt of no less than 52 millions.

The Chancellor of the Exchequer observed, that the return alluded to by the right hon. gentleman, was in the same form as that usually laid before the House upon the subject of Exchequer Bills; and that the statement that such bills were provided for, was rather technical than actual. (*Hear, hear.*)

Mr. *Baring* remarked, that the right hon. gentleman was cheered in the course of his observations by many behind him; who did not at all, he believed, understand the subject upon which the right hon. gentleman was speaking. He did not indeed, himself, distinctly understand the right hon. gentleman. He required, therefore, ——— explanation ——— point, whether the amount of Exchequer Bills

stated to be provided for was fixed upon any particular fund, which there was reason to calculate would prove adequately productive, or whether the whole of the 59 or 63 millions of outstanding Exchequer Bills were to remain outstanding at the close of the year, in addition to the nine millions which the right hon. gentleman proposed to issue? He did not allude to this additional issue with any feeling of hostility to the right hon. gentleman's project, for he really thought, that under present circumstances, this issue of Exchequer Bills was the best mode that could be devised to provide for the supplies of the year.

The *Chancellor of the Exchequer* replied, that he should have been happy if it were in his power to furnish an accurate statement, but the result at the close of the year depended on so many contingencies, as to be necessarily doubtful at the present moment.

The resolutions of the Committee were read and agreed to, and bills ordered to be brought in.

CLERGY RESIDENCE BILL.] Sir J. Nicholl moved the further consideration of the report of this bill.

Several new clauses were added, and some amendments made, after which it was ordered to be engrossed and read a third time on Thursday next.

TITHES.] The tithes leasing bill was read a third time, and passed.

BUILDING OF CHAPELS.] On the motion of the *Chancellor of the Exchequer*, the House went into a Committee to consider of a resolution for building Chapels for the performance of divine worship. In the Committee the hon. gentleman stated the outline of his which was in substance as follows:—To individuals to subscribe for the building of Churches or Chapels; and to authorize the majority of the parishioners to impose a rate for the like purpose, without the usual application to Parliament. No alteration to be made in advowsons on the present state of Church patronage, but subscribers to the building of Chapels to have the appointment of clergymen for a certain period. The right hon. gentleman also hinted the practicability of Exchequer Bills being advanced, under certain conditions, in aid of works of this kind. He concluded, by moving a resolution for leave to bring in a bill for building Chapels for the performance of divine worship, according to the Church of England, in parishes for which the Churches and Chapels are inadequate to the accommodation of the inhabitants.

Sir J. Newport thought that a rate ought not to be imposed by a bare majority, but that it should require a majority of three-fourths of the parishioners.

The *Chancellor of the Exchequer* said, that was a matter for future consideration.

M^r. Gordon asked, whether the money voted for the building of national monuments might not be applied for the building of churches.

The *Chancellor of the Exchequer* said, that the House having agreed to recommend to the Prince Regent the building of certain monuments, the money could not now be applied to any other purpose.

M^r. Banks stated what had already been done by the Committee to which the consideration of the building of monuments was referred. He observed, that the sum voted for two separate monuments was 300,000*l.*; which, though liberal for that purpose, would not defray the expense of building two churches.

Sir T. Asland wished that some purpose of utility might be connected with the monuments to our glory, but thought, that both these objects could not be combined in an edifice devoted to religious purposes.

Sir J. Newport considered it highly proper that churches should form the monuments to our glory. He objected to clergymen deriving an income from the letting of pews; and hoped that this would not be allowed.

M^r. Huskisson said, that consideration would form part of the detail of the bill.

After a few words from M^r. Wilberforce, M^r. Babington, and the *Chancellor of the Exchequer*, the resolution was agreed to, and leave given to bring in the bill.

HOUSE OF LORDS.

Wednesday, June 25.

HIGH SHERIFF OF TIPPERARY.] Lord St. Leonards laid on the table a correspondence between Ministers and the Lord Lieutenant and Lord Chancellor of Ireland, relative to the high sheriff of Tipperary.

PETITIONS—HABEAS CORPUS.] Lord Ashland presented a petition of Freeholders and Inhabitants of the county of Warwick against the Habeas Corpus Suspension Bill. This petition had reached him on Friday last, and he had twice before come down to the House to present it, but found that their lordships had adjourned. It had not, however, reached him till after the bill had passed that House; but as they knew by experience that the bill might come again under their consideration by means of amendments, the petition, he presumed, might still be presented. It had been almost unanimously agreed to at a public meeting, though the signatures were not so numerous as they would have been had it not been an object to send up the petition as speedily as possible. He had received letters from many of the most respectable persons in the county, authorizing him to put their names to it, which, as being irregular, he had not done; but he mentioned the circumstances in order to shew, that the petition expressed the opinion of the great body of the freeholders of Warwick.

It was read, and laid on the table.

Irish Insurrection Bill.] The Earl of Liverpool moved the commitment of this bill. He observed, that it had been before continued for three years, but it was proposed at present

to continue it only for one year. The reason was, that it was hoped the system of civil police would, in the course of a year, be so matured as to render such a bill unnecessary.

The Earl of *Donoughmore* said, the reason given by the noble lord for passing this bill for one year was not sufficient to justify the passing it at all; though he did not mean to deny that there were some grounds for the measure; but while he admitted this, he thought that the circumstances attending its progress called for some observations. The first was, that to deprive the population of Ireland of the benefits of the Constitution appeared to have become a matter of course. It was the boast of England that no person could be punished till he had been put upon two juries; but by this measure, the Irish were deprived of juries altogether, and even of the advantage of trial before a judge of the land. It was a sort of family compact, by which three magistrates might try and give judgment of transportation. In addition to this, two new transportable offences were created, of which the one was, the being found absent from a person's usual place of residence at any time between sun-set and sun-rise; and the other was, the being found between sun-set and sun-rise in any other place than his usual place of residence, without properly accounting for it when called upon. When the measure was first proposed, he confessed that he was apprehensive that it would be executed with improper rigour. He had thought that the responsible Minister of the Lord-Lieutenant had too little experience, and that his views were not sufficiently enlarged for the government of a great country. He had, therefore, watched the execution of this law with considerable jealousy; and he was now happy to be able to say, and therefore it was his duty to say, that the act had not been improperly executed. He knew that there had been many persons ready to run open-mouthed upon the population, if they could get permission; but it was creditable to the Government that these had been checked. He was now convinced that, if such a bill must be passed, it could not be in better hands than in those of the Lord Lieutenant and his Minister; but still he could not but be sensible that the bill was carried forward a great deal too much as a matter of course; so much so, that even a short speech was hardly thought necessary to introduce it in either House. Why did not the Ministers deal with Ireland as with this country? They had suspended the Habeas Corpus Act here, but the measure had been introduced by a solemn inquiry by Committees of both Houses; as for Ireland, it seemed to be thought enough to say, you suspended the liberties of that country, being, therefore do it again. As far as depended on his humble power, such a measure should never pass again with respect to Ireland without a previous solemn inquiry and examination of witnesses. It was also proper to observe, that when something was to

be done, nothing occurred to Ministers but measures of great severity; and this was particularly the case with respect to Ireland. What had they done in favour of Ireland? Ireland had asked a great deal, but certainly little had been done for that country. He did not mean to say that the present measure was particularly directed against the Catholics; far even if their claims had been conceded, still if the present disturbances continued, the measure would not have been the less necessary. Another topic which well deserved the attention of the House, with reference to the administration of justice in Ireland, was the appointment of sheriffs. It was of the greatest importance to Ireland that, in this particular, it should be put on the same footing as England. The correspondence respecting the high sheriff of the county of Tipperary would afford a strong argument for this point. He would not mix that with the present question, but it was his intention to bring the subject under the notice of their lordships at another time. With these explanations he assented to the measure.

The Earl of *Liverpool* said, the reason why he had not thought it necessary to say more on the subject of this bill was, that he had understood there was a general concurrence of opinion among those particularly connected with Ireland, that this measure was necessary; or at least that it was highly expedient that it should be continued. The previous proceedings with respect to Ireland had been different, because the disturbances there did not arise from political causes. This he had stated as a reason for not extending the Suspension Act to Ireland; and from subsequent information he was fully convinced that the opinion was correct. The disturbances arose chiefly from the pressure of extreme distress, arising from causes which no legislation could have prevented. He thanked the noble earl for the liberal manner in which he had spoken of the conduct of those at the head of the Irish Government, and he was sure they deserved the commendation which he had so handsomely bestowed upon them. The act had been enforced by them only in cases of absolute necessity. This had been acknowledged by friends and opponents; and though this was not of itself a ground for passing such a bill, yet it was satisfactory to know, that since the measure was necessary the execution of it would be in proper hands. With respect to what had been done for Ireland, he was sure he was fully justified in saying, that in financial and commercial arrangements the interests of that country had been particularly consulted; and had it not been that Ireland must now be considered as a part of Great Britain, it might even be said that the interests of Great Britain had been, to a certain extent, sacrificed in order to promote those of Ireland. With respect to the appointment of sheriffs, he admitted that it would be desirable to place that matter on the same footing as in this country, where it had been for 16

years past managed upon a purely impartial judicial principle. He had no affection for measures of this nature, but the bill was necessary and therefore ought to pass.

Lord Holland remarked, that the concluding sentiments of the noble earl were creditable to him; and if he would carry into effect the plan of putting the appointment of sheriffs in Ireland on the same footing as in England, he would confer a great benefit on Ireland: but still he had not satisfactorily answered the observations of his noble friend with respect to the measure itself. Seven years ago it was adopted as the child of overbearing necessity; and, after having been renewed two or three times, it appeared now to be continued as a matter of course, without inquiry, and almost without observation. * After pretending, too, that the measure of the Union would enable us the better to extend the benefits of the Constitution to Ireland, we were now confessing, 17 years from the period at which that event took place, that Ireland was in a state to require a measure of this nature, which deprived the people of a considerable part of the benefits of the Constitution. The noble earl had said, that the interests of Great Britain had been sacrificed in favour of Ireland; but if that were the case, how was it that Ireland was in a state which called for such a measure as this? That circumstance might serve to convince the noble earl that there was something radically wrong in the Government of that country. He confessed with pain, that he was not very fully informed as to the state of Ireland, but as there was no evidence before Parliament to shew the necessity of this measure, he should certainly oppose it.

The Earl of Limerick said, that unless this bill were passed, the lives and property of the people of Ireland would be in imminent danger. He was no friend to the principle of the bill, but the responsibility rested with those whose conduct had rendered such a measure necessary. What was to be done when the most abominable murders were perpetrated, and witnesses were afraid to come forward to give evidence? It was true, that the disturbances did not arise from political causes, and that the distress was dreadful: but it was notorious that the greatest excesses had been committed. If the appointment of sheriffs were to be put on the same footing as in England, he trusted that the act to prevent a judge from going upon that circuit where his own particular connexions resided would be revived. Ireland was a small country, and the judges had strong local partialities, and care ought to be taken that, in preventing the appointment of sheriffs from being made a Government job, they did not make it a job for the judges.

The Earl of Donoughmore was surprised to hear it objected to the judges that they were born in Ireland. He had a high respect for them all, including the Lord Chancellor: but at

any rate the appointment would not rest with the judges, as their duty would be limited to this—to take care that no improper persons were recommended. With respect to the benefits conferred upon Ireland, the chief of it was, that Ireland having become completely bankrupt, by the management of the finance of that and this country, and being utterly unable to pay the interest of the whole of her debt, this country was so good as to make up the deficiency, and pay it for her.

The Earl of Limerick denied that he had stated it as an objection to the Irish judges, that they were born in Ireland. He had merely said, that they had strong local partialities. He was as proud of being an Irishman, as the noble earl, or any of the noble lords around him.

The bill went through the Committee and was reported.

SAVINGS BANKS.] The Marquis of Lansdowne presented a petition of the managers of the Bath Provident Institution, praying that the Savings Banks bill might pass into a law. His lordship said, he coincided with the petitioners in this wish, so far as regarded the general object of the bill, though some of the clauses appeared of questionable utility.—The petition was read and ordered to lie upon the table.

The House then resolved itself into a Committee on the bill.

Lord Redesdale went over the different clauses, and pointed out various parts which required amendment, in order to render more clear what he supposed to have been the intention of the framers of the measure. He also stated that he meant to propose some new clauses. One clause in the bill he particularly objected to, namely, that which authorized persons to receive allowances from their parishes, notwithstanding they might have money to a certain amount in the Bank. This was to encourage that sort of spirit which induced beggars to sew up money in their old clothes, where it was found after their deaths, but from which they never derived any benefit during their lives. This clause he thought ought to be expunged. He concluded with proposing that the amendments should for the present be received *pro forma*, and that the bill should be printed as amended, in order to its being recommitted.

The Lord Chancellor agreed in general with what had fallen from his noble and learned friend, but thought it necessary to call the attention of their lordships to the clauses which related to the relieving of the parties connected with these banks from the expense of stamps, and others which might have the effect of referring their disputes to the Court of Chancery. His lordship observed, that it was now 40 years since the practice began of introducing clauses into bills, which had made the Court of Chancery a sort of highway, through which all canal bills, road bills, and bridge bills were sure to pass. This had had the effect of completely impeding that course of the administra-

tion of justice which was the natural business of the Court; and if something were not done to remove the evil, it would be necessary for their lordships to constitute another Court of Chancery. Much dispute might arise on the clause which obliged the executors of officers dying to pay the Saving Bank what might be due in preference to any other demand. Sometimes one act of Parliament, in referring to such events, ordered that one set of parties should be paid first, another act made some provisions for another set. It would be difficult to decide between the conflicting claims which might thus arise, and which might frequently occur; for he knew that the office of treasurer was much coveted, and one person might stand in that situation to several institutions. With respect to the relief from the payment of stamp duties, that would be found but a very small part of the law expenses in such cases. To give full effect to the intention of the bill, it would be necessary to do away these expenses altogether, as well as those which might arise in the case of persons dying intestate.

Lord *Dynevor* said a few words, concurring, it was understood, in the amendments which had been proposed.

The Marquis of *Lansdown* warmly approved of the principle of the bill, and agreed in what had been stated respecting the expense of stamp duties, and the necessity of securing the distribution of the effects of persons dying intestate. The latter was a point of great importance; for any doubt or apprehension of difficulty in that respect could not fail to impede the success of the measure. He concurred most fully with the noble and learned lord in his objection to the clause which authorized the granting of parochial relief to persons who might possess funds in these institutions. To agree to that clause would be to enact an inconsistency; for the great object of the measure under consideration was to rouse up a spirit of independence among the labouring classes which might counteract the pernicious influence of the poor laws. The clause was therefore quite hostile to the spirit of the bill. He was anxious that a measure which was likely to lay the foundation of a change in the habits of the poor, and do away the evils attendant on parochial relief, should be rendered as perfect as possible. *The advantage that a few subscribers to savings banks might gain under this clause was, in his opinion, no sufficient reason for retaining it.

After a few words from the Earls of *Rosslyn* and *Donoughmore*, the amendments were moved, and agreed to *pro forma*.

HOUSE OF COMMONS.

Wednesday, June 25.

CHIMNEY SWEEPERS.] Mr. *Bennet* rose in behalf of an humble body of individuals whose situation was such as to demand legislative in-

terference. A bill had formerly been passed for the regulation of the trade of Chimney-Sweepers, as it was called; but the provisions of that bill had proved ineffectual, and boys of the most tender age were still employed in the sweeping of flues. A Committee on the subject had found that there were 200 master sweepers in London; of these, 20 used their apprentices in the best manner they could; there were 90 whose conduct he could not praise; and the remainder were known to be of the most unfeeling and brutal disposition. In some parts of the kingdom, females were employed for this purpose, and, to the horror of the Committee, they found that smallness of size and delicacy of make were recommendations to the masters. Under these circumstances, the Committee recommended the prevention altogether of sweeping chimnies by means of children. He was sure that the mechanical skill and ingenuity of this enlightened period would find a substitute for the employment of human hands. Such a substitute had in fact been found: and the Committee had learned, from architects of the highest authority, that 95 chimnies out of 100 might be swept better by mechanical means than by children. When the extreme moral degradation of the wretched beings employed in this trade was considered, he thought there could be no objection to the introduction of a bill which he should now propose, for the abolition of these disgraceful cruelties.—The hon. member concluded with moving for leave to bring in a bill “to explain and amend an Act of the 28th year of his present Majesty, for the better regulation of Chimney Sweepers and their apprentices, and for making further and more effectual provision for that purpose.”

Mr. *Wilberforce* rose to second the motion, and stated, that the nature of the trade was such that the mildest masters were necessarily obliged to be cruel on many occasions; and the moral degradation of these unfortunate beings was beyond all belief. Since the matter was first taken up, in 1816, two boys had stuck fast in chimnies, though belonging to very humane masters. In fact the masters were obliged to use a great degree of force in the course of instructing the apprentice. When the House considered that abomination, that insult on human nature—the employment of females in this horrid trade—he trusted there could be no opposition to the measure.

Mr. *Curwen* said, that means had been found which rendered the employment of boys altogether unnecessary.—Leave was given to bring in the bill, and it was brought in, and read a first time.

CATHOLICS.] General *Thornton* rose, pursuant to notice, to move for leave to bring in a Bill to repeal such parts of the Acts of the 25th and 30th years of the reign of King Charles the Second, as require declarations, in certain cases, to be made against the belief of Transubstantiation, and asserting the

worship of the Church of Rome to be idolatrous. He stated that the Acts in question had been made at the end of the reign of Charles the Second, when the Duke of York, the next heir to the Crown, was a declared Papist, and when the country was agitated by rumours of Popish plots. Bishop Burnet, in the History of his own Times, stated, that while examinations were going on, and preparation was making for the trial of the prisoners, a Bill was brought into the House of Commons, requiring all Members of either House, and all such as might come into the King's Court or presence, to take a test against Popery, in which not only Transubstantiation was renounced, but the worship of the Virgin Mary and the Saints, as it was practised in the Church of Rome, was declared to be idolatrous. This passed in the House of Commons without any difficulty. But in the House of Lords, Gunning, Bishop of Ely, maintained that the Church of Rome was not idolatrous. The Lords did not much mind Gunning's arguments, but passed the bill. And though Gunning had said that he could not take that test with a good conscience, yet as soon as the bill was passed, he took it in the crowd with the rest.—The hon. member said, his motion was not to interfere with the Oaths of Allegiance, supremacy, and abjuration, which would remain in force, and which he thought would be a sufficient security to the Protestant interest. The present seemed to him to be a proper time for the repeal of those laws, as there no longer existed any political necessity for them. He thought it was hard on Protestants, to make them declare the worship of the Church of Rome to be idolatrous, as most of those who were so called upon, he conceived, did not know enough of the subject to be satisfied of the truth of that declaration, and some might know it to be an unfounded calumny. It was for another reason a proper time, as there was at present no clamour amongst the Catholics, which had formerly been thought a sufficient reason for not granting any thing to them.

Mr. Blake seconded the motion.

Lord Castlereagh was not disposed to provoke any discussions then upon the subject. He thought it would be more convenient to defer the consideration of the measure till another session, and should therefore move the previous question, which was carried.

SLAVE TRADE.] Mr. Smith brought up the Report of the Committee on the African Trade, and, on moving that it be printed, begged leave to read a letter from Sir J. Yeo, shewing the great increase of the Slave Trade on the coast of Africa, in the hands of the Spanish and Portuguese. One Portuguese ship had been captured, of only 120 tons, with 600 Slaves on board, 30 of whom died in a short time; the mortality, indeed, and stench on board were dreadful. It seemed that these two nations considered themselves quite secure in the trade, and were making

the most enormous profits, buying a Slave for a quantity of tobacco worth no more than 4l. 10s. and selling him for 400 dollars. This shewed the truth of what had been often said, that it was to no purpose to abolish the Slave Trade in one country unless it were abolished in all. The question, however, was of the utmost importance to this country, but more especially in our relations with Africa. The great use and advantage of commerce was to accelerate the civilization of the world, and in general it had greatly promoted that object; but, the commerce carried on with Africa had always tended to keep that country in a state of barbarity and degradation. Such being the case, he should state the nature of the obstruction that prevented this country from carrying into effect its duty towards the negroes. After the Slave Trade had been first abolished here, so much to the honour of Great Britain; Sweden and Denmark, countries by no means neglectful of their own interest, followed our example; then Holland, whose god was gold, had succeeded; and France had also abolished the trade. None now remained to support the traffic but Spain and Portugal; and he stated this with indignation. Spain and Portugal, who owed their Crowns and their existence to us; whose fields were fattened with our blood—*sepefecerat ora cruore nostro*;—these nations carried on the trade, not only in spite of, but actually by the means of, our laws; and an additional evil was, that under their flag every other nation carried it on also. This proved, that the abolition would be fruitless unless every nation joined in it; but the trade, as carried on at present, assumed a most perverse complexion: for Portugal, by treaty, was allowed to carry on the trade south of the line, and Spain, north of the line; so that no part of Africa was exempt from its pernicious influence. Surely there was space enough for both, south of the line; and it was not to be endured that Spain should carry on this traffic to the very ports of our own settlements. It might be said, that some allowance was to be made for Spain, as being less enlightened than the rest of Europe, and seeing this matter with the same eyes with which we ourselves viewed it fifty years ago; but the fact was not so, and Spain admitted the iniquity of the trade as fully as we could. In proof of this he appealed to the convention of 1814, and to the declaration made in 1815. The latter contained expressions indicative of the greatest horror at this inhuman traffic. He did not mean to make any motion on the subject, as there was another member in the House much more qualified to do so; one whom all respected for his exertions and perseverance in this great cause, and whose name would go down to posterity immortalized by the abolition of the Slave Trade.

Mr. Wilberforce thought it extremely distressing that in that very part of Africa in which we had been healing the wounds inflicted by this

detestable traffic, in which we had been sowing the seeds of civilization and security, fresh wounds should be thus inflicted, and the seeds of cruelty and wretchedness should again be sown. No language could do justice to the indignation and abhorrence excited by the very mention of 600 youths torn away in such a manner, thrown under the hatches, and left there, grovelling in one common mixture with their own ordure. The subject was entitled to the utmost attention from two considerations: first, because the practice of dealing in Slaves was entirely abolished by the House; and then, because the country where those horrors were committed had been the object of peculiar care and attention. He would therefore submit a motion on the subject on Tuesday next.

Mr. *Barham* said, there were only three modes by which this traffic could be put down: 1st, by negotiation with those powers who still continued to sanction the Slave Trade; 2d, by a combination between us and the other European Powers, such as was the congress at Vienna for a very different purpose; and 3d, by prohibiting the employment of British capital in this trade. It was with a view to put this mode into practice that he had brought in a bill on the subject.

Mr. *Baring* said, that no commercial considerations could have induced him to give the slightest opposition to a bill on such a principle; but the bill of the hon. gentleman went, in fact, to prevent trading with those colonies in which the Slave Trade was carried on, or to exact a security, which would only drive the trade of those colonies into other hands, as the abolition of the Slave Trade had driven that traffic into the hands of others. Whether the trade was diminished, or whether it was not increased by the partial abolition, he would not say; but the business of this country was, that this odious traffic shall be made to cease. (*Hear, hear.*) The alteration that had taken place had increased infinitely the misery of the unhappy victims of the trade. This arose from the cheapness of this kind of commodity. When the captains purchased them at 4l. or 5l. and sold them after the passage for 90l.; it was no matter to them whether they lost 40, 50, or 100 of them during the voyage. (*Hear, hear.*) The colonies of Portugal were thriving beyond all other colonies in the world through this trade. (*Hear, hear.*) He begged again to repeat, that no commercial consideration should make him oppose any measure that might effectually abolish the trade.

Lord *Canning* said, he should avoid going into the question at present, since the hon. gentleman opposite was to make a motion so soon on the subject. His hon. friend knew, and the House would believe, that it was a subject which had occupied the attention of his Majesty's Government, and on which they had bestowed as much and more labour and pains than on all other subjects.

The result of their attention and labour, and of their discussion with other Powers, they would with readiness lay before the House, if required.

The report was then ordered to be printed.

IRISH LUNATIC POOR COMMITTEE.] Mr. *F. Fitzgerald* brought up the Report of this Committee, which was ordered to lie on the table, and to be printed.

LORD SIDMOUTH'S CIRCULAR.] Sir *S. Romilly*, in rising, pursuant to his notice, to call the attention of the House to the Circular Letter addressed by the Secretary of State (Lord Sidmouth) to the Lords Lieutenants of Counties, said, he owed an apology for having deferred the subject till so late a period of the Session. The delay had not proceeded from any insensibility on his part to the magnitude of the question, which involved considerations of the utmost importance to the administration of justice, the liberty of the press, and the character of the Legislature; but he had deemed it expedient, before he ventured to bring it forward, to weigh and examine it in every point of view, for he knew too well that these were not favourable times for agitating questions which regarded the liberty of the people:—he knew that it was not possible to induce Ministers to retrace their steps, and he was aware of the address and dexterity with which they and their friends would elude the clearest conclusions of law, and frustrate the strongest deductions from facts. (*Hear, hear.*) He could not, however, suffer a measure of such dangerous consequence as this Circular Letter to pass unnoticed; he felt himself bound to raise his voice against it; and though opposition and exposure might be of no use, still he would never neglect the performance of that duty which, as a member of the Legislature, he owed to the nation at large. (*Hear, hear.*) The House would remember, that the Letter from Lord Sidmouth to the Lords Lieutenants of Counties, dated the 27th of March last, to which he was now calling their attention, was a Letter in which he desired them to inform the magistrates what the law was on the subject of libel; that they had a discretionary power to commit persons for the offence of seditious or blasphemous libels; and having informed them of this law, on the authority of the law officers of the Crown, he proceeded to direct them, or what was the same thing, to recommend to them, how that discretion ought to be exercised. (See p. 1057.) Now, supposing the law quite clear on this subject—supposing that there existed no doubt or difficulty whatever, still it appeared to him that the circumstance of a Minister of the Crown, recommending or suggesting to magistrates how they ought to exercise a discretion vested in them by law, was contrary to the principles of the Constitution, and inconsistent with the pure administration of justice. But what if the law, instead of being clear, was, in fact, extremely doubtful?—And further, if the Secretary had represented that

as law for which no warrant or authority could be adduced? But, supposing a Justice of Peace had the power of committing or holding to bail for seditious or blasphemous libels—supposing this to be a matter subject to no doubt whatever—he would ask, when a magistrate had a judicial discretion, whether a Secretary of State could be allowed to take on himself to interfere with that discretion, and to dictate how it ought to be exercised? That this was the effect of the Letter there could be no doubt. The words were, “I beg leave to call your Lordship’s attention very particularly to this subject; and I have to request, that if your Lordship should not purpose to attend in person at the next general Quarter Sessions of the Peace, to be holden in and for the county under your Lordship’s charge, you would make known to the chairman of such sessions the substance of this communication, in order that he may recommend to the several magistrates to act thereupon in all cases where any person should be found offending against the law in the manner above-mentioned.” That is, that in all cases where any person was charged with a libel, he should be committed to prison or held to bail. Nothing could be more dangerous to the liberties of the country, than the interference of the Executive Government with the regular administration of justice. It was common for judges to offer recommendations to grand juries, and he was not aware of any objection to that practice; but for Ministers to deprive magistrates of their discretion, and to exercise it themselves, was a monstrous violation not only of justice but of decency. (*Hear, hear.*) To direct that no considerations of greater or less criminality of intention, of inadvertence, of precipitancy, or of ignorance, should be admitted, but that in all cases they should exercise their discretion in the way directed, was an outrage upon every principle of judicial administration. (*Hear, hear.*) Magistrates had a discretionary power of punishing certain offences with greater or less severity. What would be said if any Minister of the Crown should take upon himself to direct magistrates to punish in all those cases to the utmost extent? (*Hear, hear.*) This was precisely the case here; it was an act of the Government taking upon itself to exercise judicial power: but even in this view of the matter, it became far more striking on considering this particular case. The power, where it existed, of holding to bail for obnoxious writings, ought to be exercised, and had been exercised, only on very extraordinary occasions. In 1811 the subject was discussed in that House. The act allowing the discretion of holding to bail on informations *ex officio* passed in 1808. Sir Vicary Gibbs, the Attorney-General of 1811, stated, that the power was so rarely adopted, that though during 3 years (from 1808) 40 informations *ex officio* had been filed, only one case had occurred in which that discretion was exercised. What made the argument still stronger, that was a case in which,

after the information had been filed, a new edition of the libel was printed. In this single case of aggravated circumstances, out of 40 cases during the first three years after the law was thought necessary—in this single case—the discretion intrusted to the Attorney-General was exercised: yet this discretion was now so exercised by the magistrates in all cases whatever! (*Hear, hear, hear.*) In 1798, and soon afterwards, a great many complaints of libels were made; yet in that period, when the present Lord Chancellor was Attorney-General, not one single instance was to be found in which this power was exercised. This was a strong argument that the law did not authorize for, in the cases of Paine, of Barlow for attacking the privileged orders, and many others, supposed most dangerous, as corrupting and inflaming society—in not one of those cases was any attempt of this kind made. But, leaving the law at present out of view, this at least proved that the discretion ought to be most rarely exercised, that it ought to be applied with the utmost discrimination, and after the most deliberate care and attention. What should we think of a magistrate who should declare beforehand, that he would exercise this power, and say, before hearing the charge or the proof, that he would hold the party to bail? If such a case occurred, and it were brought under consideration, he had no doubt whatever that the Lord Chancellor would feel it his duty to order such a person to be struck out of the commission; but this, which no magistrate could do, and which the Lord Chancellor would be bound to punish, the Secretary of State had presumed to dictate to the magistrates, as proper for them to follow. (*Hear, hear.*) Upon the supposition that there was such a law, the Secretary of State had violated the first principles of the Constitution, and trampled on the most sacred rules of judicial administration, by giving directions or recommendations as to its exercise; by directing its exercise in this particular case; and by directing its indiscriminate application. But what if the existence of the law was extremely doubtful? Yet this the Secretary of State had admitted, for he could not venture to say of himself that such was the law, but that he had consulted the Attorney and Solicitor-General. They said it was law, but upon what authority? They had nothing better to offer, than that, in the case of Wilkes, such a power was not taken away from Justices of Peace. They stated two other cases since then, which had no reference to the question. In one of them, when Sir Edward Law (now Lord Ellenborough) was Attorney-General, the person implicated pleaded guilty, and submitted. There never occurred any thing before of this kind, except something similar by Lord Sidmouth himself, which he would notice by and bye. The Secretary, therefore, entertained doubts: and upon this, upon the fact of his having applied to the lawyers to say whether this was law, what was

the conclusion that must inevitably be founded? If the Crown had power to declare what was law (*hear, hear,*) the Crown was superior to the whole legislature of King, Lords, and Commons. There were only two modes of establishing a doubtful point of law: 1, by a declaratory act of Parliament; 2, by the regular and solemn decision of the Judges. In all times of our history, nay in the very worst times, it was not attempted to declare law in any other manner. It had been done by taking the opinion of the judges in an extrajudicial way: but that happened only in the most arbitrary and despotical reigns, and under the weak and daring Stuarts. (*Hear, hear.*) In the reign of Charles I., in the celebrated case of ship money, which was strikingly like the present, and any difference between them was entirely in favour of the ship money—in that case the Attorney-General, who knew what was the law, but who, according to Lord Clarendon, was bought over by flattery, had recourse to these expedients to sanction the measure. He argued, that the necessities of the King must be supplied by the people, and that the King was the only judge of that necessity; but he never thought of giving his opinion as law on the question. And would it be said, that what Mr. Noy at that time durst not do, the Attorney-General of the present day could do? (*Hear.*) The opinions of the judges were then taken on this subject. That it was doubtful, there could be no question: but the opinions of judges ought not to be law, unless the particular case be fully heard, and the parties interested have an opportunity of arguing it on both sides. (*Hear, hear.*) Objections were accordingly made on that occasion, that there was no case before the judges, and that no pleadings were heard; but the question was fairly brought to issue by one whom he would not be deterred from naming and honouring, by the prevailing fashion of undervaluing his conduct, and depreciating his merits—by the sycophancy and servility of those who paid court to Ministers by vilifying the founders of national liberty and happiness, and the brightest ornaments of human nature. (*Hear, hear, hear.*) The prevention of that arbitrary and unjust measure was owing entirely to the firmness and the honesty of John Hampden. (*Loud cheering.*) But when that immortal patriot brought the case distinctly before the judges, 10 of the 12 were so far corrupted as to adhere to their former opinions; and Croke and Hutton, names that he was proud to mention with a distinction so honourable, urged the strongest arguments against the decision in vain. The ten judges felt a sort of interest, a party bias, an *esprit de corps*, which led them to give this iniquitous and disastrous decision. In the reign of Charles II. in the case of Henry Carr, Lord Chief Justice Scroggs declared, that “to publish any paper or news was a breach of the peace, and might be proceeded against by law.”* What was the difference between these cases

and the present, except that the opinions were then published on better authority than at present? Because, though they had not the advantage of hearing counsel on both sides, who might be supposed to make the most of the subject, the twelve Judges were much better authority than an Attorney and Solicitor-General, and much more likely to give an honest opinion. In a question respecting the liberty of the press, or the rights of the people, an Attorney and Solicitor-General were the very worst authorities that could be adduced. It had been truly said by the biographer* of Bacon, that “the offices of Attorney and Solicitor-General have been rocks upon which many aspiring lawyers have made shipwreck of their virtue and human nature.” There were striking instances of this in the cases of Sir Edward Coke and Sir Francis Bacon himself;—the one the greatest ornament of the profession of the law, the other the greatest honour to his country and his age. Never were there scenes of baser servility and more cruel persecution than at the times when those great men filled the office of Attorney-General, though one of them (Lord Coke) afterwards discovered great judicial virtues, and was the only one of the Judges who, having declined giving an extrajudicial opinion in the case of *commendams*, afterwards refused to make a submission to the Privy Council on his knees. Yet Attorney and Solicitor-Generals were now held up as oracles, so disinterested as well as so learned, that on their authorities alone decisions as to doubtful points of law might be promulgated!—This was not the only instance in which their opinion had been published as law. There was a doubt whether, by the Act of Parliament, the militia might be kept embodied after the termination of the war. Lord Sidmouth then wrote a letter to the Attorney and Solicitor-General, and the answer was returned within 24 hours in something like the following terms: “Having received your Lordship’s letter of yesterday, in which you state that a doubt has occurred, whether it be lawful to keep the militia embodied, &c. we are of opinion that it is lawful.” So that these gentlemen, without any time to consider the subject, returned without delay the opinion which was to serve as law for the whole country. In the present case, the opinion was drawn up in a way to lead one to imagine that it had not been the result of great deliberation. Instead of referring to the Commission of the Peace, or tracing the origin and extent of the power of Justices, they mentioned the case of Wilkes, in which they said it had not been decided that Justices could not hold to bail, and the cases of Hogg and Spence, in which the Justices had exercised that authority, and in which it had not been called in question. The opinion was loose and vague, but he did not on that account blame its authors; but what should they say to a Secretary of State, who on the authority of such an opinion, thought fit to

* See State Trials, 32 Char. II. 1680.

* Maillet.

legislate for the whole country, and that too in a manner in which it was instantly promulgated to every magistrate. If it had been done by means of the judges, it would not have been done half so quickly; if it had been done by means of statute, it would not have been done half so effectually. Not only was this doubt solved, but the magistrates were called on immediately to carry the law into execution. They had formerly heard of the judges giving advice on matters of law to the executive; here the executive took upon itself to give advice to the magistrates. (*Hear.*) If this was to be the case, if on the simple opinion of the Attorney or Solicitor-General, doubtful matters of law were to be solved, and the magistrates to be called upon to act confidently on their decisions, it became the duty of the Legislature to see that men eminently well informed in legal knowledge should be appointed to an office which had such important judicial duties to perform, that no men should be raised to it who were not deemed fit to preside in the Courts; but who, after a long period, might be called to fill the station of a *puisse* judge. What should they say if an opinion on a doubtful matter of law were sent out to the country as determined on the authority of a *puisse* judge? But they would not be less dissatisfied that the case should be decided by persons who were only candidates for that office. Nothing was further from his mind than any reflection on the last appointment of this nature; he believed that promotion (to the Solicitor-Generalship) was eminently honourable to all parties concerned in it. (*Hear.*) The gentleman who had obtained it had not bowed his way into that situation; he had not gained it by his servility, nor had he made a show of opposite principles to those of his Majesty's Ministers in order to be bought over. (*Hear, hear.*) He thought it necessary to state this when he alluded to the situation of the law officers of the Crown, and objected to their being intrusted with such a prerogative as they had lately exercised, lest it might be imagined by some that he meant personal reflections, and that he disapproved of an appointment in the propriety of which he heartily concurred. It was not to the particular individuals that he objected, but to the surrender of such a privilege into the hands of individuals so situated, whoever they were. The House ought not to forget that the Attorney-General did not, like the Judge, take an oath to administer the law equally between the Crown and the subject, but to promote the service of the Crown. Sir Henry Spelman had described this officer in these words: *Attornatus Regis est, qui causas forenses Regis non solum promovet sed fortissima tuetur, more advocati*. Was the House, therefore, to believe it safe or constitutional to allow doubts on the laws that affected the liberty of the subject to be solved by his Majesty's lawyer? If he looked back to former times, he found examples to shew the danger of such a practice. A case

occurred in the reign of Charles II. in which a Secretary of State, who wanted the interposition of a law officer to accomplish an illegal object, found a willing instrument in support of an iniquitous proceeding. It was in 1684, the year when Russell and Sidney were judicially murdered, when the Law and Constitution were trampled under the feet of arbitrary power, and the forms of justice were made to cover the greatest enormities, that the instance to which he alluded occurred. The Earl of Middleton at that time wrote to the Lord Advocate for Scotland to take his opinion on the question, whether the judges could receive the depositions of witnesses against State prisoners before their trials came on. The Lord Advocate of that day, who mentions the circumstance himself, was Sir George Mackenzie, a man celebrated for his talents and legal knowledge, and who, on account of his perverted ingenuity, was only the more dangerous. He was sensible how contrary the opinion required of him was to the law; but he nevertheless answered, that the taking the depositions might, in ordinary circumstances, prejudice the judges; here they could not be prejudiced. (*Hear, hear.*) Having spoken thus much of the constitutional question involved in this Circular, he should now state to the House the course which he meant to pursue. He should first propose "that an humble Address be presented to his Royal Highness the Prince Regent, that he will be graciously pleased to give directions that there be laid before this House a Copy of the Case upon which the opinion of the Attorney and Solicitor-General of the date of the 24th of February last was taken;" and he should follow this up with the following two resolutions. 1st.—"That it is highly prejudicial to the due administration of justice, for a Minister of the Crown to interfere with the magistrates of the country in cases in which a discretion is supposed to be by law vested in them, by recommending or suggesting to them how that discretion should be exercised." 2d.—"That it tends to the subversion of justice, and is a dangerous extension of the prerogative, for a Minister of the Crown to take upon himself to declare, in his official character, to the magistracy, what he conceives to be the law of the land; and that such an exercise of authority is the more alarming, when the law, so declared, deeply affects the security of the subject and the liberty of the press, and is promulgated upon no better authority than the opinions of the Law Officers of the Crown." (*Hear, hear, hear.*) He would now shortly examine the legal opinion of the law officers, on which the noble lord's Circular was founded. He did not think that opinion correct or consistent with the principles of law. He was firmly convinced that magistrates had no such authority as it stated to belong to them. He meant, however, to propose no resolution on this subject. There might be some doubt; and he did not think it became the House, as one branch of the

Legislature, nor the other House; nor both together, to declare what the law was. In such a case all the branches of the Legislature must concur. But, if neither House of Parliament, separately, nor both together, without the sanction of the Crown, could settle this point, what was to be thought of an executive Minister, who took it upon him to declare what was the law of the land? Let the House consider the consequences of the exercise of this authority of the magistrates, so unconstitutionally declared to belong to them. They would have the power of committing or holding to bail, before indictment, every man who should be charged on oath, at the instance or in the opinion of any informer, with having published a blasphemous or seditious libel. It was well known, too, that blasphemous or seditious words uttered were punishable equally with publications of that character; or that the uttering of such expressions was considered as equivalent to publication: so that every man who published what any other man might think a blasphemous and seditious libel, or uttered a blasphemous or seditious expression, might be sent to prison, or held to bail, on the oath of the informer, by the command of any magistrate in any part of the country, however prejudiced or indiscreet. (*Hear, hear.*) The tyranny of the reign of Charles II. in prohibiting all works that were not licensed, could not be greater than this. It was folly any longer to talk of the freedom of the press. No paper, in any part of the country, could criticise the measures of Ministers, or render itself obnoxious to some busy magistrate, without the danger of exposing its author to imprisonment or expense without trial. The magistrate was not even bound to examine the publication which was declared a libel. The oath of an informer was sufficient ground for him to act upon. He would say nothing here of the new dangers that beset this new law, from the system of late introduced of conducting the affairs of the Government by spies and informers (*hear, hear*), who might insinuate themselves into our families, might listen to the unsuspecting conversation of our tables, urge on the ignorant and unwary to the use of expressions that might be construed into sedition or blasphemy; and then, by an exaggerated statement of what had been said, have them committed, or held to bail, at the pleasure of a magistrate by whom they were employed. (*Hear, hear.*) When this new practice was considered, the mischief of this Circular was beyond all bounds. (*Cries of hear, hear.*) But the power of commitment was not only given in cases where blasphemous and seditious libels were published or uttered, for the opinion comprehended libels on individuals as well as those of any other description. (*Hear, hear.*) He believed that the Attorney and Solicitor-General, when they wrote the opinion, given under their signatures, did not know the use that was to be made of it, otherwise they would have been

more cautious and guarded in their expressions. If they were not told what use was to be made of their opinion, they had as good a right to complain of the conduct of the noble Secretary as he had. They stated, "that a warrant might be issued to apprehend a person charged on oath for publishing a libel, either by the Secretary of State, a judge, or a justice of the peace;" but at the conclusion of their opinion, they qualified the word libel, which, in the first instance, was general, by the epithets scandalous and seditious. This omission in the first instance, and addition in the second, shewed something so slovenly, that they would not have been guilty of it had they been aware that they were declaring the law for the whole kingdom. (*Hear.*) As there was no distinction between the kinds of libels, so there were no limits to the power of the magistrates in other respects, if they were permitted to commit for what was not a breach of the peace. Any other misdemeanour would equally come within the limits of their jurisdiction. So much for the importance of this assumption of power. He would now go a little into its history; and it appeared to him surprising, if this was the law of the land, how it had never been thought of till now. In 1793 the country was deluged with publications that excited the displeasure of Government, and which were accounted seditious; yet it never entered into the mind of the Government of that day to give the magistrates such powers. He remembered, that in Warwickshire, in Derbyshire, and in some other counties, men were prosecuted at the sessions for seditious libels, that were very provoking to Government. Two individuals of the names of Davis and Jones were particularly obnoxious, and were thought particularly dangerous; but this weapon was never employed against them. Yet there was no want of zeal among the magistrates: the two gentlemen who managed almost all the business of Birmingham were great Church and King's men; they had, of course, no disposition to favour seditious libellers, and would have received with pleasure any order of greater severity from Government. If, then, magistrates, overflowing with loyalty, and particularly inimical to libels of the kind alluded to, never thought of committing or holding to bail, it was evident that they did not believe they had such authority. Nor did any other person think they had such power. The then Attorney-General, (the present Lord Chancellor,) had no notion of such power, or was very remiss in his duty. (*Hear, hear.*)—He was now about to enter into the legal argument; but he should not detain the House long, as he thought it too strong to be contradicted, and too plain to require a long explanation. If the magistrates possessed the power of committing or requiring bail in cases of libel, they must derive it either from their commission or from statute. Their commission was totally silent on the question. The only part of it on which an interpretation favourable

to the existence of this power could be fixed, was that which regarded trespasses; but the whole tenour of the passage, as Sergeant Hawkins had observed, shewed that trespasses there meant trespasses against the peace. (See p. 1010.) If it were not so limited, it must comprehend every species of trespass as well as this; and, therefore, as many species of trespass were not included, there was no reason to suppose that libel was. Lord Coke said, not as had been supposed, that the justices had in his time no power of commitment in cases of felony, but that they did not possess this power at common law, having derived it from the statute of Philip and Mary, and he cited a case in the 14th of Henry VIII. in proof of his assertion. Of the judges who decided that case, Brooke was one, and he inserted that decision in his Abridgment, than which there could be no better legal authority, under the heads "Peace and Surety of Peace and Justices of Peace," and "False Imprisonment." The next authority was that of Lord Hale, who said, that justices could issue their warrant to apprehend and imprison, before indictment found, for breaches of the peace. That learned judge, in speaking of the objects of this warrant, used the word crimes in general; but it was evident from what followed, that he meant misdemeanours, which amounted to breaches of the peace, and did not include those that only tended to a breach of the peace; for he added, that such was the universal and uncontrolled practice. (See p. 1011.) It was not the practice to commit for libel. It was said, in the case of the Seven Bishops, that a libel not only tended to a breach of the peace, but was an actual breach, and on that ground a warrant for commitment was justified. In 1665 there was a case to the point, but it occurred in a period from which no precedent could be drawn. The statute enacted then, which gave magistrates power to commit, did not refer to libels which were under the cognizance of Government alone, but to the putting forth of unlicensed publications. Several persons, and among the rest Dover and Brewster, suffered under this tyrannical law. It ordered the constables or other officers to enter the dwellings of persons whom they suspected, and search for books that were not licensed; and of whatever character they were, the simple defect of the want of license subjected their possessors to the penalties of the statute. The magistrates had no discretion: they were bound to commit on the finding of such publications. But these had no reference to libel; indeed, till lately, he never heard that magistrates were supposed to have the authority now stated to belong to them. The opinion of the law officers, and the circular of the Secretary of State, were a surprise to him. He had had many opportunities of seeing the practice at the sessions; he had conversed with many learned friends well acquainted with the powers of magistrates; but he had never heard any thing like the doctrine now

advanced; and if this was the law of the land, which he did not believe, it should be altered as soon as possible. He had brought forward the present motion from no feeling of hostility towards the noble lord whose conduct was involved in the question. He entertained towards him no personal disrespect: in any intercourse which he had had with him, he had been treated with candour, and he owed him rather gratitude than opposition, but he could not allow his feelings to overcome his sense of duty. In considering his conduct, he did not conceive that the noble lord stood alone. He believed the whole Ministers were culpable for any illegality that had been committed, and particularly the noble lord at the head of the legal administration of the country. Such doctrines as were now justified, and such conduct as was now pursued, appeared to him to be extremely dangerous, and tended, if not counteracted, to operate the destruction of every thing that was valuable in our laws and Constitution. He would always raise his voice against such pernicious innovations; and if in after-times, when this country should be placed in that different situation to which it was hastening, and the liberties which our ancestors enjoyed and transmitted should no longer be enjoyed by our posterity, it should become a question with the curious or inquisitive how this change from freedom to arbitrary power began, what were the first symptoms of our decay, and what were the first inroads on the Constitution?—it would then be seen that there had been some persons who were not insensible to the signs of approaching slavery, who denounced the tendency of arbitrary proceedings, and warned their countrymen against them. (*Hear, from Mr. Yorke.*) The right hon. gentleman, who appeared to dissent from this opinion, was the descendant of men who had been an honour to the profession of the law; they would have beheld these precedents in a very different light from that in which the right hon. gentleman seemed to view them. If those who were to follow us made as rapid progress in advancing from the point at which we now were, as we had done with respect to our predecessors, the season for the melancholy inquiry to which he had alluded was not far distant, and the country might decline into slavery without being aware of it. (*Hear, hear.*) He understood that a noble person (Lord Sidmouth, see page 1052), had said, that if he were charged with having used his best endeavours to stop the progress of blasphemy and sedition, he pleaded guilty to the charge, and that, while he lived, he should be proud to have such a charge brought against him. (*Hear, hear.*) That noble lord ought to recollect, that this was always the argument of bigots and tyrants. Philip II. of Spain had been before him with pretences of religion to cover measures of oppression, and had shed without remorse the blood of thousands, that he might suppress impiety and heresy. (*Cries a "hear."*) Could he think, or did

any one really believe, that religion was neglected at a time when, as was known by his hon. friend near him, (Mr. Wilberforce), there were more persons deeply imbued with religious principles than at any other period; or could they suppose that irreligion and blasphemy, if they existed, could be suppressed by the means proposed; or rather, would they not see that Ministers intended by such a pretence to gain over a party who could not otherwise be induced to sanction their measures, and that they were injuring the cause of genuine morals and religion by offering them such hypocritical protection? (*Loud cries of hear.*)—The hon. and learned gentleman concluded by moving the address for the case which had been submitted to the Attorney and Solicitor-General. Without that case the opinion was worth nothing, as it could not be known whether it was fairly asked; or whether they had time to consult and to consider the constitutional bearing of the question. (*Hear, hear.*)

The Attorney-General rose to oppose the motion. It was not customary, he said, to communicate the case submitted to law-officers, on which an opinion was required; nor was it necessary, if that opinion stated the grounds on which it proceeded, and was intelligible without it. In the present instance the grounds were fully stated, and the knowledge of the case could not in the least decide whether the opinion that had been given upon it was right or wrong. Unless some extraordinary parliamentary proceeding were to be founded on this opinion, he would not break through that confidence to which he was equally bound when he gave his opinion to the Executive Government as when he gave it to a private individual. He did not think that, except in extraordinary circumstances, the power of the House would induce him to violate his official confidence, or to surrender a case, except with the permission of the party who applied for his advice. The law-officers of the Crown had not transgressed the limits of their duty. Their opinion was asked, and they conscientiously gave it. As to what the hon. and learned mover seemed to say respecting that opinion, namely, that the law officers of the present day had betrayed a disposition to imitate the conduct of the judges in the reign of Charles II. by giving extrajudicial opinions, he would assert that those law officers had done no such thing, nor did they feel any such disposition. They gave their opinion to those who asked for it, and that opinion was, he was prepared to shew, perfectly consonant to the law and the Constitution. Although the law officers had been called elsewhere the paid servants of the Crown, he would say that no payment could withdraw them from the conscientious discharge of their duty, by giving, on all occasions, that advice which was warranted by law. But it was known, that whether in public or private cases, that lawyer, who would give a convenient opinion merely to suit the desire or gratify the wish of

his client, without any view to the law of the case, would manifest an indifference to the interests of his client, as well as to the preservation of his character, and the practice of his profession. The conduct of law officers was, however, it appeared, in the opinion of the learned gentleman, entitled to little confidence or consideration, because, truly, their judgment was subject to bias. But there were, he thought, names to be found among those who had been law officers, which must claim the respect and consideration of the hon. and learned gent. There were Coke and Bacon, for instance, who, notwithstanding their aberrations, had manifested such manly independence as well as legal learning, as could not be too highly estimated. Yet, according to the hon. and learned gentleman, the judgment of Crown lawyers was so liable to be warped by their situation, that that judgment was quite suspicious. But did the hon. and learned gentleman deem such a suspicion applicable, when he himself was one of the law officers of the Crown? He was convinced of the contrary, and that the hon. and learned gentleman, at the time he held that office, was in no degree jealous of his own honour, or suspicious of his liability to deviate from rectitude through the operation of any undue influence. Why then should the hon. and learned gentleman entertain such jealousy or suspicion with regard to others? He did not pretend to enter into competition with the hon. and learned gentleman as to the extent of legal learning, or depth of political sagacity, or power of forensic reasoning; but he would not yield to him, or to any other human being, upon one point, namely, the conscientious discharge of professional duty. (*Hear, hear, hear.*) From this discharge he felt confident that he was not to be withdrawn by any sinister influence, or deterred by any public clamour. No clamour or calumny, indeed, should ever restrain him from the declaration of his opinion: he would never be deterred from stating his deliberate judgment upon the best consideration of the subject.—The learned gentleman then addressed himself to the argument. It had never been contended, or tried in a court of law, that a warrant of commitment for libel by a magistrate was illegal. He would look into precedents and text writers. Lord Hale had said, that a magistrate could commit for every offence, before indictment, cognizable at the sessions. Lord Hale laid down his position in the broadest manner possible, and left no doubt that it was his opinion, that parties may try indictments for libel, because libel has a tendency to disturb the peace, or, in other words, was *quasi* a breach of the peace. The sessions of the peace had always assumed the power to try for libel: but if there was any doubt on this subject, it rested with those who raised the doubt to settle it also. Why did they not bring the question fairly to issue? Why did they not go at once for a decision into the courts of law? It was open to them to bring an action

against the magistrate offending: and if they should be displeased with the judgment of the lower court, they would have their appeal to the principal tribunal. They might carry the matter before the House of Lords. Till this was done, till some legal shape was given to the objections of the opposite party, he should maintain that the question was completely settled. He had never yet seen in any text book, or in any report of the decision of judges, any doubt thrown on the opinion of Lord Hale. Indeed, so far from seeing it shaken, he had seen it confirmed over and over again by the solemn arguments of subsequent judges. One learned judge had shewn, that the power of the Secretary of State and of a justice of the peace rested on the same footing; and as it seemed to be admitted that the Secretary of State had the power of apprehending and committing for libel, it followed that the justice of the peace had it too. He supposed that there could be no doubt that the Secretary of State had such power: it certainly had been decided over and over again. Two cases on this subject were particularly strong—those of the *Queen v. Derby*, and the *King v. Earbury*, the first in the reign of Queen Anne, and the second in the reign of George I. proved, without the possibility of doubt, that the Secretary of State had the power of committing for scandalous and seditious libels. (See p. 1019.) In the first of these cases he knew that Barnardiston had given somewhat a different complexion to the matter; for he had said that the justice of the peace had committed the libeller: but this, if true, only proved the case more strongly: for if there was a power to commit, there was a power also to apprehend; and that the justice had the power to commit was evident from this—that the Secretary never committed without the aid and assistance of a justice of the peace. Were all these proceedings wrong? Was the case of the *Queen v. Derby* wrong? Was the case of the *King v. Earbury* wrong? Was the case of the *King v. Wicks* wrong? On this last occasion every objection that could be raised was raised, and the judges were (he hoped he was not using an offensive expression) the astutest, perhaps, that ever existed, in all matters relating to the liberty of the subject. Yet though there was an opportunity for raising the objection whether the Secretary of State had the power of committing or not, yet Lord Camden, when discussing the legality of the warrant, had never intimated that such a power was not lodged with the Secretary of State. [Here Sir S. Romilly intimated across the table, that there was no dispute about this point; not a word had been said about it.] He was not at all disposed to occupy the time of the House unnecessarily, and all that he meant to urge was, that Lord Camden, so far from saying that a justice of the peace could not commit, had put the Secretary of State on the same footing as justices of the peace. Lord Camden had stated it to be the judgment of the

Court, that the magistrates should; on perusal, form an opinion whether an alleged libel was a libel or not. It was not necessary, in order to authorize the interference of justices, that there should be an actual breach of the peace; except, indeed, in the case of a member of Parliament: in all other cases it was sufficient that there was a tendency to it. The question then was, whether, supposing the power to exist, it had in fact ever been exercised. And here many cases might be quoted where judges, at least, had exercised the power. When he used the term judges, he applied it exclusively to the King's Bench (*hear, hear*); and though when he wrote his opinion he had omitted to qualify it so, yet he had intended it; nor did he think it was possible to mistake his meaning. (*Hear*).—The learned gentleman then proceeded to cite several cases for the purpose of proving that the judges, for more than a century past, had been in the habit of holding persons to bail for seditious libels: and he argued, that in these cases the judges had acted as justices of the peace, and not as judges of the Court. Now, according to the doctrine of his learned friend, all those persons who had been so held to bail ought to have been discharged, and yet where was the law of the subject to be found, except in the long, uniform, and uncontradicted opinions and practice of the Court? And it seemed to him a necessary inference, from the argument of Lord Camden, that as Secretaries of State could only commit in two cases, yet justices of the peace could commit in all where there was any cognizance of the peace; otherwise his analogy between justices of the peace and Secretaries of State fell to the ground. (*Hear, hear from Sir S. Romilly*.) At least, it must be allowed, that the words used by Lord Camden implied, that a magistrate had power to take cognizance of libel: for he said expressly, “the magistrate forms his judgment upon the writing, whether it be an infamous and seditious libel or not at his peril.” It had been asserted that Lord Eldon, when Attorney-General, had maintained a different opinion; but he knew that his lordship had always allowed that power for which he was now contending. In 1808, in particular, when the question was agitated in the other House, the Lord Chancellor had taken particular pains to give his support to this doctrine. In contending for this power to justices in cases of libel, he of course meant that the justice must himself see and read the libel, and not decide it to be a libel on the mere oath of any man. (*Hear, hear from Sir S. Romilly*.) Why, surely, his learned friend could never have understood him to mean that the mere oath of an informer would be sufficient for the magistrate to found any proceeding upon, either of apprehension or committal. No; the magistrate must exercise his discretion on the perusal of the writing charged to be seditious, and must act on his own responsibility, and at his peril. It had been alleged against the Circular, that the

Secretary of State thereby interfered with the due and regular administration of justice. (*Hear, Hear.*) He had yet to learn that such an interference could in any way prejudice the process or ends of justice; there was no denunciation of persons by name, but merely a general recommendation to be vigilant with respect to the progress of an existing evil. Was not something similar perpetually done in the proclamations of the Crown? And could there be any doubt as to the utility of the measure? The grossest and most atrocious libels might have been with impunity hawked in every village, and placarded in every street, unless there had been some means of touching the offenders, before the slow process of indictment, or even of information. Before the arrival of the next sessions the offenders would have fled, never to have been found again. Who was to track the steps of an itinerant vender of sedition, who had no regular abode, and was never in the same place two days together? Such was the case which justified the transmission of the Circular; and yet, strange to say, gentlemen maintained that this salutary law, thus opportunely called to the attention of the magistrate, ought to be repealed. He was decidedly of opinion, that such a motion as the present ought to be negatived, unless some strong instance of misconduct in Administration could be clearly proved. He concluded by observing, that no man in the House could be more sensible than himself of his own incompetence to fill so important an office in the State as that which he now held.

Sir W. Burroughs observed, that the grounds on which he supported the motion, were the doctrines promulgated by our earliest and most constitutional writers. The authorities of Lambard and Dalton were explicit against the power of imprisoning for libel before indictment. With respect to the authority of Lord Hale, so much relied upon by his hon. and learned friend, (the Attorney-General) he begged leave to remind him, that the book in which the passage he had quoted, was to be found, was not written upon misdemeanours, but solely upon treasons, felonies, and capital offences. Such was the declaration of Lord Hale himself, and it was too much, therefore, to disregard the very title of the chapter, the subject-matter of that chapter, and the context, in order to twist it into an argument favourable to the opinions of his hon. and learned friend. It was most clear, that the word crime, which the Attorney-General considered as so conclusive, was used by Lord Hale, in the passage cited, as relating to felony and felony alone. The authority of Hawkins, too, so far as it went, was against the power now assumed by the justices. What were the authorities quoted by the Attorney-General, against those produced by his honourable and learned friend? They were authorities taken out of the Crown Office; and not the decisions of judges, or what were to be found in any text writer. Yet it did not appear, even from those

authorities, that any individual had been committed or held to bail, who had not been previously indicted. But even if it could be shewn that custom was on the side of the practice now asserted, he should still maintain, on this particular point, that it was illegal. No similar case had occurred since the time when the question as to the legality of general warrants was agitated, and the doctrine then laid down by the Court of King's Bench was deserving of attention. The jury found a special verdict, and, after solemn argument, the Chief Justice declared, that though the practice might have prevailed from the time of the Revolution, it never could grow up into a law, whilst it was shewn to be abusive or injurious. Such a practice, he added, ought to be evidently beneficial, to be sanctioned by long continued usage, and to be consistent with the established and positive laws of the realm. Mr. Justice Yates and Mr. Justice Aston concurred in this opinion, and remarked, that no degree of antiquity could alter the nature of a bad law. The Circular of Lord Sidmouth authorized and required magistrates to arrest persons, and hold them to bail, before they were indicted. This was a practice that went to destroy all public liberty, and to subvert the regular administration of justice: it was a most injurious practice, and *malus usus abolendus est*.

Mr. H. Addington said, he felt it his duty to take the earliest opportunity of rising on this occasion, because he was perhaps the only person in the House competent to explain the special reasons which had induced his noble relative to issue the circular notice which was now brought into question. In the first place, it was natural for him to rely on the experience, the learning, and the character of the Crown lawyers; and he had acted upon their advice, and the information which he had received in his public capacity. Few would deny that the most flagitious designs had been entertained by considerable numbers against the Government and the existing state of society. The evil was daily augmented by the diffusion of seditious and blasphemous publications, circulated with the most unceasing activity. Frequent communications were received from the magistracy, stating the extent of the mischief, and soliciting instructions. What course, then, remained for his noble relation to pursue? Was he to refuse any answer to these solicitations, or to adopt the best mode of meeting the evil? Under the circumstances, he acted upon the soundest views of public duty, and issued the circular letter.

Mr. Courtenay thought it of the most serious importance that the House should mark its opinion of these proceedings. The Attorney-General, he observed, had not cited any case in which the question was brought before the Court; but the law could only be settled by the decision of judges, in cases brought under their consideration. Lord Mansfield, who was by no means disposed to weaken the power and influ-

ence of the Crown, had said, that whenever bail is offered, the Court never looks at the warrant. (*Hear, hear, hear.*) He (Mr. C.) did not charge the noble Secretary of State with any disposition to violate the law; but when the difficulty occurred, he met it in a way in which it should not have been met. He should have said to the magistrates, you have a duty to perform, but it does not belong to me to explain to you what that duty is; you are judges to a certain extent, and are bound to exercise a judicial discretion. No man could doubt that his hon. friend (the Attorney-General) would give his opinion in the most upright and conscientious manner; but it ought to have been stated to him by the noble lord, that his opinion was to be acted upon. If he had been told that his opinion was to serve as a guide to the magistracy, it was most likely that he would have given a different opinion. (*Hear, hear.*) For these reasons, the hon. member should certainly support the motion.

Sir G. Monck observed, that though the Secretary of State had a right to take the opinion of the law officers of the Crown on technical points for his own government, it by no means followed that he was to use that opinion to influence the judgment and conduct of justices of the peace. What greater right had the Secretary of State to dictate to the justices of the peace, than he had to dictate to the judges of the King's Bench, of the Common Pleas, or of the Exchequer? (*Hear, hear.*) The jurisdiction of justices of the peace might not be considered so important as that of the judges of the superior courts, but it was unquestionably very important, and, therefore, why should the Crown direct the exercise of their authority any more than any judicial authority whatever? The justices of the peace were as responsible for the discharge of their duties as any other judges of the country. He did not mean to impugn the opinion of the law officers of the Crown, but his Majesty's Ministers ought to have shewn that the circular letter was a mere mistake of the Secretary of State: for it was not possible that the law officers could have advised him to write to the Lord Lieutenant of the county, instead of the *Custos Rotulorum*. (*Hear, hear, hear.*) In many counties the Lord Lieutenant and the *Custos Rotulorum* were different persons. The Secretary of State had said that this was only a point of form; but it appeared that the Secretary did not know his business; and he had better have taken the opinion of the law officers as to those two offices, than as to the point of law. (*Hear, hear.*)

Sir F. Burdett said, that after the question had been so ably supported, both in detail and in general constitutional doctrine, it required some apology from him for offering himself to the notice of the House. He had waited till the last moment, expecting some farther arguments from the legal authorities, since the Attorney and Solicitor-General generally ran in pairs; but it seemed that the Solicitor-General

had left his colleague to bear the whole weight of the business. The only remaining constitutional branch of the subject which he should endeavour to support was this:—that no practice of the Courts, no usage, no dicta, could contravene the established law of the land. The law of the land was, that *quis liber homo capiat vel imprisonetur*, unless upon conviction by a jury of his peers. That this was the old common law of the country was allowed on all hands; but it ought to be considered with the greatest strictness in respect to libels, a species of offence unknown to the common law, and which had been adopted from the civil law, and more recently borrowed from the practice of the infamous court of Star-chamber. It was very extraordinary that, up to a late time, it never was discovered that any man might be imprisoned for a supposed libel by *ex-officio* informations. If it had been the law of the land before, why was a bill brought into the House to enable judges to hold to bail upon such informations? In the case of libel, how was the party to proceed upon a person going to any magistrate, and swearing that a man had published a libel?—only observe, swearing to a point of fact, that a man had committed that which is found by a jury. (*Hear, hear.*) In justices of the peace commit on oath; there has been a *corpus delicti*; an offence has been committed: and then they can hold the man in security for his trial; and the jury have to decide whether or not he has committed the particular fact. But in cases of libel, there was no *corpus delicti*, and it was impossible to tell what words an Attorney-General or a jury should decide to be a libel. In his opinion, there was no subject on which the House were more bound to protect the people against being improperly punished than on charges of libel. When first this bill was passed, it was said that the power would be very seldom exercised; but it had now become a matter of course, that judges, even upon the mere intimation that the Attorney-General intended to file an *ex-officio* information, held the supposed libeller to bail. They had now an instance of a person having been committed under this authority, and afterwards tried and acquitted. The hasty conduct, or, in other words, the imprudent seal of the judge on that occasion, deserved the most grave and serious consideration. To-morrow he should have a petition to present to the House, which would bring before them the judge's conduct as well as the singular hardship of the individual, who was now placed in a situation in which the Government could not punish him. The office of Attorney-General was to be looked at by the subject with great jealousy and suspicion; and he thought that the suggestions of the hon. and learned gentlemen with respect to his opinion might have been spared. The silence of the Solicitor-General gave the House great reason to believe that he did not

coatur in the opinion of his colleague. The learned gentleman was there *ex-officio* to give them the benefit of his legal knowledge; but as he had not ventured to speak, it must be presumed, that he could not bring himself up to maintain doctrines which his better judgment disapproved. Was it fit that the Executive Government should instruct persons who ought most jealously to be kept separate from the Government? It was a very extraordinary proposal, that the House should be called upon to sanction an opinion without having before them the grounds of that opinion. Much had been said about a breach of confidence, but had the House no power on this occasion? It had, indeed, often carried its privileges to a great length against the rights and liberties of the people, but it had seldom exercised them against the Crown, and, least of all, against the law officers of the Crown. He had been too long a member of that House to entertain any hope that they would exercise their powers to compel Mr. Attorney to lay the grounds of his opinion before them; but he humbly thought that they ought to see those grounds; and though he would not persuade the House to take such steps as would oblige him to produce them, still he had no doubt that they possessed the power. But if it would be a breach of confidence in Mr. Attorney to disclose the grounds of his opinion, how much greater was the breach of confidence which the Secretary of State had committed, by stripping the opinion of those grounds? He really thought that these gentlemen in office did not act fairly towards each other. (*Hear, hear.*) Upon the whole, it was his opinion, that nothing would tend more effectually to lower the character of that House in the minds of the people, than the rejection of the motion which had been so ably brought before it. (*Hear, hear.*)

The *Solicitor-General* said, he could assure the hon. baronet that his mind was wholly unbiassed and unfettered upon the subject, and he had no doubt whatever of the soundness of the opinion which the law officers had given. If that opinion were correct, he must confess that he had heard no argument to convince him that the interference of the Secretary of State had been unprecedented or unconstitutional. Had we never found that proclamations had been issued (*Hear, hear, hear, from the Opposition.*) to call the attention of magistrates to the state of the country? And was any thing more common than for judges at the various assizes, to point out to juries what the law was? This circular letter did nothing more; it merely reminded the magistracy of what was the law of the land. Was it to be tolerated that publications of a nature tending to insurrection were not to be noticed by magistrates? Were we to wait till the sessions came round, or till the Attorney-General could file an *ex-officio* information? The opinion stated, that the Secretary of State, the judges, and justices of the peace, have power to

commit; with respect to the two former, the right was admitted by his learned friend who opened this question. Now it would be an anomaly in the law that the Secretary of State, who had no power to examine on oath, should possess this power, and that justices of the peace should not have it. He could not help stating the singularity of the argument on this occasion. In Mr. Wilkes's time, the argument was, that the Secretary of State was not a justice of the peace, and so he had not this power; now, the argument was—Oh yes, the Secretary of State has the power, but the justice of peace has not. No lawyer could read the decision of Lord Camden, in Mr. Wilkes's case, without being of opinion that he thought justices of the peace possessed the power. The only doubt that he had was, whether the Secretary of State had the power. The view which he (the *Solicitor-General*) took of the question, was fully confirmed by the opinion of Hawkins, who held, that justices of the peace were bound to hear and determine all offences. That authority, however, did not extend to forgeries and perjury, but to every offence that tended to a breach of the peace, as libels and the like. Lord Kenyon, in the case of the King and Dekin, in adverting to this opinion, remarked, that he was not satisfied with the exception of forgery and perjury; and, in the case of the King and Sommers, it was decided, that the magistrates in session had jurisdiction with regard to such offences, not because they were breaches of the peace, but because they had a tendency to its breach. Hence he inferred, that in the case of libel also, magistrates had a similar power, though not expressly given to them either by statute, or the terms of the commission. Libel, it must be recollected, was an offence at common law, long before the institution of the Star-chamber; the reference which had been made to that court, therefore, in the course of this discussion, had nothing to do with the point in question, and seemed to have been introduced rather for the purpose of exciting prejudice, than adding to the force of the argument on the other side. He must, however, repeat, that neither the statutes nor the commission, gave magistrates the power of committing for libel; but they had the power of trying; and it would be a manifest absurdity to suppose, that they should have that jurisdiction, and yet not be able to put offenders in a state to be brought to trial.—It was said, that this doctrine invested magistrates with too great a power; but in fact, it gave them no greater authority than they possessed in every other crime, whether murder, robbery, perjury, or any felony. In all charges, the magistrate must exercise his own judgment in determining whether the act complained of came under any certain description of offence. But it was said, this power ought not to be given in libel: those who insisted most on this exemption, were afraid that the liberty of the press would suffer by such a jurisdiction.

valued the liberty of the press as highly as any one, but there must be modes of bringing the offences of the press, as well as other offences, under the cognizance of the law. What magical quality did libel possess, that the practice with respect to it, should differ from that followed in regard to other crimes? In any actual breach of the peace, the magistrates had power to commit as well as in cases of felony. This power, indeed, was not expressly given them in terms, but it emanated from their authority. He challenged any man in the House to say, what statute specified libel as an offence, for it was well known to belong to common law, and as such, to be punished. If, then, the magistrates can commit for felony, why not for libel? because, by having such power, they did no more than they did in a thousand other cases. A magistrate, in committing for a crime, exercised his discretion, well knowing that a jury had to decide on the case, and why should he not do the same in the instance of libel?—Since the cognizance of magistrates over a libel in session, a jurisdiction which was not now questioned, had been established, he would contend that they possessed that jurisdiction also out of session; this opinion was supported by the authority of Lord Hale. An argument had been held in another place (*call of order*): he supposed he was in order in alluding to that argument, as it had been published. The argument of the noble earl, which he brought forward towards the end of his speech, and regarded as triumphant, was in substance this—that no cases in which magistrates had committed for offences, which were not a breach of the peace, had been brought under the cognizance of courts of law. In alluding to the case of the King against Rispal, (see p. 1022.) in which conspiracy was held to be cognizable at sessions, like cheats and libels, the noble earl argued—

Here Mr. Bennet rose, and called the hon. and learned gentleman to order.

The *Speaker* said, it was not parliamentary to allude to what passed in the other House of Parliament; it was, however, the practice to allow any printed publication to be referred to: the circumstance of that publication having been delivered in another place might lead to a deviation from order, in commenting upon it.

Mr. Wynn thought there was considerable inconvenience in referring to a speech spoken in the other House of Parliament, even though it was printed. There was no knowing whither such a practice might lead.

Sir F. Burdett said, if the publication was alluded to as a written argument, not as a speech spoken, he apprehended no objection could be offered to it. (*Hear, hear.*)

The *Solicitor-General* said, that the same argument had been used in substance that night. Leaving it aside, however, he would just mention a case which he believed was decisive as to the point in question: it was the case of Holliday

v. Oxenbridge, in Croke's Reports*. An action was brought for false imprisonment. The defence was, that the party had been taken playing with false dice, and carried before a magistrate, who would have committed him, but bail was given. Stripping this case of all special pleadings, it was a complete answer to all that had been said on the other side. The offence committed was no breach of the peace, but a cheat at common law. If, therefore, this jurisdiction was exercised in a case of common cheat, why should it not in an offence of a much higher nature? for such he was entitled to describe libel to be, on the authority of Lord Camden. The answer afforded by this case was the more complete, as it had been brought before the Court of King's Bench, to be argued on demurrer, and the defence had been allowed. When the bill was introduced into Parliament for regulating the law of libel, it was never argued that that offence should have any particular privilege. All that was contended for was, that it should be put on the same footing as other offences, and that the jury should therefore be made judges of the law, as well as the fact. It had been said, that usage did not make law: but would any one suppose, that when persons were brought up to the Court of King's Bench, to give bail for offences, that the Court took no notice of the grounds on which the bail was demanded? In such cases, the Court could not overlook the grounds of the commitment, as was done in the case of general warrants. Having thus established—first, that libel was an offence cognizable by magistrates, and secondly, that being cognizable by them, they had a right to commit for it, in default of bail—he conceived that he had made out his case. As to the right of the Secretary of State to call the attention of the magistracy to certain offences, it was only what had frequently been done by Proclamation, and by judges at the opening of an assize. He was astonished to hear his hon. and learned friend introduce so long a history of attorneys and solicitors-general, as if to assimilate the proceedings of his hon. and learned friend near him, and himself, with the proceedings which he condemned. There might be an imputation against the heads of his hon. and learned friend near him, and himself, but there could be none against their hearts. They had discharged their duty to the best of their ability, and in so doing, he denied that they had introduced any new law. He had now given his opinion on the question before the House, and stated, though feebly he was aware, the reasons on which that opinion was founded. (*The hon. and learned gentleman sat down amidst loud cheering.*)

Mr. G. Wynn complimented the last speaker on his able construction of the law, and expressed his conviction, that that was the only construction which could be put upon it. He was the more satisfied of this, by the consideration of

* Michaelmas Term, 17th Charles I.

what had passed in Wilkes's case, and the judgment given by Lord Camden. Every offence, and the greatest the law knew, was subject to be decided on, as to commitment, by a single magistrate. A man might write to another abroad, that he was to send him six bales of cloth, and four of cotton: this was innocent: but if the bales of cloth meant ships of the line, and the cotton frigates, and the letter was written to give information to an enemy, the offence was treason, and a magistrate might commit the writer. With respect to the other part of the case, he considered that the Secretary of State possessed the right of directing magistrates, as the head and superintendent of the police of the country; but then, he ought to give the directions on his own responsibility, and not on that of the Attorney and Solicitor-General. He never knew an instance in which the law-officers of the Crown had been so called upon to expound the law, except that of the Volunteer bill, and that had not been so successful as to render it desirable as a precedent. Lord Sidmouth's Circular had, besides, been addressed to the lords lieutenants of counties, which was a further impropriety. The lord lieutenant being a military officer, ought not to have been made the medium of such a communication.

Sir S. Romilly, in reply, expressed his surprise, that none of the members of administration, with the exception of his learned friend, and the hon. and learned gentleman who spoke last but one, had delivered their opinion on this question. Their allowing it to go thus silently to a decision, shewed the little value they set on questions of importance to the liberty of the subject.—Nothing had been said in answer to the objections which had been urged on constitutional grounds. His hon. friend seemed to think that he was only called on to justify himself against a particular charge, and the same view appeared to have been taken by the Solicitor-General. The question, however, had not been brought forward with a view to censure any individual, but to shew the impropriety and danger of publishing law on the authority of any Attorney or Solicitor-General whatever. He lamented the absence of his hon. friend (Sir A. Pigott) from severe indisposition, who had expressed a most decided opinion upon this subject. He (Sir S. R.) denied having imputed any misconduct to the Attorney or Solicitor-General, or of entertaining the least intention to degrade officers, one of which he had himself held. Still, the Attorney and Solicitor-General were only the King's advocates, and not the judges of the law; and although the present holders of those offices might be, and were, men of the utmost probity, who should say that in future times, such Attorneys-General as Noy (whom even Lord Clarendon had condemned as having been influenced to declare that for law, which he believed, or knew not to be law), might not be found, to be the tools, and not the honest advisers of Ministers? It appeared that the Secretary

of State had published the opinion of the law-officers without their knowledge; and this conduct appeared to be such a gross breach of confidence, that had it happened to him, he should have thought it his duty to tender his resignation.—The hon. and learned member then entered into the law of the case, insisting that the answer, even upon that point, had been almost as defective as it had been upon the constitutional part of the question. It had been said, that the magistrate was only empowered to commit for a time; but was it not necessary that he should first form an opinion upon the paper, whether it were or were not a libel; and if he decided in the affirmative, did it not entail upon the unhappy culprit many of the worst consequences of conviction; dragging him away from his family and his business, and burying him in a dungeon? The authority of Lord Hale had been relied upon as completely decisive, that the magistrates had the power to commit in cases of libel; but it was singular, that those who quoted him, should have omitted a most important passage, in which the same learned judge expressed a doubt as to the opinion he had previously stated on certain text-books, to which he had referred. In conclusion, the hon. and learned member took occasion to censure that part of the circular of Lord Sidmouth, which directed prosecutions against the sellers of pamphlets, under the Hawkers' and Pedlars' Act, upon which, it appeared, only one magistrate had ventured to proceed, and he had been compelled to make compensation to the party injured. He denied that the Circular of the Secretary of State had the least resemblance to a Proclamation, or to the customary address of a judge on opening an assize. The Proclamation of 1793, for instance, only enforced the existing law. In the case under the consideration of the House, there had been a declaration of law perfectly new. He should, therefore, take the sense of the House on the first Resolution, which he intended to propose, and which he had before described. (*Hear, hear.*)

The motion for the Address was negatived, without a division.—The House then divided on the first Resolution—

Ayes, 49, Noes, 157, Majority, 108.

The second Resolution was negatived without a division.

[IRISH MISCELLANEOUS SERVICES.] In a Committee of Supply, the following sums were voted for Irish Miscellaneous Services.—1. A sum, not exceeding 40,000*l.* sterling, being 43,333*l.* 6*s.* 8*d.* Irish currency nett, "for defraying Civil Contingencies in Ireland, for the year, ending the 5th Jan. 1818."—2. A sum, not exceeding 22,543*l.* 13*s.* 10*d.* sterling, being 41,559*l.* Irish, "for defraying the expense of supporting the Protestant Schools of Ireland, for one year, ending the 5th Jan. 1818."—3. A sum, not exceeding 9,233*l.* 12*s.* 5*d.* sterling, being 9,273*l.* Irish, "for defraying the charge of the Roman Catholic Seminary, for one year,

ending the 24th Jan. 1818."—4. A sum, not exceeding 11,076*l.* 18*s.* 6*d.* sterling, being 12,000*l.* Irish, "for defraying the expense of the external Establishment of the Royal Hospital at Kilmalsham, for the year ending the 24th Dec. 1817."—5. A sum, not exceeding 4,000*l.* sterling nett, "for the Board of Inland Navigation in Ireland."

CHAPELS BUILDING BILL.] The Chancellor of the Exchequer brought in his bill to authorize the building of Chapels, which was read a first time and ordered to be printed.

THE MINORITY

ON SIR SAMUEL ROMILLY'S MOTION.

Abercromby, Hon. J.	Mackintosh, Sir J.
Althorpe, Visct.	Markham, Adm.
Athlety, Arthur	Martin, John
Baring, Alex.	Martin, H.
Bennet, Hon. H. G.	Monck, Sir C.
Baruet, James	Neville, Hon. R.
Burdett, Sir F.	Newport, Sir J.
Broune, D.	North, Dudley
Courtenay, Wm.	Ord, W.
Culcraft, J.	Osborne, Lord F.
Carter, John	Portman, E. B.
Caulfield, Hon. H.	Parnell, Sir H.
Cavendish, Hon. C.	Ponsonby, Rt. Hon. G.
Cavendish, Lord G.	Ridley, Sir M. W.
Duncannon, Visct.	Sharp, R.
Douglas, Hon. F. S.	Sebright, Sir J.
Fazakerley, N.	Sefton, Earl of
Ferguson, Sir R. C.	Smith, John
Folkstone, Visct.	Smith, Wm.
Gordon, Robert	Smyth, J. H.
Glenfell, Pascoe	Walpole, Hon. G.
Hughes, W. L.	Warre, J. A.
Hurst, Rt.	Weston, C. C.
Latouche, Robt. junr.	Webster, Sir G.
Macdonald, James	

Tellers.—Burroughs, Sir Wm.; Romilly, Sir S.

HOUSE OF LORDS.

Thursday, June 26.

NAVAL AND MILITARY OFFICERS' OATHS.] Lord Melville gave notice for to-morrow of his intention to present a Bill respecting the Administration of Oaths to Naval and Military Officers in certain cases.

CLERGY RESIDENCE BILL.] This Bill was brought up from the Commons by Sir J. Nicholl and other Members. It was read a first time, when

The Lord Chancellor observed, that as it had come up so late in the Session, he trusted those Spiritual Lords who were in town would make a point of attending its discussion.

TITHES LEASING BILL.] This Bill was read a first time.

The Lord Chancellor said, it did not appear that this measure had been brought forward in consequence of any communication with the Right Reverend Bench, and if he did not receive some information upon the subject from some of the Right Reverend Prelates (it being impossible for the Lay Lords, at this period of

the Session to attend to it), he should certainly oppose any further proceeding in the Bill.

ABOLITION, &c. BILLS.] The following bills were read a second time. The Exchequer Offices (England and Ireland) Abolition Bill.—The Exchequer Offices (England) Abolition Bill.—The Offices (Ireland) Abolition Bill.—The Justices in Eyre Abolition Bill.—The Civil Services Recompense Bill.—The Board of Trade Bill.—The Signet Clerk's Bill.

HOUSE OF COMMONS.

Thursday, June 26.

CLERGY RESIDENCE BILL.] This bill was read a third time and passed.

REPEAL OF THE SEPTENNIAL ACT.] Mr. Brougham, adverting to his notice which stood for this night, to make a motion for the repeal

* The Bill did not proceed further; and, as Mr. Curwen's bill (see pages 1483, 1486—in the latter page Mr. Lockhart's name is mentioned by mistake) was read only a first time, no legislative measure was adopted during the Session on the subject of Tithes. Mr. Curwen's Bill went to enact, 1st, That an issue shall be granted upon the prayer of either plaintiff or defendant in equity suits, to try by jury any prescription, custom, manner of tithing, composition or exemption therein alleged; provided it be prayed before hearing, otherwise court to proceed as heretofore.—2dly, That where in such suits the defence arises on a composition real, it shall be sufficient to state it generally, and to prove it by usage, as in cases of moduses, without being obliged to produce the instrument of such composition, or to shew that such instrument had been actually executed.—3dly, That where discharges or exemptions from tithes are claimed under dissolved monasteries and religious houses, they may be proved by usage.—4thly, That grants and conveyances of tithes, and discharges from tithes, shall be presumed against lay impropriators, from length of enjoyment.—5thly, That conveyances, exchanges, compositions, &c. made between the 13th Eliz. and the year 1766, shall be valid, unless proved to have been fraudulently obtained.—6thly, When conveyances, exchanges, compositions, &c. are set aside, pecuniary compensations to cease, and lands to be restored to the right owners upon petition, if discovered within 20 years, and in the mean time to be rested in the overseers of the poor for the benefit of the poor, and if not discovered within 20 years, to go absolutely to the poor, and overseers not to be answerable to owners for misde profits.—7thly, The Court, on petition, to order lands to be given up to the overseers or owners, as the case may require, and if necessary, commissions to be issued to ascertain the same, or set out an equivalent.—8thly, Where conveyances, exchanges, compositions, &c. are set aside, no rector, &c. to recover tithes or lands, but from the time of giving up the compensations.—9thly, Moduses and compositions not to be avoided for want of precisely ascertaining lands covered thereby, but commissions to be issued to ascertain the same, or set out lands equivalent to secure the same, and remedy by distress and sale given for pecuniary compensations and compositions.—10thly, Where moduses, compositions, or exemptions are informally alleged, the Court may direct them in proper form. Parties praying issues, to be liable to treble costs, if Judge shall certify they were frivolous and vexatious.

of the Septennial Act, intimated his intention of postponing it until the next Session—not that he did not feel the urgency and importance of the measure; but that, having delayed it from inevitable circumstances until so late a period of the Session, he felt that it would not be fair towards a question of such magnitude, to bring it forward when the attendance of Members was likely to be so scanty, and when those who remained were perhaps not perfectly disposed to turn their minds to it.—He gave a general notice therefore, that very early in the next Session—long, he hoped, before the Easter Holidays—he should make a motion on the subject. (*Hear, hear.*)

NAVAL PRIZE MONEY.] Mr. *Brougham* presented a petition of Dennis Sullivan, late a seaman in his Majesty's service, and now in Mount-street workhouse. It appeared that this man, after having spent his whole life in the service, and being a complete cripple, was unable to obtain his pension from the Sick and Hurt Office, although he had the highest testimonials of character from officers of the first respectability, merely because, through ignorance or neglect, he had omitted to procure his smart ticket, within the exact period prescribed by the rules of the service, and it was now too late to require it. In addition to this, he had been treated with great harshness and insolence by the inferior officers at the Admiralty; and had no hope of redress but from Parliament, as the strict rule of the service was with the Admiralty.

Sir *G. Warrender* complained that the hon. gentleman had not communicated with him previously to presenting the petition, as it was admitted that the Admiralty were right in point of form. He could only say, that no branch of that department was attended to with so much care and anxiety as the pensions to wounded seamen; their applications had been listened to at the most irregular times.

Mr. *Brougham* replied, that he had cast no imputation on the hon. gentleman. He complained of the conduct of the lower servants of the Admiralty, whom he had properly forborne to name. Lord Thurlow had said, he would never name a delinquent in office, because, if he did, he must be condemned to hear the panegyric, not only of the individual named, but of every person in the whole department. He (Mr. B.) should now, however, name the individuals he had alluded to. They were Mr. Dyer, and the under porters.

Sir *J. Newport* thought the case worthy of consideration; a distressed and deserving seaman ought not to be the victim of forms of office.

Sir *M. W. Ridley* said, he had inquired into the subject, and could bear testimony to the truth of the whole petition. It was then read, and ordered to lie on the table.

FINANCES OF THE UNITED KINGDOM.] Mr. *Thorneycroft* rose and said, he could not find any mode by which the difference between the right hon. the Chancellor of the Exchequer

and himself, with respect to the financial situation of the country, could be made so intelligible to the House, as by moving certain resolutions which he had prepared. By the Budget, he was apprized of the views of the right hon. gentleman, and it seemed to him but fair that the right hon. gentleman should be apprized of his, previous to a discussion on the subject. It was merely his wish to move these Resolutions, with a view of having them printed, and to adjourn the debate to a future occasion. The right hon. gentleman presented the following four resolutions:—

I.

That it appears to this House, by the Report of the Committee of Finance, that the sum to be expended by the commissioners, for the redemption of the funded debt of Great Britain and Ireland, in the year 1817, may be estimated at.....	£ 14,515,080
And that provision has been made for paying off navy and transport debt, within the same period, to the amount of.....	1,660,000
Making the sum applicable to the reduction of debt in the year 1817	16,175,080

That it appears to this House, that the amount of the unfunded debt of Great Britain, in Exchequer Bills outstanding and unprovided for, has been increased, since the 5th of Jan. 1817, by the sum of.....	7,898,950
That a further issue of Exchequer bills to the amount of.....	£ 9,000,000
And of Treasury Bills in Ireland.....	3,600,000
has been voted for the service of the year 1817.....	12,600,000

Making an increase of debt in 1817	20,498,950
And that, deducting the sum before voted, as applicable to the reduction of debt.....	16,175,080
The debt of Great Britain and Ireland (exclusive of any deficiency which may arise in the income of and charge upon the Consolidated Fund) will be increased, in the year 1817, by the sum of.....	4,323,870

II.

That, supposing the income of and charge upon the Consolidated Fund of Great Britain and Ireland to be the same in the year ending the 5th of January, 1818, as in the year ended 5th of January, 1817, they may be stated as follows:—

Income—Great Britain (after deducting 374,000 <i>l.</i> , arrears of property-tax) App. A. 1, 4th Report Committee Finance.....	38,709,551
Do. Ireland; App. E. 1, ditto.....	4,394,631

Income of year ending 5th of January, 1818	43,104,182
--------------------------------------------	------------

Charge—Great Britain; App. B. 1, 4th Report Com- mittee of Fi- nance	£39,693,429
No. Ireland; App. F. 1, 2, and 3, ditto, ditto. . .	6,985,953
Charge of year ending 5th of Jan. 1818	46,625,382
Deficiency of consolidated fund, 5th Jan. 1818	3,521,200

III.

That it appears to this House, that comparing the net produce of the Customs and Excise of Great Britain, in the first 22 weeks of 1816, with the first 22 weeks of 1817, there is a diminution of receipt, in the latter period, of. . . 1,430,593

IV.

That the unfunded debt of Great Britain and Ire- land, unprovided for, may be stated as follows; viz.	
Amount of Exchequer Bills in Great Britain, outstanding and unprovided for, 20th June, 1817	52,362,200
Farther amount of Exchequer Bills voted for the service of 1817.	9,000,000
Amount of Treasury Bills (Ireland) unprovided for, on the 5th Jan. 1817	5,304,992
Amount of Treasury Bills (Ireland) voted for the service of 1817.	3,600,000
Amount of unfunded debt (exclusive of any deficiency in the income of and charge upon the Consolidated Fund) to be provided for, 5th Jan. 1818	70,267,192

The first resolution having been put,

The *Chancellor of the Exchequer* said, he perfectly coincided with the right hon. gentleman's mode of proceeding. Any comments upon his statement would come more properly at a future time. He then moved to adjourn the debate till Tuesday next, which was agreed to.

VERDICT OF A JURY.] Sir F. Burdett said, he rose to present a petition, which involved considerations of the highest importance, not only to the individual, but also to the general course of justice. It was the petition of Mr. Thomas Jonathan Wooler, author and printer of a publication called *The Black Dwarf*, at present in confinement in the King's Bench Prison. The petition stated the number of hardships which Mr. Wooler had undergone. In the first place, he was taken up and committed to prison on an *ex officio* information filed by the Attorney-General, and thus underwent a considerable punishment before he was brought to trial. He was committed under an act brought in by Sir Vicary Gibbs, which he (Sir F. B.) had been informed, was originally intended for the purpose of preventing revenue-debtors from absconding. The petitioner stated, that two *ex officio* informations had been filed against him. When he was brought to trial, it was impossible for him

to know on which of them he was first to be tried; of course he could not be so well prepared with his defence, as, under other circumstances, he might have been. On that information which was last filed, contrary to his expectation, he was first brought to trial. So much irregularity had taken place on the part of the judge, in receiving the verdict, that he had put the individual tried in a very extraordinary predicament. In the first place, which was certainly rather a hasty mode of proceeding, the Judge received the verdict before the whole of the Jury were in Court. He (Sir F. B.) happened to be in Court at the time, and he could see only the Foreman of the Jury. The Foreman, in answer to a question from Judge Abbot, whether the verdict was guilty or not? said, "The verdict was guilty; but some of us wished to say so and so." The verdict, however, was recorded. A very short time had elapsed before it was whispered in Court, that the Jury were not agreed on the verdict; and it was impossible such a verdict could be received, as the Jury were not in view of the Judge at the time, and they were not asked by the officer whether they were all agreed. The verdict was hastily taken without any question; and if it were possible for any one to suspect a Judge of entrapping a verdict for political purposes, he would suppose him acting in a similar way. It was entrapping by precipitancy; because, though the Foreman said guilty, yet he accompanied this with other words, which evidently shewed that there was a difference of opinion among them; and some explanation ought to have taken place. It was incumbent on the Judge to desire the Jury to go into their box, and then to ask them whether they were agreed. But this was not done, and the verdict of guilty was recorded. When the circumstance of a difference of opinion among the Jurors was first stated to the Court, the Judge ought to have inquired if the Jurors were or were not separated?—and if not separated, they ought to have been sent back to consider the verdict. It appeared that three of the Jurymen were not agreed—that special reasons were given by them, on the condition that if those reasons were not received they did not agree to the verdict. Of this, affidavits were subsequently added, but they were not received.—And why were they not received? After a great deal of argument had been used, much ability displayed by the Counsel employed on the occasion, and many precedents quoted of the reception of affidavits of Jurymen in former times, it was decided that they could not be received, because a new trial had been granted. (*Hear, hear.*) Mr. Justice Holroyd, than whom a more conscientious and independent Judge never sat on the Bench; stated, that the affidavits could not be received after such a Rule.—In this case Mr. Wooler had no opportunity of arguing why the Rule should not be granted. The Court made the Rule in the first instance, and then made the Rule a reason why he was deprived of that to

which, according to every principle of justice and equity, he was entitled. But affidavits had also been made by persons who were standing in Court, one of whom stated, that one of the Jury disagreed in a tone sufficiently audible, and that only four Jurors appeared at the time. Mr. Justice Abbott, however, found that he had got himself into considerable difficulty in this case. He had received a verdict on which sentence could not be passed, and at the same time Mr. Wooler was under confinement till he should be delivered in due course of law: he could not be delivered till sentence was passed, and yet the verdict was so vitiated, that no Court could venture to pass sentence on him. It was somewhat singular, that, in an early part of our history, the same number of three Jurymen disagreed as to a verdict, when the Judge thought proper to continue the proceedings, and had the misfortune to get hanged. This was to be found in the *Mirror of Justices*. But, in the present case, the matter was carried still farther than was done by Justice Cambden—he put in other three Jurors, and the cause was tried over again. But what was now doing in this case? Mr. Wooler was to be tried again by twelve fresh Jurymen. The first twelve were his only legal tribunal; and yet the Court now ruled that not three fresh men, but twelve fresh men should be taken.—Now this was a violation of the first principle of common law, that a man could not be twice in danger for the same offence. There was another instance in the same valuable book, *The Mirror*, of a Judge who was so unfortunate as to get hanged, because he passed sentence in a case where the Jury were doubtful; for, as the *Mirror* said, where there is any doubt, there ought always to be an acquittal. The whole of the circumstances in this case ought to operate as an acquittal of Mr. Wooler. Mr. Wooler contended that there was no trial, as there was no proper verdict, and, therefore, that there could be no rule for a new trial. But taking the case in the other point of view, that there had been a trial and a verdict, he (Sir F. B.) would set the Court at defiance to proceed upon it. Indulgence had been talked of, but indulgence was not a word for courts of justice; it was strict justice, and nothing more nor less, that was wanted there. Mr. Wooler might be a man of too firm a mind to accept the advice of those who were sometimes said to be of counsel for the prisoner. (*Hear, hear.*) The Court, however, pressed its advice, which he declined taking. The Court acted something like Squire Western (in Tom Jones), who, wanting to press his daughter to a disagreeable match, said, "I'll break her heart, but I'll make her happy!" Now, if Mr. Wooler were to a new trial by a new jury, improper advantages were afforded to the prosecutors. Tried already by twelve men before whom he had put himself, he was to be tried again by twelve others. Might not the plea of *autrefois convict* be sufficient? He should be

inclined to take that course; and to leave the Judges to do what they pleased. Besides, there was conclusive evidence for this by the recording of the verdict. If Mr. Wooler stood on the verdict, he would be equally out of reach as if he had been acquitted. All the inconveniences arose not only from false steps, but from the over hastiness of the judge. It seemed the imperious duty of the House to consider the situation of the petitioner under these circumstances. It might, probably, be incumbent on him to move something beyond presenting the petition. This, however, must be the preliminary step. He saw nothing in the petition that was not highly proper for the House to hear.

The petition was then brought up and read. It stated the circumstances nearly the same as in the hon. baronet's speech. It represented the petitioner as author and publisher of the *Black Dwarf*; that he had been confined five weeks in prison, on a warrant from Lord Ellenborough, for certain libels; that he was originally promised all indulgence and liberality by the Crown-officers; but was afterwards refused a copy of the information against him, unless he paid for it at the rate of eighteen pence per folio; but that it was so long, and so redundant with words, that it would have cost him several pounds, which he was neither able nor willing to pay. This demand he thought contrary to *Magna Charta*, which said, "Justice shall not be sold." Thus he was precluded from the means of a full and fair defence. He was then called on for a second trial. His first jury came back during the second trial, but waited till the Attorney-General had done speaking. Four of them appeared: they said guilty, but three wished to assign special reasons, which the judge refused, though he took the verdict of guilty. He complained of the precipitancy of the Judge, who, contrary to law, recorded the said verdict. On one charge he was acquitted; on another he yet remained at the vindictive pleasure of the Attorney-General.

The hon. baronet then moved, that the petition do lie on the table.

The *Attorney-General* rose. He said, he never was more astonished in his life than at the statement he had just heard, because, with respect to a great many of the facts in the petition, they were altogether without foundation: he spoke of the part more particularly which alluded to himself, if he was meant in what was said respecting the communication with the Attorney-General. He undertook to state, that, unless his memory of past transactions was gone, he never had had any personal communication with Mr. Wooler, or any agent on his behalf: nor did he ever see him, till he appeared in Court. But if such a communication had been made to him, he would have told Mr. Wooler, that the same proceeding must be observed in his case which was observed in all others. All the communication he had with him was giving him notice

that his trial would come on, of course, after the Easter Term, that, as he had pleaded, he might not say he was kept in custody till the sittings after Trinity Term. (*Hear, hear.*) It was stated, that the second trial had been pressed on him; but the fact was, that so far from being unwilling, when he (the Attorney-general) was looking over some papers, and pausing in the business, Wooler's attorney desired him to proceed, adding that, if there were not enough special jurymen present, talesmen could be called. So far was it from being true that he had forced on the second trial. (*Hear, hear.*) Indeed, in his speech to the jury, Mr. Wooler made a sort of triumph that he (the Attorney-general) had paused so long before he proceeded with the second trial.—The learned gentleman said, he now stood forward to justify the law, and the mode in which it was administered. Nothing had been done but what the law required and warranted. There were some peculiarities in the construction of the court. There was a space partitioned off behind the judges, through which the jury pass. They might not all come perfectly into view, but their names were all called over by the officer, and 12 voices answered, "Here." When the officer of the Court asked, guilty or not guilty? The foreman answered guilty: but stated at the same time, that he had a paper in his hands. He undertook, on his honour, to say that he never had had the slightest communication with any of the jury, he knew not even the faces of any of them, he knew only that the foreman was Mr. Powell, a respectable merchant in the city. When the officer asked, guilty or not guilty, the foreman, looking at a paper which he held in his hands, answered "guilty; but three of the jury wish to give reasons." The answer of the judge was, "I shall receive any thing which comes unanimously from the jury; but I cannot receive particular reasons from particular jurymen. What is your verdict?" The answer was, "my Lord, we find the defendant guilty." If those behind him were not all in court, they must have heard what the verdict was, from the symptoms which were manifested in court on its being declared. When the question was asked, is that your verdict? the answer returned was, yes, on which it was recorded. Three quarters of an hour passed, and after the greater part of the jury were gone, after the defendant's solicitor had been out of court, and had conferred with one of the jury, then, and not before, it was stated, that the jury were not unanimous in their verdict. It had been laid down by all the authorities, that when a verdict had once been recorded, it could not be altered or retracted; the judge therefore said, that nothing could be done there, meaning that application must be made to the Court out of which the record had issued. It appeared to him (the Attorney-general) most marvellous, if the jury had not agreed in their verdict, that those who dissented should not have stopped their fellows.

They knew that some verdict had been given, and that it was not, an acquittal, as nine of the jury were in favour of a verdict of guilty absolutely. On the following day, being the first day of term, the learned judge felt it his duty to state the circumstances in court*. He (the Attorney-general) suggested that the fact should be made out in some manner by the affidavits of the by-standers. The Court then said, that if there was a doubt whether all the jury were within the view of the Court, a new trial would be granted on the application of the party, on which he, in the character of the advocate of the Crown, anxious that not the least injustice should be done, begged a new trial. The attorney of Mr. Wooler objected to this, and wished either a verdict for an acquittal, or a trial by the same jury. Could he reasonably demand a verdict of acquittal, when nine men were for returning an absolute verdict of guilty, and three merely for adding their reasons? If the verdict had taken its course, and it had appeared that the Court could not pass judgment on it, the course would have been to award a *venire de novo*, which is a new trial by another jury. When any mistake occurred, Lord Coke and all others agreed that such a new trial must be granted. Yet Mr. Wooler complained that he was used with hardship, because he had been treated according to every principle of law, and objected to that which was awarded him *ex debito justitiæ*. He, therefore, contended, that the complaints of the petition were unfounded, that some of the statements to which it referred were untrue, and that it could only have been intended to bring the administration of justice into contempt.

Mr. Ponsonby said, the Attorney-General knew as well as he did, that forms were of the essence of justice. He would therefore ask the learned gentleman, whether the judge did, in the usual form, ask the jury, 1st, if they were agreed, and then, who was their foreman?

The Attorney-General replied, that the officer, generally speaking, put those questions. He thought it was not common for all the jury to answer. In this case, the officer having called over the names of the jurors, asked if they were agreed, and he could not say whether any answer was returned. To the question, what was their verdict? the foreman replied "Guilty, but—" when the learned judge said he could receive no reasons, but merely their unanimous verdict. The clerk again asked, what was their verdict, when the foreman replied "Guilty." The judge then said, "Is that your verdict?" The foreman replied, "Yes." This was his recollection of the proceeding, and he believed he was never more correct in his life. He should be extremely happy to answer any questions that might be put to him on the subject.

* The Court of King's Bench at Westminster. Mr. Wooler was tried in the Court of King's Bench at Guildhall, June 5th.

Lord Althorpe thought that the Attorney-General, by proving too much, had proved nothing. (*Hear, hear.*) If the proceedings were so accurate, why was a new trial necessary? (*Hear, hear.*) He would not pretend to enter into the question as a lawyer; but it struck him as very unfortunate that any thing should thus happen which could be represented as distressing to the prisoner. All he knew of the case was from the public journals; from them it appeared, that the foreman's reply to the question of the judge, whether that was their verdict, was, "Yes, but—;" and that the judge, having prevented any explanation, immediately received the verdict. (*Hear, hear.*) This did not appear right: nothing was of greater importance than that the administration of justice, especially in such cases as the present, should be free from all appearance of precipitancy. (*Hear, hear.*)

Mr. Lockhart thought the hon. Baronet (Sir F. Burdett), from his known candour and manliness, should not have insinuated that the worthy judge was disposed to catch at a verdict of guilty. The judge seemed to him to have acted with the greatest fairness.

Mr. Ponsonby asked, whether a new trial was ordered, and upon what grounds, and what had taken place in the second conversation with the jury, or their foreman?

The Attorney-General replied, that a new trial was certainly granted, or ordered, if they would have it so. The reasons were, that the jury were not in court. Mr. Wooler, on a subsequent day, as far as he could collect, called for a judgment of acquittal, or demanded that he should be again tried by the same jury. It was answered that a new trial must be instituted, and that the old jury were never admitted in a *venire de novo*. As to the second conversation, the whole proceeding was thus:—While the jury had never gone away, the judge had interrupted the foreman by saying, "I cannot receive reasons upon either a general or specific verdict," and then asked, "What is your verdict?" and again asked, "Is that your verdict?" The answer was simply, "Yes."

Mr. Brougham wished to know whether there was any truth in the statement, that when the foreman for the last time was asked whether guilty was the verdict, he answered "Yes," and then added "But." The answer of the learned judge in the first part of the conversation was the only one that could be given: but in the second, when he asked, "Is that your verdict?" he wished to know whether the answer was, "Yes, but"—

The Attorney-General said, that the word "but" was not used that he recollected.

The Solicitor-General never heard the word, "but," on that occasion.

Mr. Brougham was perfectly satisfied with the explanation of his two learned friends. When the Attorney-general said he did not recollect the word, he must be understood to say that

he had not heard it, for he could not have forgotten it. He (Mr. B.) did not mean to condemn the learned judge for what had occurred; but it was his paramount duty, when so grave and important a matter as the administration of justice, and in cases of libel, was discussed, to give his opinion; his opinion he would therefore give; he hoped it would be an impartial, it certainly would be an unbiassed, opinion. Passing over the representation of Mr. Wooler as by no means correct, for if credit was to be given to the Attorney-general, and, from a long knowledge of him, he had every reason to believe his statement, the assertion of Mr. Wooler, that he was obliged, after having been exhausted, to go into another trial, was incorrect, as the immediate succession of the other trial was of his own seeking.

The Attorney-General said, he was certainly going on with the other trial, but Mr. Wooler's attorney seeing him pause, and believing that he was not ready to go on, sent him a note demanding a warrant for proceeding immediately. He wished he had kept the note, but it was impossible for him to keep all such papers.

Mr. Brougham said, he understood the Attorney-General quite well. Though the solicitor wrote the note, Mr. Wooler took credit with the jury for greater readiness to proceed than the prosecutors shewed. This was quite irreconcilable with the charge in the petition, that he was hurried on while exhausted with the other trial. Such a contradiction affected the credit of the whole petition. He wished so dishonourable a contradiction could be explained, as he did not like to charge any one beyond strict necessity; but he could not see how it could be explained. But how stood the case upon the Attorney-General's own statement; and his and the hon. baronet's (who was likewise present) were substantially the same? He imputed no blame to the learned judge who presided. God forbid that he should say he fished for a verdict of guilty, and was a time-serving judge, who lent himself to political purposes, who regarded something else besides the approbation of his own conscience, and who suited his conduct to the views of another Court. God forbid he should say so, for the facts did not serve so far. But he could not help regretting, that the Judge did not on the first mention of any difference of opinion call for a full explanation. The jury were not in sight—he knew that as well then as afterwards. If the learned gentleman on the other side had not explained that part of the subject, he would say, that what the noble lord had said, that the Attorney-General had proved nothing by proving too much, was true. But when a qualified verdict was offered, or, not to say qualified, when an irregular addition was offered, when it appeared that three jurors wished to give reasons for their concurrence, he lamented that the judge did not instantly say, "Gentlemen of

the jury, if any difference of opinion exists among you, retire again to your room, for this is the only time to correct it, as the Court can receive only a simple and unanimous verdict." (*Hear, hear.*) The questions, Have you agreed? Who is your foreman? were all formalities, and none but the foreman ever made any answer to those questions, he would venture to say, from the time of King Alfred. After what had passed, it was the duty of the learned judge to learn whether the jury were unanimous. He must have known the importance of that then, as well as 24 hours afterwards. When a common verdict of guilty was given in, the judge does not put two questions, such as were put in this case. From his putting them it was manifest that the judge felt himself compelled to say something unusual. What, then, was the meaning of putting those two extraordinary unusual questions? In a matter that forced such questions he ought to have made himself perfectly sure of the unanimity of the jury. Another reason, why he must regret the proceeding was, that Mr. Justice Abbott was not satisfied with the verdict, but of himself reported the occurrence to the Court: his report was candid and ingenuous, but the making such report admitted the uncertainty as to the jurors having all concurred, and caused regret that that uncertainty was not removed at once. He conceived nothing to be more important than that criminal prosecutions, and especially on the part of the State, for libel, should be conducted with perfect adherence to all the forms of justice. If any thing appeared to have been hastily done, it ought to be openly thrown out, and canvassed in that House, which always held the superintendence of the administration of justice. In this case nothing appeared that could cast a shade of suspicion upon the judge.

The *Solicitor-General* said, the reason why Mr. Justice Abbott reported the case to the other judges was, that a gentleman had stated in court, three quarters of an hour after the verdict had been recorded, that all the jurors had not concurred. The report was made, because all the jurors were not in court, and there was, therefore, a possibility that they had not all heard the verdict. The impression on his mind, and on that of the judge, at the time was, that all the jurors heard the verdict, and concurred in it. But as there was a possibility that they did not hear it, a new trial was granted, and it was not attempted to conclude the prisoner under the verdict of guilty, recorded. He did not hear any one of the jury express a dissent from the verdict.

Sir F. Burdett would not have said any thing farther on the subject but for an expression used by the *Attorney-General* as to his motives in presenting the petition. He had alleged that his intention was to bring the administration of justice into contempt. He (Sir F.) knew that Mr. *Attorney-General* had the power of filing informations *ex officio* for whatever he conceived to be a libel,

but he did not know that he was entitled *ex officio* to utter libels against members of that House for their parliamentary conduct. He had brought in the petition from an anxiety which every honest man in this or any other country must feel, that what was administered as justice should be justice, and in acting upon that anxiety he would not be answered by imputations by Mr. *Attorney-General*. It was stated by the learned gentleman that the new trial was for the benefit of Mr. Wooler. He could see no advantage that Mr. Wooler was to derive from it; but it was evidently for the benefit of the judge, who had brought himself into at least an awkward predicament. He (Sir F.) saw in his conduct a hastiness ill-suited to his situation in such a case. He had said at the very time, to a gentleman near him, that it was no verdict. A rumour came almost immediately to his ears that the jury were not agreed. It was a considerable time before this was stated to the judge. He would repeat, that it could not be shewn that the new trial was for the benefit of Mr. Wooler. Mr. Justice Holroyd—and there was no judge to whose authority on that as well as on other questions the country would more readily bow (*hear,*)—had said, that it was impossible to proceed upon that verdict; therefore, the new trial was not for the benefit of Mr. Wooler. It had been stated too, that Mr. Wooler was told that he could be discharged upon his own recognizance: he knew not how far this was true, but if it was true it made the argument still stronger.

The *Attorney-General* said, he had directed it to be communicated to Mr. Wooler, that as a new trial was ordered, and he was confined for want of bail, therefore, as he wished to avoid every appearance of oppression, he would accept of his own recognizance. No answer was received, but he hoped this had been communicated.

Sir F. Burdett had no doubt but this was the ground of the report, and thought it very handsome on the part of the *Attorney-General*. (*Hear, hear.*)

The petition was then ordered to lie on the table.*

SUSPENSION OF THE HABEAS CORPUS ACT.]

Sir F. Burdett presented a petition of Inhabitants of Birmingham, against the further Suspension of the Habeas Corpus Act.—It was ordered to lie on the table and to be printed.

Mr. Brougham presented a petition from a Society at Liverpool, called the Concentric Society, against the further Suspension of the Habeas Corpus Act.—Ordered to lie on the table.

Lord Castlereagh moved, that the House should resolve itself into a Committee on the bill for continuing the Suspension.

Mr. Gurney said, that as he had voted for the former bill, because he thought it necessary, it

* Mr. Wooler was soon afterwards discharged on his recognizance, and no farther proceedings have been taken in the case.

would be a great satisfaction to him, if all persons confined in consequence, were allowed to have every comfort that was compatible with the object of their detention. From a conversation with one who had been in solitary confinement for fifteen months, he had learned that the intellect could not remain unimpaired in such circumstances more than six months. He wished, therefore, to know whether they were to be entirely debarred from intercourse or communication with their friends? He had had opportunities since the last debate of seeing persons who resided in the districts where arms were said to have been fabricated for the purposes of insurrection; and they declared that the statement was totally unfounded. When this measure was recommended to preserve the tranquillity of the country, it ought to be considered from whence disturbances were likely to arise. The country was in a situation of great distress, and was on that account more liable to be wrought upon by the turbulent and ill-designing; but how could this bill operate to preserve the public peace, when it was considered, that it would merely take the administration of the law out of the hands of the local magistrates, and place it in those of the Secretary of State? It was unfortunate, for any good practical result from this measure, that the country did not look with a very favourable eye to the late exertions of power, and that the Executive had not acquired any additional credit in the judgment of the people, or any new claim to their confidence, by its communications with such men as Castle and Oliver, or by allowing Reynolds, a State informer, to be summoned as a jurymen on the late trials.—From an attentive consideration of the Reports of the Committees of both Houses, and of what had come to his own knowledge, he could not feel satisfied in supporting the proposition of the noble lord. (*Hear, hear.*)

Sir J. Newport objected to the measure altogether, but seeing that it was likely, notwithstanding any objections that could be made to it, to obtain the sanction of the House, he would propose a clause to render its duration as short as the assumed necessity justified. By the present provisions of the bill, it was to continue till the end of six weeks after the assembling of Parliament. This, it was evident, made its duration very indefinite, for it depended on the pleasure of the Ministers of the Crown, at what time, after a prorogation or a dissolution, they would call Parliament together. There was a rumour abroad, said to depend on the authority of a member of the Administration, that a dissolution would take place after the termination of the present session, and consequently with the Suspension Act in existence. (*Hear.*) If this was the case, it was difficult to say when this oppressive measure would cease. He did not wish to infringe on the prerogative of the Crown, to prorogue, to dissolve, or to call Parliaments, at its pleasure; and he would not,

therefore, propose that any pledge should be required as to the time of its assembling the House; but he would move that the duration of the bill should be limited to the 1st of December, and thus make it necessary for the Crown to call Parliament together, if Ministers thought proper to prolong its date. He saw no objection to this course, which would require nothing but a pledge from Government, that if the state of the country demanded, in the opinion of Ministers, a continued suspension of the liberties of the people, the Legislature should be only assembled to examine the condition of public affairs, and to decide on the repeal or the continuance of this act, under the new circumstances which might then exist. The general appearance of things would seem to justify the expectation of an early meeting without the intervention of a positive pledge, were not the experience of the last years against it. It would be remembered, that last year the difficulties of the country were allowed to be great, yet Parliament was postponed by repeated prorogations till late in the winter. If Ministers so exercised their discretion, a meeting of Parliament might not take place till next spring; and this act, which placed the liberties of every man at their disposal, might be continued as long as they chose to exercise the powers it conferred. It should be borne in mind, that the Habeas Corpus Act was made to protect the subject against the Ministers of the Crown, and should not, therefore, be suspended at the pleasure of the Ministers. During the whole of the last century, when it was suspended, it was suspended for definite periods. If at any time it was more necessary than another that its duration should be limited, and Parliament should judge of its necessity at short intervals, it was the present, when great general distress prevailed, and it was proved that agents employed by Government had endeavoured to seduce the suffering people to the only acts that could justify an extraordinary exercise of power. That the measure should be early reconsidered appeared to be the opinion of the Committees of both Houses, for both mentioned in stronger or less pointed terms, that the tranquillity of the country was not as yet re-established, and could not, with safety, be left to depend on the ordinary laws; meaning, by such expressions, that a favourable change might soon be expected to take place. (*Hear.*) It had been said that our Constitution could bend to circumstances, and he would allow that the present Administration had found or made it flexible and accommodating enough. He would not, however, agree to this description of it. Its motto, in his opinion, should be *frangas non flectes*. If it was to be considered as in the power of Ministers, he was assured that it would never recover its former solid strength, or erect attitude, as circumstances would never be wanting to justify any encroachment, or to subject it to any alteration. The authority now given to Government by its sus-

pension was tremendous, and ought not to be continued one moment longer than the alleged necessity required. The clause which he proposed would have the effect of terminating it on the 1st of December, or of ensuring the deliberation of Parliament on the necessity of its renewal. In formerly opposing the bill, he knew that he differed from some of his friends, whose opinion he most valued; but he believed he should have their support in any proposition that went only the length of limiting the duration of a measure they deemed necessary to the danger on which they justified it. He should, therefore, propose, "that it be an Instruction to the Committee, to limit the duration of the bill till the 1st of December next." (*Hear.*)

Lord Castlereagh said, he could not concur in this proposition. In the first place he objected to it in point of form. The object could be obtained in the Committee, or the date might be altered at the third reading; and there was, therefore, no necessity for a specific instruction, which would bind up the Committee without gaining any advantage which might not otherwise be attained. He objected as much to the substance of the instruction as to the form. The right hon. baronet had spoken of the unlimited duration of the measure, from being made to depend on the meeting of Parliament, which might be dissolved at the end of the session, or prorogued to an indefinite period. He had relied on the rumour of a dissolution, of the existence of which he (Lord C.) was not aware, as he was ignorant of the authority on which it rested. The right hon. baronet could have heard nothing of a dissolution in a way to justify him in making the report of it the ground of any proposition, or the foundation of any argument in Parliament. It had never been alluded to by any Minister; no question of the kind was under deliberation. Laying this argument aside, he should consider the right hon. baronet's motion as merely proposing a short term for the expiration of the act.—He took a view of the matter different from that of the right hon. baronet, for he conceived that, if the necessity should exist in the beginning of December to continue the suspension, nothing could be more prejudicial to the interests of the country, than to call up, at so early a period, members from fulfilling their duties as magistrates, to fulfil their duties in the House. He could not conceive a more impolitic measure than to place Government in the alternative, either of calling gentlemen from the exercise of their most important local functions in the country, where they could be most useful in a time of difficulty and danger, or of losing the benefit of an act, which they should think necessary for the maintenance of public tranquillity. The right hon. baronet seemed to argue as if Ministers could postpone the meeting of Parliament as long as they chose, not considering that the Supplies and the Mutiny Act were only for a limited time. He, (Lord C.) if it was

thought proper, would not object to a specific day for the expiration of the suspension; but it must be later than that proposed by the hon. baronet. If no other public business required the assembling of Parliament at so early a period, he should be acting contrary to duty, if he agreed to the right hon. baronet's proposition. Reverting to what had been stated about a dissolution of Parliament, the noble lord said, that he thought it would be extremely unconstitutional in a Minister to pledge himself as to what was to be done by the Crown.

Sir J. Newport said, that the rumour of an intended dissolution of Parliament, after the present session, depended on the authority of a noble peer high in the administration, who had declared that such a measure was in contemplation, to more than one noble peer of his (Sir J. N.'s) acquaintance.

Lord Castlereagh replied, that he could not answer for what was said by any individual; but he was not aware of any such declaration as the right hon. baronet had mentioned.

Mr. C. Wynn said, that if Providence blessed us with a plentiful harvest, of which there was now every prospect, that distress which was very properly called in the Lords' Report, the instrument of disaffection, would be taken out of the hands of the enemies of the public tranquillity, and the Suspension Act might expire on the 1st of December. Every member who supported that act, allowed that it was an evil, and that it should not be continued one hour longer than it was justified by the necessity of the case. If, therefore, the difficulties of the country, at the period mentioned, should be so mitigated or removed, as to render it unnecessary, it should then expire; but if dangers to justify its continuance should exist, much as he valued the exertions of members in their country residences, and highly as he was disposed to rate their services as magistrates, with the influence of their authority and character as country gentlemen, in their respective neighbourhoods, he thought this House would then be the proper sphere of their duties. (*Hear.*) It was no uncommon thing to see Parliament called before Christmas. A season of danger made an early resort to the wisdom of the Legislature more necessary.—In the rebellions of 1715 and 1745, this was the case, though the gentlemen then might have been useful in their country residences; then the Suspension Act was continued only for four months at a time. He was unwilling to trust Ministers with the liberties of the people one moment longer than necessary.

Mr. B. Bathurst objected to the motion: he contended that any instruction to the Committee on this point was unnecessary.

The cries of question became extremely loud, when Sir J. Newport rose, and after a few remarks in support of the amendment, it was negatived without a division.

The question for going into the Committee was then put by the Speaker, and was opposed

by Lord *Astbury*, on the ground, that the arbitrary confinement of individuals had never produced any salutary political effect; and that there was no example of conspiracies against the Government of any State which had been dangerous under such circumstances.

Mr. *W. Smith* embraced the opportunity of passing some observations on the general state of the country, and the extent of its financial credit. The numerical amount of the national debt was not denied; but its operation on the whole system of our policy was variously represented. He could not see the wisdom of attempting to persuade other States, that the people of this country were so discontented, and the Government so weak, as to induce the necessity of the present measure.—Our foreign interests could not be much promoted by assuring the different Governments of Europe, that no reliance could be placed in this country on the affections of the people. (*Hear, hear.*) He thought some provision for limiting the duration of the bill clearly and indisputably necessary.

The *Speaker* then put the question with regard to his leaving the chair, which was carried without a division.

Sir *W. Burroughs* moved two amendments: the one, to confine the operation of the bill to the counties of Derby, Nottingham, Leicester, and the towns of Birmingham, Manchester, and Stockport; the other, to provide that every warrant issued by the Secretary of State, should be countersigned by the Lord Chancellor, and by others, so as to produce the signatures of six privy councillors. Both amendments were negatived without a division.

Sir *J. Newport* then moved, that the duration of the bill should be limited to the 1st of December next.

Mr. *C. W. Wynn* was in favour of appointing a determinate day for the meeting of Parliament, under the present circumstances.

Lord *Castlereagh* objected to the limitation of the bill to a fixed period, rather than six weeks after the meeting of Parliament; but if any fixed period was thought necessary, he would, to avoid the necessity of calling Parliament together at too early a period, propose, that the duration should extend to the first of March.

Mr. *Gurney* asked, whether the noble lord really intended that the persons now under arrest, in consequence of the Suspension of the Habeas Corpus Act, should continue for nine months longer in solitary confinement?

Lord *Castlereagh* said, that every reasonable indulgence, consistent with safe custody, had been allowed, and would continue to be allowed, to the persons in confinement. An indiscriminate intercourse with them could not be permitted, but their wives and families were allowed to see them under certain regulations.

General *Gascoyne* said, he had supported the former measure; but, as Parliament was about to

rise, he thought the duration of the present bill ought to be precisely limited. It was to be considered, that the present proceeding might serve as a precedent for placing similar powers in the hands of Ministers, less worthy of confidence than the present, when the same necessity for such a measure might not exist: for these reasons, he was inclined to think that the 1st of December, or some definite time, should be fixed.

The Committee then divided—

For the Amendment 45

Against it 78

Majority —33 *

Mr. *Douglas* rose and moved the omission of the clause that extended the bill to Scotland. He argued that, according to the principles of the union of the two countries, such a measure could not be extended to Scotland, unless an adequate ground of danger were shewn to exist in that country. This had not been done by the Report of the Secret Committee, nor by any information as yet before the House.

Lord *Folkestone* wished to know whether, in fact, this bill would really extend to Scotland or not? He knew that, according to some legal opinions, the amendment made in the former bill, which passed in the early part of the session, had taken Scotland out of the operation of the Act. As this bill was a copy of the former, he wished to know what was the opinion of Ministers upon this point?

No answer was given.

Sir *S. Romilly* (after a pause) expressed his surprise that no answer had been given to the question of the noble lord; for if it really was the case, that the bill could have no operation in Scotland, then it was not passed for the purpose of suppressing any dangerous practices in that country, but for some unexplained object of Ministers. He believed that since the former bill passed, not one individual in Scotland had been committed under it. The question was not whether the Habeas Corpus had or had not been properly suspended in the early part of the session, but whether they should now pass a bill, purporting to deprive Scotland of the benefits of the act against wrongous imprisonment, though that measure was not called for by the state of the country, and when it was not certain that the bill could operate. The noble lord opposite had taken merit to himself for not proposing to extend the measure to Ireland, because he said, he only wished to carry it as far as was necessary, and no farther. Upon his own principle, then, the bill ought not to be extended to Scotland.

Lord *Castlereagh* said, he did not conceive that his Majesty's Ministers were called upon to discuss whether the bill was legally applicable

* The division was delayed for some time by a question which arose as to the right of those members to vote who were about to enter the House at the time the Committee was proceeding to divide. They were not counted in the division.

to Scotland or not. It was evident that it was the intention of the bill that the measure should extend to that country. If any member thought that intention was not properly expressed, it would be competent for him to offer an amendment. He saw no reason to suppose, from the wording of the bill, that it could not be executed in Scotland.

Mr. *Pensonby* wished to know for what purpose the second Committee of Secrecy had been appointed? Was it for mere form, or was it to lay a parliamentary ground for this measure?—If the latter, he could say, that the Report of the Committee did not touch Scotland; and he would assert farther, that not a tittle of evidence relative to Scotland had been submitted to the Committee. When, therefore, the Report was silent respecting Scotland, and no evidence had been offered of any dangerous or improper practices in that country, was it to be endured that the liberties of the whole Scotch nation were to be taken away on the mere recommendation of his Majesty's Ministers? What availed the good conduct of the people, their unshaken allegiance, their loyalty, or their attachment to the Constitution, if this could be done at the mere will of an Administration. He must declare, that if the Committee, under these circumstances, extended the bill to Scotland, the vote would be the most violent and unjust decision ever made by that House.

Mr. *B. Bathurst* agreed in substance with what the right hon. gent. had said, that there had been no evidence before the Committee, relative to Scotland, but he did not consider that a reason for exempting that country from the operation of the bill. There had been no evidence about Cornwall, and upon the same principle, it might be said that the bill ought not to extend there. In the same way it might be said, why place all Warwickshire under the operation of the bill?—why not limit it to Birmingham? but the principle on which the Committee went was not that of merely confining the remedy to the local complaint, but to prevent the contagion from spreading. To do so, would be to make the measure quite nugatory and illusory. The proximity of Scotland to England, and the facility of intercourse, rendered it more necessary to extend the measure to that country, than to Ireland, with regard to which, the separation of the sea made a great difference. It would be improper to have a privileged part of the country to which the disaffected might remove, and which might thus be rendered the principal site of the machinations understood to exist in other places.

Sir *R. Ferguson* said, he was against the measure altogether. With respect to the present question, Ministers had, according to their own shewing, very little reason for extending the bill to Scotland before, and now they had no reason at all. He would call upon the noble lord opposite or the right hon. gentleman who spoke last, whether they could state that any

one instance of disorder or disaffection in Scotland had come to the knowledge of Government? Under the old law of Scotland, which he thought too severe, there had been some trials; but the result only tended to shew that there was some great error in the proceedings, either of the court, or the law officers, or both. The right hon. gentleman had referred to Cornwall, and it was singular enough that he seemed to think it right to extend the operation of the bill to places because they were free from suspicion of disaffection: that was to apply his remedy where he was sure it would not be wanted. As to the removal of the disaffected, which the right hon. gentleman apprehended might take place, he had always supposed that the emigration was greatest from his (Sir *R. Ferguson's*) country. The right hon. gentleman surely need not be afraid that the Londoners would fly to Scotland in order to plot against the Constitution. (*A laugh.*)

Lord *G. Cavendish* observed, that all the disorders which had occurred in the disturbed districts mentioned in the Report proceeded solely from the spirit of Luddism, against which the present bill was perfectly inoperative. Before the former bill passed, there had been a great many clubs in those districts, which were of an open nature; but after the bill passed, the people, instead of meeting publicly as before, assembled secretly in barns and Methodist meeting-houses, and in that way the late disorders, to which the name of insurrection had been given, were hatched up. Besides the men called Luddites, there were also in Derbyshire people called Stockingers, who were very active in exciting disturbances: but while he stated this, he would ask whether there were not other persons at the bottom of the mischief—whether Mr. Oliver, and such men as he, ought not to be regarded as the chief instruments in these movements? Nothing could be more culpable than that abominable system by which spies and informers were let loose among an ignorant people, to work on their passions and provoke them to acts of violence. The man who was said to have the command in the late riot was a notorious Luddite. He should not object to a law for punishing more severely the crime of frame-breaking, or any bill for strengthening the magisterial authority in the disturbed districts, for there a strong power was doubtless requisite, to protect the property of the country against Luddism; but he must protest against the bill now before the Committee.

Mr. *B. Bathurst* explained. He admitted that no complaint had come from Scotland, against the loyalty of the people there.

Lord *Folkestone* expressed his surprise that Ministers had not given any reply to him. His question was, not whether it was a point of policy that this law should extend to Scotland, but whether, in point of fact, Scotland was not taken out of the operation of the act by the way in which the clause was drawn up by the

hon. and learned gentleman (Sir S. Romilly) below. If that was the case, it was of the utmost importance that the House should know whether they were legislating for Scotland or not. On a former occasion the Chancellor of the Exchequer said, that his (Lord F.'s) doubts were to be resolved by a court of law: but how was a court of law to resolve this, in the present situation of the House? It was said, that no person had been taken up in Scotland under the suspension act: but how could this be ascertained? Under that act, there was a power to remove any person from gaol to gaol; and therefore, there existed no proof that no person had been taken up in Scotland. Ministers had expressly refused to give the names and residence of the persons who had been apprehended, lest their friends should become acquainted with their situation. (*Hear, hear, hear.*) He thought he had stated as strong a case as could be stated, to require of his Majesty's Ministers an answer, whether this act did extend to Scotland, and whether any person in Scotland had been taken up under the act for suspending the Habeas Corpus.

Mr. B. Bathurst said, that Scotland was included in the act, but admitted that no person had been taken up in Scotland, and that no evidence was laid before the second Committee relative to the existence of treasonable practices or disaffection in Scotland. (*Hear, hear.*)

Lord Falkstone.—Then the right hon. gentleman confesses that no single person has been taken up in Scotland, and that the second Report does not mention Scotland. (*Hear, hear, hear.*)

Sir W. Burroughs rose to speak, but was prevented by loud and vehement cries of *withdraw* from the Ministerial benches. The hon. member asserted his right to be heard, and said, that he would stand there till he was heard, though it might be for two hours. The cries of *withdraw* were then repeated, when the hon. member said, "Sir, if this question is to be carried by clamour, then the fate of the country is decided." This observation was followed by shouts of *hear*, and cries of *withdraw*, when strangers were obliged to leave the gallery.

The Chairman then observed, that though a member had a right to speak, he had no right to be heard.

Mr. Bragham said, it was the bounden duty of every person who sat, either in the chair of the House, or in the chair of the Committee, to give protection to every man who rose to speak.

A Member observed, that the House had already been detained a very considerable time in debating this question.

Mr. Pensonby said, that the House might have been detained a long time, but the subject was of that importance that they could not be detained too long upon it. (*Hear, hear.*) The hon. member should recollect, however, that the discussion of the particular question then before the Committee had not lasted above an hour. (*Hear, hear.*)

Mr. Canning said a few words, when Sir W. Burroughs rose, and expressed his conviction, that there was no occasion whatever for extending the powers of this act to Scotland. No person had been apprehended in Scotland, and there was no evidence before the Secret Committee of any disaffection in that part of the Kingdom.

The House then divided upon the question, whether the act should extend to Scotland.

Ayes 129, Noes 48, Majority 81.

SMALL DEBTS BILL.] The order for the third reading of this bill to-morrow, was read, and discharged.

FRIVOLOUS ARRESTS BILL.] Sir S. Romilly brought in a bill, to continue an act, intituled, "An Act further to extend and render more effectual certain provisions of an act passed in the 12th year of the reign of his late Majesty King George the First, intituled, an Act to prevent frivolous and vexatious arrests; and of an act passed in the 5th year of the reign of his Majesty King George the Second, to explain, amend, and render more effectual the said former act, and of two acts passed in the 19th and 43d years of the reign of his present Majesty, extending the provisions of the said former acts."—It was read a first time, and ordered to be read a second time to-morrow.

POOR EMPLOYMENT AMENDMENT BILL.] A bill was brought in, "to amend an act made in the present Session of Parliament for authorizing the issue of Exchequer Bills and the advance of money on Public Works and Fisheries, and Employment of the Poor;" which was read a first time.

THE MINORITY

ON SIR JOHN NEWPORT'S CLAUSE FOR LIMITING THE SUSPENSION BILL TO THE FIRST OF DECEMBER.

Althorpe, Visct.
Barham, J. F.
Barnett, J.
Birch, J.
Brougham, Henry
Burroughs, Sir W.
Carter, J.
Caulfield, Hon. H.
Cavendish, Lord G.
Cavendish, Hon. H.
Cavendish, Hon. C.
Duncannon, Visct.
Douglas, Hon. F. S.
Fergusson, Sir R. C.
Folkestone, Visct.
Gordon, R.
Grenfell, Pascoe
Gascoigne, Isaac
Gurney, H.
Heron, Sir R.
Latouche, R.
Latouche, John
Lefevre, C. Shaw

Lloyd, J. M.
Leader, Wm.
Mackintosh, Sir J.
Madocks, W. A.
Martin, J.
Monck, Sir Charles
Moore, P.
Neville, Hon. R.
Osborne, Lord F.
Onslow, A.
Parnell, Sir H.
Pensonby, Rt. Hon. G.
Pym, Francis
Phillimore, Dr.
Ridley, Sir M. W.
Romilly, Sir S.
Scudamore, R.
Sefton, Earl of
Smith, J.
Smith, W.
Teed, John
Wynn, Chas. W. W.

TELLER.—Sir John Newport.
Mr. Gore Langton paired off with Mr. S. Thornton.

MINORITY

ON MR. W. DOUGLAS'S MOTION FOR EXCLUDING SCOTLAND FROM THE BILL.

The following gentlemen voted, many in the former list having left the House:—

Atherley, A.	Spencer, Lord R.
Calcraft, J.	Rowley, Sir W.
Calvert, C.	Wood, Rt. Hon. M.
Macdonald, James	Lord Mayor.
North, D.	Walpole, Hon. G.
Sharp, R.	Warre, J. A.

HOUSE OF LORDS.

Friday, June 27.

The Royal assent was given by commission to Lord Colchester's Annuity Bill, the Salt Laws Excise Bill, the Civil and Military Offices Continuance Bill, the Insurrection Act Continuance (Ireland) Bill, the Fraudulent Tenants Bill *, and several private bills.

DIVORCES.] The Earl of *Lauderdale* moved the second reading of a bill, which had been brought in to dissolve the marriage of — Miller with his wife. He observed, that this was a case in which the wife had returned from Malta to England for the recovery of her health, leaving the husband at Malta, and that she had remained in England five years, living in a state of adultery, and having four children in that time, her husband having no suspicion of her misconduct during any part of that period. Letters written by her to her husband, stating the reasons for not going out to Malta, had been given in evidence; and he admitted that these could not be a safe ground to proceed upon,

* The preamble of this Act recites the 11th Geo. II. c. 19, which provides, that, if any tenant at a rack-rent, or where the rent reserved is three fourths of the yearly value of the premises, shall be in arrear for one year's rent, and desert the premises, and leave the same uncultivated or unoccupied, so as no sufficient distress can be had to countervail the arrears of rent, two or more justices of the peace (having no interest in the demised premises), at the request of the landlord, or his bailiff or receiver, may go upon and view the same, and affix on the most notorious part thereof notice in writing what day (at the distance of fourteen days at least) they will return to take a second view; and if upon such second view the tenant, or some person on his behalf, shall not appear and pay the rent in arrear, or there shall not be sufficient distress upon the premises, then the said justices may put the landlord into possession; and the lease to such tenant, as to any demise therein contained only, shall from thenceforth become void: It then recites, that it is expedient, for the due protection of the interest of landlords, that so much of the said act as requires a tenant to be in arrear for one year's rent should be altered, and that the provisions of the said act should be extended to tenancies where no right of entry in case of non-payment is reserved to the landlord. It is therefore enacted, that the provisions of the said recited act shall extend to the case of tenants in arrear for one half year's rent instead of one year, whether they hold by written or verbal agreement, and although no right or power of re-entry be reserved or given to the landlord in case of non-payment of rent.

had it not been that the inference to be drawn from them was confirmed by several of the respectable witnesses, which went to show that the husband had no suspicion of her misconduct. Upon the whole, he thought this a case in which the bill ought to pass.

The *Lord Chancellor* said, he had not himself moved the second reading of the bill, because he had great difficulty on the principle. Though scarcely any business could be of greater importance to public morals than these divorce bills, yet he was sorry to say, that scarcely any business received so little notice. But this bill particularly called for the attention of their lordships, especially of such of their lordships, if there was any distinction, as ought to make public morals their peculiar care. They were called upon to grant a divorce to one whose wife had been living for five years in the commission of adultery, and who had had four children in that period. She being during all that time absent from her husband, and he having made no effectual inquiry to discover this proceeding, supposing him to have known nothing of it, there were in the letters themselves expressions that might have roused suspicion, unless the husband was blinded by affection for her; which possibly might be the case. His lordship alluded to such excuses for not going out to Malta as this—that if she went out she must take a ship-load of Cheltenham salts with her: but the House would recollect that they must attend not merely to the particular case, but to the general principle, and on that ground he had great difficulty. If he did not object to the second reading, it was because it was necessary to have it read a second time now, if it were to pass at all: but he begged it might be understood, that he had not got over the difficulty in point of principle.

The bill was then read a second time, and committed for Tuesday.

NAVAL AND MILITARY OFFICERS' OATHS.] Lord *Melville* pursuant to his notice (see page 1633) presented a bill to regulate the administration of oaths in certain cases to officers in the naval and military service. His lordship stated, that by different Acts of Parliament, certain oaths were to be administered to officers in the naval and military service, and by the practice which had prevailed, these oaths had invariably been administered to officers in the military service at some period after they had received their commissions; a similar practice had also of late years prevailed with regard to officers in the navy. A doubt, however, had arisen, whether by law these oaths were not required to be taken by the officers before they received their commissions; but there was no instance in the memory of any person in office, now living, of the oaths having been so required to be taken. This being the case, and it being in every respect more desirable that the present practice should be continued, than that what was supposed to be the law, should be literally carried into effect, the object of this

bill was to legalize the present practice with regard to officers in the military service, and to assimilate to it the practice with regard to officers in the navy.—His Lordship presented the bill, which was read a first time, and ordered to be printed.

The Bishop of *Peterborough* asked what oaths remained to be taken by these officers?

Lord *Melville* replied, the oath of allegiance, the test oath, the oaths of abjuration and supremacy, and the declaration, as required by the different Acts of Parliament, no alteration being made respecting them.

HOUSE OF COMMONS.

Friday, June 27.

PRISONS ACT CONTINUANCE (IRELAND) BILL.] This bill was read a third time, and passed.

PAPERS DRAWBACK (SCOTLAND) BILL.] This bill was read a third time, and passed.

LEATHER TAX.] Mr. *H. Davis* presented a petition of Tanners of Bristol, setting forth, that the petitioners carried on the business of tanning of leather in 1812, at which period an additional duty of three halfpence per pound was imposed upon tanned leather: that they had no intimation of such additional impost until a short time previous to its being charged: that they did not contemplate any additional charge of duty when they laid in the raw material, then in process of tanning, by which means such additional impost was wholly paid by them, and for which no remuneration was made by the consumer: they stated that the process of tanning placed the tanner under very peculiar circumstances, by which they were precluded from effecting an immediate advance of price to compensate for an unexpected charge of duty, and prayed the House to afford them relief.

The petition was ordered to lie on the table and to be printed.

USURY LAWS.] Sir *C. Morgan* presented the following petition of the Directors of the Chamber of Manufactures and Commerce, at Birmingham, which was ordered to be printed:—"That the petitioners are desirous of expressing to the House their opinion that the terms of private contracts between individuals for the use of money may be left to the discretion of the parties interested as safely as any contract for the price of any other commodity whatever; that the petitioners are also of opinion, that the only proper and reasonable rate of interest of money is that which is proportionate to the advantage to be derived from its use, and that such rate is more likely to be fairly adjusted by the interested competition of individuals amongst one another, than by any compulsory legislative enactment; that the petitioners believe it to have been proved by experience, that the existing laws relative to the limitation of the rate of interests have not only been found to be incapable of accomplishing the avowed object of their enactment, but have had a tendency to raise the mar-

ket rate of interest above its natural level, inasmuch as that numerous instances have occurred, and particularly since the commencement of the present depressed value of property, wherein persons who have been precluded by law from borrowing money to meet their pending engagements at such higher rate than five per cent., at which it might have been obtained, have been compelled to resort to the expensive expedient of raising money on annuity, or otherwise on terms much more disadvantageous; the petitioners therefore being impressed with a conviction of the injurious tendency of the laws at present in force for limiting the rate of interest, and of the advantages to the community that are likely to arise from the repeal of the same, humbly pray that the House will be pleased to take the subject into their serious consideration, and adopt such measures thereupon as to their wisdom shall seem proper."

COTTON YARN.] Mr. *Cawthorne* presented a petition from Chorley, in Lancashire, praying that the exportation of yarn might be prevented.—After a few words from Lord *Cochrane* and Mr. *Curwen*, the subject was referred to a Committee, consisting of Mr. *Cawthorne* and others.

Mr. *Cawthorne* then moved for "copies of all memorials presented to his Royal Highness the Prince Regent, during the present and last year, on the exportation of cotton yarns; also a copy of a memorial from the merchants, manufacturers, and others, of Manchester, presented to the Lords of the Treasury in the spring of the year 1800."—Agreed to.

PERSONS CONFINED FOR TREASON.] Mr. *Bennet* presented the following "petition of Thomas Evans, confined in one of the condemned dungeons, or strong rooms, of the gaol for the county of Surry, in Horsemonger-lane: "That the petitioner's house, No. 8, Newcastle-street, in the parish of Saint Clement Danes, in the city of Westminster, was entered by Mr. John Stafford, of the public office, Bow-street, accompanied with six, eight, or more persons, in the morning of Sunday the 9th of February last, who forcibly arrested the petitioner and his son (a youth then under twenty years of age,) and took away his papers, which have not been returned, by virtue of an order, or general warrant, issued by Lord Viscount Sidmouth, directed to Mr. John Stafford, authorizing and requiring him, in his Majesty's name, to apprehend and take into custody Thomas Evans, and Thomas John Evans his son, on suspicion of high treason against his Majesty; that this arrest took place several weeks prior to the suspension of the Habeas Corpus Act, when the laws were in full force, and when, as the petitioner conceives, it was highly illegal for any magistrate to order the arrest of individuals in their own dwelling-houses but on information or evidence on oath of some breach of the law: that the petitioner and son were kept closely and separately confined, and denied all intercourse with their friends, or the use of pen, ink

or paper, or to see the public prints, or to receive information of any sort, by any possible means, and were taken six different times before the Lords of his Majesty's most honourable Privy Council, but never examined or questioned touching any act of treason, or any other unlawful conduct, nor could any intreaty of the petitioner prevail upon or induce their lordships to inform him what, or if any legal charge was to be preferred against him, nor who, or if any person, had made oath to any such charge; all that was required of the petitioner was, to inform their lordships if he knew Mr. Arthur Thistlewood, Dr. James Watson, and his son, and questions of the like trifling import; that the petitioner, well knowing that neither himself nor his son had in any way violated the laws of their country, and the petitioner was capable of proving their innocence, to the complete refutation of the unfounded assertion contained in the general warrant of the right hon. Secretary of State, he did, immediately on his commitment to the prison of Cold Bath Fields (by the permission of the keeper,) state this violation of the laws, by the arrest of himself and son, in a petition to the House, which petition he addressed to the members for the city of Westminster, per favour of Samuel Brooke, Esq. of the Strand, and committed the same to the charge of the keeper, by whom it was sent to the office of the Secretary of State, Whitehall, where it was detained, and prevented being presented to the House; that the petitioner, in addition to such petition, made every exertion in his power to procure the assistance of a solicitor, that he might sue out a writ of Habeas Corpus; but such was the nature of the close confinement to which he was subjected, that the petitioner could not obtain such assistance till the third reading of the bill for its suspension in the House; that the petitioner did also, on the 10th day of April last, solicit the Lords of his Majesty's most honourable Privy Council (by petition) to be admitted to bail, that he might if possible save his trade, and future dependence of himself and family, from utter ruin, but on the evening of the same day, he and his son were removed from the prison of Cold Bath Fields to the place where he is now confined, and, in spite of remonstrance, put in irons like felons, and separately locked into the strong rooms (or condemned dungeons) of that prison, the furniture of which consists of a bag of chopped woollen rags for a bed, a tub in one corner for a water-closet, a pail for water, a trussel for a table, a chair, and chamber-pot; a fire is allowed for culinary purposes, to be extinguished at dusk; the use of candle is prohibited, and the petitioner had his flux taken from him, by which he endeavoured to beguile some of his lonely hours; that three magistrates visited the petitioner the next day, and approved of the petitioner being kept in irons and wholly confined to his room, but the fetters have since been taken off, in consequence of an application by

the petitioner to the Secretary of State; that the petitioner has not been allowed to set his foot out of that room since the 10th day of April, and is strictly prohibited from intercourse with any person but his wife, who is allowed to converse with him a few minutes only at a time, in company with a turnkey, through the grated door of his room: that the following is a copy of the commitment of the petitioner and his son; "Henry Viscount Sidmouth, one of the Lords of his Majesty's most honourable Privy Council, and principal Secretary of State, &c. &c. &c. These are, in his Majesty's name, to authorize and require you to receive into your custody the bodies of Thomas Evans and Thomas John Evans, herewith sent you on suspicion of high treason against his Majesty, and you are to keep them safe and close until delivered by due course of law, and for so doing this shall be your warrant; given at Whitehall this 9th day of April, 1817, Sidmouth;—To the Keeper of his Majesty's gaol for the county of Surry;—" "A true copy, Wm. Walter, Keeper;" that it is wholly out of the power of the petitioner to conjecture the cause of the arrest and detention of himself and his son, beyond their personal knowledge of Mr. Thistlewood and the Messrs. Watsons, as they have not been members of any political association, or taken part in any political meetings, or been found aiding, advising, or encouraging any person or persons in the pursuit of political measures of any kind, nor have they in any way conducted themselves contumeliously towards his Majesty's person, Government, or Ministers, nor is it in the power of any person (with truth) to charge the petitioner or his son with a breach of the law of any nature whatever; and he submits that it is cruel and unjust to inflict punishment upon the petitioner and his son for the proceedings of others, of which they have no knowledge or concern, and over whose conduct they have no control; that the petitioner most humbly, but most confidently assures the House it is not in the power of the right honourable Secretary of State to name or produce any legal cause, or name and specify any act or deed done or said by the petitioner or his son, to justify the cruel persecution to which they are subjected, beyond his own unfounded assertion set forth in the general warrant and commitment herein mentioned, which is unsupported by the smallest testimony of corroborative evidence, either personal or circumstantial; that the petitioner has for the last sixteen years been established in a manufacturing business, employing from six to ten persons, which was wholly dependent on his own management and direction, and by his long detention in prison is totally destroyed; the expenses of his premises and maintenance of his family have consumed his property, his creditors are unpaid, his debtors are several of them gone to America, removed, or failed in business, and his remaining effects threatened to be distrained for arrears of taxes, in which case the wife of the petitioner

will be reduced to the state of a houseless wanderer, or be compelled to seek refuge in a work-house; that the petitioner most humbly begs leave to observe to the House, that himself and son have been most illegally and unjustly arrested, imprisoned, banished from their country, put in irons like felons, branded with the epithet of traitors, and destroyed; that they are now languishing in utter solitude, excluded from all means of conducting or arranging their lawful affairs, cut off from the world and their friends, from exercise in the open air, from the cheering rays of the sun, shut in gloomy dungeons like criminals under sentence of death, waiting the hour of execution, for no assignable cause whatever, but that it is the will of the right honourable Secretary of State, on a charge manufactured for the purpose, wholly groundless, false and unfounded, it being well known to the right honourable Secretary of State, that the petitioner and his son have at all times, in all places, and on all occasions, evinced themselves to be the serious and steady advocates of the rights of the Crown, and that this charge of treason has no other support than assertion, the warrants of arrest and commitment themselves are evidence the most incontestable; that the petitioner most humbly assures the House, that this persecution has so alarmed him for his future safety and that of his son, that, should the House consent to a further Suspension of the Habeas Corpus Act, and thereby leave him and his son in the power of the right honourable Secretary of State, he has the most dreadful apprehension they will be still further removed during the recess of Parliament, to some remote part of the country, far from their friends, and unknown, and there left miserably to perish in solitude, to prevent their farther complaints reaching the House; the petitioner therefore most humbly and emphatically implores the House to take his unprecedented situation into their humane consideration; and prays, that should the House find it expedient further to suspend the people's only defence (the Habeas Corpus Act,) that they will be graciously and mercifully pleased to make an exception in favour of the petitioner and his son, to enable them to obtain the protection of the laws, otherwise the petitioner, who is advanced in years, and labouring a long time under an incurable disease, is apprehensive that his cruel persecution will speedily terminate his life."

Mr. H. Addington said, he had never heard of any harsh or severe treatment towards the petitioner, and did not believe that he was more harshly treated than other prisoners under the same charges. As a proof of the kind treatment of such persons, he had to mention, that discharged, Mr. Watson, had written a very becoming letter to the Secretary of State, thanking him for his indulgence to him while in confinement. It was impossible there could be any grounds for the complaints in the petition; but he should be happy and

feel it his duty to inquire into the circumstances.

Mr. W. Smith observed, that he did not rise to contradict the right hon. gentleman, for he had only said that no severity had been exercised by the orders of the Secretary of State. He could believe that, and yet believe the complaint of the petition to be well founded. In the case of a lord-lieutenant of a neighbouring country (Lord Hardwicke), he had known a similar contradiction. He (Mr. S.) had then papers put into his hand, alleging the greatest cruelty to have been exercised towards prisoners: he could not believe that the Lord-lieutenant could have sanctioned such acts, but he had no confidence in the tender mercies of the gaolers of that unhappy country. He had since known, from unquestionable authority, that the facts were true, and that the persons concerned deserved to be brought to condign punishment. In the same manner he could believe that the facts here were true, though the Secretary of State had not sanctioned them.

Mr. Barham said, he could not imagine that any person would dare to bring forward such specific charges if they were not true. The Secretary and the Under-Secretary were respectable men; but he wished to know, as to one single fact, whether any one person was, for the sake of security, put in irons. When the House was about to pass a law, suspending the Habeas Corpus, what security could they have against the most flagrant abuses of such a terrible power? There was no person that could answer questions in that House (*hear, hear*); and no person was allowed to visit the prisoners. (*Hear, hear*.) Ministers were making the exception the rule, and the rule the exception. It was the bounden duty of the right hon. gentleman to inquire and to know what passed in prisons, when such extraordinary powers were claimed by the Secretary of State.

Mr. H. Addington was proceeding to ask how it was possible for him to know in this case—when the Speaker called him to order, as having already spoken on the question.

Mr. P. Moore said, the noble lord who had been already referred to (Hardwicke), had been grossly misled from beginning to end, with reference to some transactions in another country, and particularly with regard to one of the incendiaries who was extremely active in them, a vile miscreant who deserved a halter instead of a pension. At the time that his lamented friend, the late Mr. Sheridan, brought on a motion, which he had seconded, for an inquiry into the abuses in Kilmainham Gaol, the noble lord (Hardwicke) was so astonished at the statements then made, that he wrote to tell him how he was imposed on; but it turned out on inquiry that the noble lord had been as grossly imposed on as if he had not been in Ireland. The motion was followed up, and they got a Committee of Inquiry appointed; and there was sufficient proof obtained that the superintendent

of the prison, a person of the name of Trevor, ought to have been hanged—aye, and hanged a hundred times; and yet this person stood on the pension list. (*Hear, hear, hear.*) Now those miscreants were not able of themselves to oppress; they abused the ear of the Secretary of State, and got a law passed to put the liberties of the whole nation in their power. As he was not disposed to encourage cruelty, he would not consent to the Suspension of the Habeas Corpus.

Mr. Macdonald thought the assertion of the right hon. gentleman warranted an inference which he was not perhaps aware of. He had said that the petitioner was not worse treated than other prisoners. This prisoner was put in irons. Was the inference therefore admitted, that other prisoners were put in irons? The right hon. gentleman seemed to think himself bound to know very little on the subject. (*Hear, hear.*) The Secretaries of themselves, contrary to law, and to all former practice, excluded magistrates; and yet they did not consider themselves bound to know or explain any thing on the subject. (*Hear, hear.*)

Mr. Bennet said, the gaol was different from other gaols. In other gaols they had more room, and a yard to walk in. The gaol in Horsemonger-lane had no yard: for this, among other reasons, it was of essential benefit that gaols and prisoners should be accessible to the inspection of the public eye.

Lord Folkestone would fain know who it was that was responsible, since all magistrates and other persons were excluded? (*Hear, hear.*) Under such laws and restrictions, who was to answer that prisoners were not put in irons, and even to the torture? The Secretary had promulgated a new law as to prisoners; and having done so, he now said that he was not bound to know any thing about the matter. The other night it was stated that solitary confinement was authorized by the law: the noble lord (Castlereagh) had declared, that there was a distinction as to high treason, and that all prisoners under that charge were committed to safe and close custody. The noble lord had taken this up from the Attorney-General, but stated it more clearly and explicitly. He (Lord F.) had not then been prepared to deny that doctrine; but he had since endeavoured to ascertain the law, and was now ready to shew that a false interpretation had been given to it. From the books, it appeared, that all prisoners were committed to safe and close custody. In Bums-
stead's Reports, there was a case in which Lord Chief Justice Coke laid it down as the law, that gaolers are bound to keep all prisoners committed to them in safe and close custody. The same doctrine was to be found in Bacon's Abridgment, and in Coke upon Lyttleton. There was thus no authority for solitary confinement in the case of State prisoners. He had, however, seen directions from the Secretary of State to keep them in solitary confinement. (*Hear, hear.*)

Prisoners confined for Treason.

[1840]

Irons were only to be applied when absolutely necessary. Other prisoners were not put in irons, and therefore it was not necessary to say so.

Mr. B. Bathurst thought it was rather too much to call upon persons to prove a negative—to prove that certain statements were not true which they now heard for the first time. The only mode of proceeding was to have petitioned the Secretary of State, and to obtain redress of the grievance, or a change of gaol. It was necessary to prevent traitors from associating in prison, otherwise they would carry on conspiracies. The Secretary of State did not prevent all persons from visiting prisoners.

Lord Folkestone replied, that none were admitted but by a special order from the Secretary of State.

Lord Cochrane considered the subject deserving of the serious attention of the House, and of being inquired into by a Committee. Why was not Newgate the place of the prisoner's confinement? The reason was, that the London magistrates would have insisted upon seeing him. What was the difference between tyranny in Algiers, and under the Deys opposite? Englishmen, however, would not become slaves all at once. A revolution so sudden could not be effected by all the bayonets which Ministers had at their command. Was it to be endured that persons could be thrown at the pleasure of Ministers into dungeons, immured there in irons, and imprisoned and tortured so, while that House was prorogued? Could the idea of subjecting every man in the kingdom to such tender mercies be borne by people of reflection and spirit? A petition was before attempted to be forwarded to the House in vain. How was it possible, then, for prisoners to make their sufferings known? Ministers did not themselves visit gaols, and gaolers could not be expected to forward petitions against their own cruelty and oppression. The House should not give such powers to any men, however perfect; and he did not consider that the present Ministers ought to be entrusted with any authority beyond the laws. The House was bound to inquire into this case before it passed the Suspension of the Habeas Corpus.

The petition was ordered to lie on the table.

On the motion that it be printed,

Mr. Barham gave notice that, unless the facts were previously explained, he would on Tuesday next move, that it be referred to a Committee to inquire into the circumstances in which the petitioner was apprehended and detained.

Mr. Brougham said, there was an allegation in the petition which, if it could not be proved to be wholly untrue, involved a serious breach of the privileges of the House. It was stated, that the petitioner had prepared a petition, and, being an inhabitant of Westminster, had sent it to be presented by the members for that city. By inquiry of his hon. friend, the worthy baronet, one of the two

members, he found that it never came into his hands; he believed the noble lord, the other member, had not received it. It was in fact never received. This, if true, was a great breach of the privileges of the House. (*Hear, hear.*) In the early part of this Session a case of a petition from Warrington, in Lancashire, which was kept or detained, was brought before them; and his hon. friend below him stated very strongly the high responsibility of such conduct. He trusted the House had not, in all the changes which it had undergone, learnt to contend for no privileges against the Executive Government, and to view all their privileges as of use only against the people. (*Hear, hear, hear.*)

Mr. Ponsonby entirely coincided with his hon. friend; but there was much more than a breach of privilege in this case. It certainly was not the intention of the House, in suspending the Habeas Corpus, that cruel usage should be inflicted upon those who were confined. He would not say that the complaints were true, because the parties complained against had not been heard; but it was the duty of the House to inquire, and if full and satisfactory explanation were not given, to appoint a Committee of their own for the purpose.

Lord Castlereagh submitted, that if it was the duty of Ministers to take care that they did not abuse the powers given to them, it was the duty of the House to allow a presumption in their favour till the facts were proved. He admitted that every tenderness was due to persons in the unhappy situation of the petitioner: but there was here an inversion of the proper mode of proceeding. The complaint came to the ears of Ministers in the first instance, not from the individual, but from gentlemen on the other side, and Ministers were charged with inattention, or neglect, if they were not prepared, by inspiration, to answer every question. He submitted that it was the duty of members, before they presented such petitions, to ascertain whether application had been made to the Executive Government. He begged of the House not to suffer an impression to be made upon their minds, that there was not an anxiety to give every possible indulgence to persons committed by Ministers.

Lord Folkestone said, the noble lord, by his speech, had given the House to understand that prisoners ought to be treated tenderly; but they were not allowed to confer with their friends. In the instructions to the Gaoler of Reading this was positively forbidden. How the hon. gentleman (Mr. Bennet,) had obtained the petition, he knew not; but by the instructions to the Gaoler of Reading, all complaints or communications whatever were ordered to be first transmitted to the office of the Secretary of State.

Mr. Harcourt said there was no order by which the visiting magistrates were precluded from seeing the prisoners. As the visiting magistrates were appointed, under the 31st of the King,

especially to visit all persons, to exclude them would amount to a dispensation with the law. He had the highest opinion of the manner in which the Secretary for the Home Department generally exercised his duties.

Lord Castlereagh said, if there was any delay on the part of gaolers in transmitting petitions to the Secretary of State, it would form a case for parliamentary inquiry. The regulation of State Prisoners was at the discretion of the Secretary of State.

Mr. Bennet said, that as the petition was couched in proper terms, he thought it his duty to present it (*hear.*)

Sir S. Romilly observed, that if the noble Lord supposed that the suspension of the Habeas Corpus Act gave the Secretary of State any power to regulate prisons, or to dispense with the law of the 31st of the King, he was mistaken.

Sir W. Burroughs hoped that these persons had not been apprehended without information upon oath.

The Attorney-General said, they were arrested before the Suspension Act passed.

The petition was then ordered to be printed.

SUSPENSION OF THE HABEAS CORPUS ACT.]

Lord Ossulston said, he had a petition to present of the Mayor, Bailiffs, and Burgesses of Berwick-upon-Tweed, against the Suspension of the Habeas Corpus. As the Members for that town had declined to obey the instructions of their Constituents by supporting the petition, it had fallen into his hands. It had been said, that there was not a general feeling in the country against the suspension of the Constitution. He had no means of ascertaining the general feeling; but he supposed few Englishmen could be in favour of a Bill which deprived them of the security for their liberty. At least in the Corporation of Berwick the feeling was against it, for they were unanimous in the petition.—The petition was read and ordered to be printed.

Sir F. Burdett said, he had a similar petition to present from the parish and town of Godalming. The petitioners stated, that from the Report of the House of Lords, the event of the late trials, and the facts which had fortunately transpired at Leeds, they conceived they had more to fear from spies and informers, than from any machinations of the factious or disaffected: against the latter they could defend themselves, against the former there was no protection. They feared many innocent men might now be languishing in dungeons, without having an opportunity of vindicating their innocence; and that, as Englishmen, they firmly, though respectfully, protested against a system which left not only their liberty, but their health, comfort, and consequently their lives, to the discrimination of the Privy Council, instead of that of the judges, and jurors of the land.

The petition was read and ordered to be printed.

Lord Castlereagh moved the third reading of the Bill for continuing the Suspension of the Habeas Corpus Act.

Mr. Bennet rose. He said, that although he had but little hope of making an impression on the House by his opposition to the measure, he felt it his duty to protest against it. The noble lord who opened this subject to the House, had properly divided it into the causes and the remedies of the discontent. The causes he (Mr. B.) conceived might be all traced to want of food and want of work in the districts which had been disturbed; the remedies were work and food. During the war, the ingenuity of mechanics had been exerted to find all possible substitutes for human labour, and as the demand for the produce of labour had now diminished, an enmity towards machinery had grown up and had broken out into acts of violence. It was fit that this spirit should be repressed, and if a vigilant execution of the laws were not sufficient, local laws might be enacted to suppress it,—but it formed no pretext for putting all Britain to the ban on account of frequent breaches of the peace in five counties. There was no case more in point than the disturbances in the year 1812. If any one would look into the Report drawn up at that time, and no one should proceed to a vote without reading it, he would find in it as many high-sounding words as in those on which they were called to suspend the Habeas Corpus Act. It spoke not only of incitements to tumult, but of military array, of seizing of arms, of all the signs of levying war against the State. To meet that evil they passed the Arms Act, and the Act against delegates. The first was never executed; the other had been of some service. The discontent in that instance had originated in want of work and food, and it had greatly subsided, as he trusted it would now, by the great demand for goods. He denied that there were strong marks of a political character in the present discontents. Whenever Englishmen were distressed, as they were happily in the habit of looking to political subjects, the consideration of which was not confined, as in some other countries, to the upper classes, they would naturally put forward the faults and mismanagement of their rulers as the causes of their sufferings; but there was nothing of a systematic hostility to the Constitution, though some individuals had been urged to hostile measures by spies and informers. He should say a few words as to the first Report. That Report had carried through the House the first bill for the Suspension of the Habeas Corpus. But he was authorized in saying, by some of the members of the Committee, that if that witness had been produced to them, who had been since brought forward, to the disgrace of criminal justice, his evidence would have been scouted by them. There was a disgraceful riot, indeed, of which the promoters had escaped

punishment on account of the ridiculous attempt to prosecute them for high treason. Was it to be supposed that a British Jury could be persuaded that six men could levy war against the State (*hear*)? If there was any part of the first Report, which would fix the crime of high treason on the persons concerned in the disturbances, it was the correspondence between the disaffected in London, and those in the country; but it was to be recollected, that nothing in support of this was tendered in evidence, it was not asserted or even alluded to by the Attorney-general (*hear*!) The second Report was drawn up in a spirit very different from the first. One of the principal facts mentioned was, the march to London, under the pretence of petitioning; but the magistrates engaged in the late examinations at Wakefield were of opinion, that the whole plan and project referred to had been the work of spies. It was not Oliver alone, who had been employed, but a thousand others; the business of a spy was a trade, which had been pursued with great success, and unfortunately it was the only trade successful at present in those parts; so much as 10, 12, and 13 shillings a night had been paid to these workers of mischief. The Report also contained allegations as to the conduct of particular persons; for instance, that one man avowed himself a republican and a leveller. He had no doubt that evidence might be collected that hundreds were republicans and levellers. Dr. Colquhoun, in his book on the Police, had stated, that 25,000 persons rose every morning in London without any other prospect of subsistence than by plunder. Who would doubt that these men were republicans and levellers? that is, that they would desire to get as much as possible of the property which they did not possess. It was also said, that the insurrection in the time of Richard II. and the Irish Rebellion, were held up as models for imitation—very unfortunate models, as, in both those instances, the leaders had been punished. Was there any thing like a shadow of truth in these stories? or, if they were true, could they have had any effect? As, in the first Report, there was a plot to destroy London, so, in the second, there was a plot to destroy Manchester. This suggestion, he had no doubt, was the work of the spies. In 1812 it was proved, that the men who were employed to detect the rioters had suggested that they should burn the poor-houses. “What!” said one of the rioters, “shall we burn the poor?” —“Yes,” rejoined the spy, “any thing to do mischief.” It was more likely that such a proposition should be made by spies. If all the carpenters in London were to conspire to throw their working-tools into the Thames, it would not be more absurd than for the manufacturers to destroy the sources of their employment. The barracks, it was said, were to be set on fire; the soldiers were to be burnt out, as in London they were to be smoked. But why had

none of these persons been brought to trial*? Birmingham, also, had been mentioned in this Report, as a place which had sent delegates. Several gentlemen at Birmingham, seeing this statement, had set on foot a minute inquiry, and he had received an account of the result from a gentleman of respectability and property, of the name of Clark, who was well known to those acquainted with the town of Birmingham. (The hon. member here read a paper, which stated, that on minute inquiry it appeared that Oliver had been in Birmingham. He was first introduced there by Mitchell, to a person with whom the latter had been long acquainted. Oliver was there three times—in April, in May, and again in June. He stated that he was intimate with Sir F. Burdett, Major

* The Blanketeers, as they were called, or the persons who were arrested near Manchester, have been since set at liberty, without being put upon their defence. On Saturday, Sept. 6th, they were to have been tried in the Assize Court at Lancaster; but after the jury had been sworn, and the charge stated against the prisoners, Mr. Topping, (counsel for the Crown) addressed the jury to this effect:—I am very happy to save his Lordship and you all trouble in this case. It is well known, that in the month of March last, the town of Manchester and its vicinity were thrown into great terror and alarm by tumultuous assemblies. The defendants are charged with having called such assemblies, to the great alarm of the vicinity, and to the undoubted danger of the country. By the exertions, however, of the very respectable part of the people of Manchester, and by the co-operation of the very excellent police of that place, the evil has been effectually suppressed, so that all is now quiet and tranquil in the extensive, populous, and, I hope, still opulent county of Lancaster. It cannot be the wish of any Government, and especially of our Government, to punish unnecessarily. The improved and still improving state of the country has given a different turn to public feeling from what it was in March last. On this account, and as the defendants have already suffered so long imprisonment, no evidence is to be offered to you on the part of the prosecution. You will therefore acquit the defendants.—The jury accordingly returned a verdict, Not Guilty.

Mr. Williams (Counsel for the prisoners).—Will your Lordship allow me to ask for the discharge of the prisoners, as they have been so long in confinement?

Mr. Baron Wood.—Certainly: let them be discharged.

The Derbyshire rioters are to be tried at Derby on the 15th Oct. A special commission has been issued to Mr. Justice Abbot and Mr. Justice Holroyd for that purpose. The indictment contains three counts. The 1st, which is for a substantive act of treason, in directly levying war against the King, is upon the statute of 25th Edward III. The 2d count, which is for conspiring to depose the King, is to be proved by a series of overt acts, again numbered, and is founded upon the 36th of George III. And the third count, for conspiring to levy war against the King, in order to compel him by force to change his measures, is made out by the same overt acts, and is founded upon the same statute as the preceding.

Cartwright, and other gentlemen who were friends to Parliamentary Reform: he never saw more than the five men whom he met at Mitchell's friend's; he spoke of a plan for a meeting of delegates, and when he could not induce them to join in this design, he, on his return to Yorkshire, sent two messengers to inform them that a rising was intended, and begged them to send some one to meet him at Dewsbury on the 9th of June, which was the day on which he was arrested at that place by Sir J. Byng, and afterwards liberated. He stated that he had the management at Liverpool, Manchester, Leeds, the rest of Yorkshire and Derby; and if he had persuaded any of the five persons he saw to have joined in his designs, he would no doubt have added Birmingham to the list. All these five persons were ready to give evidence, and the writer was authorized to implore that the House would examine them at its bar. Oliver seemed to have plenty of money, and never spared expense).—Where this man got his money, perhaps those who employed him could say. It had been stated that he was not to be rewarded; he hoped, that not only he would not be rewarded, but that he would be put upon his trial, to answer the offences which so many facts formed a presumption that he had committed.—Were such men to be sent forth on a mission against the lives and liberties of the subject—to raise plots, which, while they might destroy the lives of individuals, were to induce the House to pass, and the country to submit to, the suspension of the liberties of the whole community? It had been said, that discredit was thrown on all persons who gave information against conspiracies. This was not true: there was a wide difference between different classes of these persons. Those to whom knowledge of conspiracies had casually come, and who had revealed them, as for instance, the man who gave notice of the gunpowder plot, were very praiseworthy persons. As for the other class, that of informers—persons who had taken one step in a conspiracy and wished to recede—they should be looked on with some suspicion, especially when they received pecuniary reward for the evidence they were to give. Of course he did not mean to include men like Reynolds, who asked no money, and only wished to have a small bill cashed! He did not know whether Mr. Oliver had had a small bill cashed, as he appeared to have had plenty of money. There was a third class of persons who had not been accomplices, but who had set up for such; he would say boldly that no Government should uphold those men. To send persons to drive and drill the people into crimes, was an insult to a free country. It was not, however, wonderful that the persons who protected Reynolds, and bestowed honours on him—that the men who produced Castle as a witness, that indignity to a court of justice, should, as part of their system, employ such men. As to the Secretary

for the Home Department; he believed him to be a man of great humanity, but, in point of judgment, extremely weak. How otherwise could he have been made the dupe and tool of a wretch like Oliver, the most infamous miscreant that had ever been let loose to scourge a country? What could the Ministers have done more if they had declared war upon the people? If they had determined to make law a curse instead of a blessing? If they had endeavoured to make the country miserable, and the Government alternately oppressing and insulted? These were the steps which drove a country to despair. No people could long bear to be looked on with distrust, and insulted as a set of conspirators against the Constitution; and never was an imputation more false than this imputation on the people of England, than whom no nation was ever more attached to its institutions. He should now mention some other facts respecting the mission of Oliver. He should state the heads of the examination which took place at Wakefield on Monday the 16th of June last, for the accuracy of which he could pledge himself. (The hon. member then read the heads of the examination of Mr. Dickinson). The next evidence he mentioned was that of a person who had been an accomplice, he should not mention his name, he was a native of Sheffield. (He stated, that Oliver had been represented to him as a man who did great things in London. Mitchell had preceded Oliver, and had told them that they might rely on him. Deponent was appointed a delegate by a person named Oliver; all the other delegates were named in the same manner as deponent. One delegate was rejected by Oliver, and deponent knew that Oliver must have approved of all of them!) This had been sworn to before the magistrates.—It thus appeared that this Oliver had been the instigator and contriver of the whole transaction. He had led on the miserable, starving, and indigent people; and it was imperative on the Government to deliver him up to the law which he had violated. He should be sorry to say any thing which should draw down upon individuals the punishment of death, a punishment which he thought should never be inflicted except in case of murder; but it was rather singular that there remained at this moment, in Newgate, men under sentence of death for endeavouring to create, not treasons, but felonies, for the purpose, like the miscreant Oliver, of stilling fellow beings to destruction.—He contended, that the operation of the measure on the country neither had been nor could be beneficial. In former times, when rebellions were about to break out, supported by men of rank, weight and influence, the Habeas Corpus Act had been suspended, to enable the Government to arrest the heads of the rebellion—as in the case of the arrest of Sir William Windham, in 1715. But where were the Sir W. Windhams of the present day! When ten leaders were taken one day, ten leaders were

chosen on the morrow. Some magistrates had said that it had produced great benefits. He could name those magistrates—men familiar to the ears of members as the friends of harsh and strong measures, and the employers of spies in 1812. Against their opinions he should oppose the temperate judgment of Earl Fitzwilliam, a nobleman sufficiently disposed to alarm, when there was any reason for it. The measure under consideration was indeed of such a nature, that he would not commit the powers it proposed to create, even to the best men in society, and he had the strongest objections to grant them to the members of the present administration. He would not authorize a Secretary of State, at his own discretion, to deprive any man in the kingdom of his liberty, without stating the reason, or being bound to afford the party accused an opportunity of trial or justification. For thus, indeed, a Secretary of State would be enabled to deprive any man of his character as well as of his freedom, and when even his imprisonment terminated, to subject him to public suspicion, without the means of vindication. Such a proposition was so odious in every point of view, that he trusted the House, if it desired to obtain the esteem of the country, and to preserve the principles of the Constitution, would reject it with indignation.

Mr. C. Grant said, that the hon. gentleman opposed the measure because he denied the danger, and thus gave them to understand, that he would support the former, provided the latter could be satisfactorily established. It was because he (Mr. G.) thought the danger imminent, and that the exigency of the crisis could be met in no other way, that he should follow an opposite conduct, and vote for the bill. It had been gratuitously assumed in argument, that this measure was a suspension of the Constitution; whereas, in his view, it was merely a remedy for a case contemplated by the Constitution, and provided for in it, without violating it. The hon. gentleman had denied that a conspiracy against the State existed, because the only alleged disturbances proceeded in his opinion from the instigation of ministerial agents. It had never been proved, however, that Government had sanctioned the conduct which Oliver was accused of having pursued, or that any person was implicated but that individual himself, who had acted without any countenance from his employers. He heard many gentlemen deny, on these grounds, the existence of all danger whatever; and, from a regard to their judgment and integrity, he should have been staggered in his own convictions of an opposite kind, did he not recollect that men of good principles and sagacious understandings had been found in all ages and countries who, in seasons of great public alarm, distrusted the reality or the magnitude of approaching calamities, and, by their incredulity, increased the danger. Ancient and modern states furnished examples of fatal error, which allowed the designs of

conspirators to advance unchecked to a point when resistance became unavailing. Of Cataline's conspiracy, it had been said, by a great orator and statesman, when speaking of the character of such men to whom he had alluded, "*Nonnulli sunt in hoc ordine qui aut ea quæ imminet, non vident, aut ea quæ vident, dissimulant: qui spem Catalinæ molibus sententiis aluerunt, conjurationemque nascentem non credendo corroboraverunt.*" Was there nothing disclosed in the Reports that manifested designs against the State? We had plots; we had secret oaths, we had organized societies, committees, sub-committees, and delegates, blasphemous and seditious songs; and, above all, the prostitution of the press to the most infamous purposes of destroying all loyalty to the Throne, and all reverence towards religion; thus making the people immoral, impious, and turbulent upon system. (*Hear, hear.*) The most dangerous doctrines were propagated to aid this settled design: the rich were declared the natural enemies of the poor; plans of robbery and spoliation were recommended to the people as the means of recovering their proper rights, and a division of the land was held out as the attraction for rebellion. By these dangerous doctrines the poor were taught that they could only find their just level in the disorders of the State, and were seduced from their duties of loyalty and honesty. These were the dangers against which this measure was intended to protect the public peace, the public morals, and the national faith; and much as he valued that sacred bulwark of our liberties, the Habeas Corpus, he would say, that he valued the sacred principle of public order and religion still more; and if he had to decide between the suspension of the one or the surrender of the other, he would not long hesitate on the alternative. (*Hear.*) It was well known that this country had of late years taken a great start in population, wealth, manufactures, and political consequence; but it could not be denied, that in this change there were causes of danger generated which did not exist before. Great masses of people were assembled in single districts, whose occupations were precarious, and who, as they had not improved in morals or advanced in education, in proportion as they had increased in numbers and physical force, might, in a season of distress, be excited by turbulent and unprincipled demagogues to disturb the national tranquillity, and endanger the Constitution and religious institutions of the State. (*Hear, hear.*) It was said by an hon. gentleman that all that the people wanted was, not insurrection, but food and employment. He allowed that their discontent might be allayed by prosperity; but who was to ensure that prosperity? or how was public order to be preserved till it returned? It was strange to hear that poverty and distress, which constituted the source of the danger, converted into an argument to disprove its existence. But it had been said, admit distress to be a reason for suspending the Constitution,

and there were no limits to such tyrannical interference. He could not allow this argument to be well founded. The distress, he hoped, would be only temporary: the other causes of danger, such as the want of regular education, and the demoralizing influence of the poor laws, might be more permanent; but still they were not indefinite; and when the distress was removed, might no longer excite such alarm. When it was asked, were not the ordinary laws sufficient for repressing these causes of danger, by punishing popular excesses or seditious attempts? he would answer, that ordinary laws were sufficient for ordinary times; and that the Suspension Act was merely intended to arrest the progress of evils which would deprive them of all their efficacy; and to prevent that state of things which, if once realized, would render confusion irreparable. In the case of individuals, prevention was better than punishment; in the case of nations, prevention was the only safe policy, and the other alternative was impossible. It could not for a moment be admitted as a question with regard to the State, whether we were to avert an approaching evil, or to enter into a struggle to defeat it. In such a struggle the Constitution might survive, but it could not be expected to come out of it unimpaired. This observation seemed to apply with peculiar force to those who argued against the suspension, on the ground that it should never be resorted to except in a season of general disaffection. The effect of this bill would be to prevent general disaffection, by giving a power to restrain the efforts of those who were endeavouring to spread it; as, when it arrived, nothing but a civil war could be expected to ensue. It had been said, if the disaffection is not general, why not make the operation of the bill local; but it was sufficient to reply to this question, that if its operation were confined to particular districts, the evil would diffuse itself over others, and would make the danger general in all the country, except in those very places where the remedy was intended to apply. (*Hear, hear.*) It was argued, that the evil was not alarming, as only the dregs of the people were imbued with corrupt principles. This was equivalent to an assertion that property, wealth, and talents, were necessary to constitute danger; but he would ask, did the history of revolutions warrant such a belief? Was it true, that what was dangerous in the result never followed what was ridiculous or contemptible at the commencement; and that what was formidable was never joined to what was absurd? An opposite experience was written in the annals of Europe; and the disastrous history of revolutionary France loudly warned the world against deciding on the practical success of a political doctrine from its theoretical absurdity. (*Cries of hear.*) Those who argued against the present bill had denied, as one reason for passing it, the efficiency of the former suspension act. Whence did they

derive this fact? The Reports of both Houses stated the contrary. They declared, that though it had not removed danger, it had checked it, and had acted as a salutary control over demagogues, who endeavoured to disturb the public peace. It likewise gave courage to the friends of order, the loyal and virtuous portion of the community. He believed the majority of the people were well disposed, but they ought not to be left to the attacks and machinations of the turbulent and the seditious. He called upon the House to consider the dangers that would ensue from withholding this measure. He heartily supported the third reading.

Mr. *Warre* said, he was now as ready to oppose the suspension act as he was formerly disposed to support it. He was glad to find that he was not singular in this change. In the first Report we heard of the formidable nature of the Spencean doctrines, and the dangerous machinations of the sect that professed them. If such was the cause of alarm three months ago, and if the declared and deliberate scheme of dividing the land of the country was then the ground for this measure of precaution, that scheme was now at an end, for no more was heard of its existence. (*Hear.*) The next cause of alarm was the conspiracy that organized the Spafields riot; the plan of seizing the Tower, and raising the standard of rebellion in the capital. This plot and insurrection had almost vanished from our recollection, and appeared no longer to alarm the Committee. The ground of attack was now changed, and instead of hearing of plans to seize the metropolis by a mob from Spafields, we heard of an army advancing from the country for that object. (*Hear, hear.*) But the Manchester force was even more absurd and contemptible than the London mob. It was stated to amount to 50,000, and auxiliaries were spoken of from Scotland and other places; all, no doubt, marshalled and arrayed by the spy Oliver. (*Hear.*) Their military chest, however, did not seem very well supplied, as they had no money to procure arms. They commenced their march, but were dispersed by a few constables before they proceeded far on their journey. As they could not procure arms, it was said that they intended to remove the horses from the carts and waggons which they might find in their neighbourhood, and to take Manchester by a charge of cavalry. (*A laugh.*) The whole account seemed so absurd, that he wondered it could be listened to seriously for a moment. He was not ashamed to say that he had been deceived, that he had overrated the danger, and that he would now retrace his steps in opposing the bill. (*Hear, hear.*)

Mr. *Protheroe* also opposed the bill, although he had before supported it. He was alarmed with the Report of the Committee at the beginning of the session, but the time that had elapsed, and the inquiries which had taken place, enabled him to see the danger in a different light, and to satisfy himself that it was very much exaggerated. The liberties of the people

should not be surrendered on the ground of dangers that did not now exist. The Habeas Corpus was the great bulwark of our freedom, and the pride of Englishmen; and, as a fundamental law, ought not to be suspended except in cases of urgent necessity. There was a regulation in an ancient state, that when a citizen proposed to alter any of the fundamental laws, he should enter the assembly of the people with an halberd about his neck, that summary justice might be executed upon him if he did not adduce sufficient grounds for the change*. He did not think it would have been very safe for the noble lord (Castlereagh) to have been a citizen of such a state in bringing forward this measure. (*A laugh.*)

Mr. *Hart Davis* differed from his hon. colleague, and thought it due to the loyal inhabitants of Bristol, as well as to the country at large, to take every possible precaution to defend them from the evils of anarchy and rebellion. He was satisfied that if the prosecution of the persons who had been lately tried had been confined to a lower description of offence, there would have been little difficulty in proving their guilt. (*Hear, hear.*)

Mr. *G. Banks* said, he was not aware of any circumstances which had transpired since the last Report that ought to induce Parliament to retrace the steps it had already taken. When he alluded to the magnitude of the existing danger, he desired to be understood as not considering it to amount to the danger of immediate revolution; but if there was no ground for entertaining apprehensions with regard to the life of the Sovereign, there were strong grounds for suspecting danger to the peace and tranquillity of his loyal subjects.

Mr. *Barham* could not help regarding the danger to the State, upon the alleged existence of which the bill was principally founded, as a ridiculous phantom. He could discover in it no reason for depriving the country of the best security for the possession of its liberties, and without which every other security was an idle and useless provision. So long as the power of tearing him from his family, without a cause assigned, was vested in any man, it was an insult and a mockery to talk of the advantages and blessings of our free Constitution. (*Hear, hear.*) He concurred entirely in the opinion of an hon. member, who had professed that he should prefer to live under martial law rather than under a Suspension of the Habeas Corpus Act. The duration of martial law would probably be short, but the continuance of the present measure was necessarily uncertain. The trial by jury was the great right that distinguished a British subject from a subject of the Dey of Algiers. The chief cause of the existing evil was a state of general distress;

* This was the ordinance of Zaleucus, the Locrian lawgiver. (See Potter's *Antiq. of Greece*, vol. i. p. 166.)

and severe distress never could be felt without producing some degree of discontent. What he feared was, that hon. members were more disposed to sacrifice the Constitution than to submit to a slight and temporary inconvenience. (*Hear.*) An argument had been drawn in favour of this measure from the personal character of the Minister to whom such extraordinary authority was to be intrusted. Without entering into that inquiry, or stating any impression which he might entertain upon that subject, he must declare, that this was not an English consideration. (*Hear, hear.*) Our liberties were not obtained by confidence in the Ministers of the Crown, nor could they be preserved by such means. The boast of Englishmen had always been, not that Ministers would not, but that they could not disturb the personal liberty of any individual. The abominable sentiment, as versified by one of our favourite poets, seemed to be the principle by which Parliament was now advised to direct its policy:—

“ For forms of Government let fools contest,
“ Whate’er is best administered is best.”

He had his suspicions that the actual extent of the evil was, in a great measure, to be imputed to his Majesty’s Ministers, who appeared to have suffered it to have grown up in order to furnish a pretext for demanding these new and extraordinary powers. Instead of palliatives, they had applied caustics to the distemper, and aggravated instead of abating its symptoms. He trusted that he was a loyal subject, and ready to spill the last drop of his blood in defence of the Constitution; but he felt himself bound to state, at the same time, that the suspension of the law of Habeas Corpus would leave little or no choice between the advantages of the British laws and those of any foreign government.

Dr. Phillimore said, it was with painful anxiety, and after a laborious inquiry into the facts and circumstances upon which this measure was founded, that he rose to give it his support. It was not before he had gone through a long examination of the subject, that his mind had arrived at the conviction that the bill now under discussion was the dictate of a necessary and even of a humane policy. The whole subject resolved itself into two questions—first, as to the existence of the danger, and secondly, as to the propriety of the remedy. He had the admission of an hon. member, who had been vehement in his opposition to the bill, that the existing danger was great: that the leaders of the disaffected, if not formidable from their property or rank, were important from the possession of popular talents and great energy of character. A right hon. gentleman, (Mr. Ponsonby,) had expressed his doubts with regard to the extent of the evil; but he would ask him whether he did not believe that this measure must operate as an engine of powerful and salutary intimidation against those to whom alone it was likely to be applied? He supported it, because he deemed it a debt of jus-

tice which Parliament was bound to pay as a necessary security for the lives and properties of their fellow-citizens. It was true, that he did not believe the conspirators had it in their power to overturn the Constitution; but it did not follow that they might not have produced serious and irreparable mischief. The destruction of a populous town, or the desolation of a cultivated district, were evils of no trifling magnitude. The reign of Richard the Second was fertile of instances in which the violence of an insurgent force, and the excesses of a populace, inflamed by fancied grievances, were fully represented. The alterations in the state of the country, and the various exigencies of affairs, had rendered it frequently necessary to suspend the operation of the act in question. Since its first enactment, the reign of James the Second was the only reign during which no suspension of it had taken place; yet the principles of liberty had never been so well understood as during the last century in this country. Very few were disposed to deny that the suspension of the year 1793 was an expedient measure. In answer to the objection, that this proceeding had never been adopted except during a period of civil or foreign war, he should say, that a danger similar to that which at present threatened the Constitution had never before existed in this country. With regard to the employment of spies, circumstances occurred in the history of all countries, in which governments found it necessary to resort to such means for detecting mischievous designs. On this subject he would refer to what Lord Clarendon had said, on Lord Falkland’s objection to the employment of persons of that description. It was with reluctance he gave his consent to the bill, but his vote was founded on a conviction of the urgent necessity of the measure.

Lord Nugent thought it necessary to state, in a few words, the grounds on which he deemed himself bound to give his opposition to the measure under the consideration of the House. He had listened with great and respectful attention to the preceding debates, and all that he had heard had only tended to confirm him in the opinion that the bill ought not to pass. Seeing, however, as he did, some men whom he had always looked up to as the highest authorities, giving the sanction of their approbation to the measure, he must confess that it was with regret he found himself compelled to differ from them. He certainly felt great respect for those persons who framed both Reports, and there were persons in the Committees for whom he entertained the highest veneration; but, notwithstanding, he could not regard those Reports as sufficient authority for passing this bill. It could never be forgotten that the evidence on which these documents were founded was not only *ex-parte*, but entirely prepared by Ministers. These Ministers, as had been well said in that House, had put the country on its trial; they had, indeed, not only done so, but they stood

forward as the accusers, and framed the testimony in a way to procure judgment in their favour. It was, then, not too much to say, that some evidence ought to be admitted on the part of the country, before the verdict was pronounced. The Committee, however, had not merely acted as a grand jury to find ground for trial, but had passed sentence themselves. If he had had no objection to the first Suspension of the Habeas Corpus, the circumstance of that suspension having been followed by no acts which tended to shew its necessity, would have afforded him a strong ground for resisting this. It had indeed been said, that the former bill had accomplished much in the way of intimidation; that if it had not been passed, the country would have been in a state of rebellion; but these statements were unsupported by facts, and he thought the *onus probandi* lay on those who asserted such propositions. On what other evidence besides the *ex-parte* statements furnished by Ministers were the Reports founded? On none, except that which had been brought forward at the recent trial of Mr. Watson, and which reflected such deep disgrace on Ministers. The proceedings in that case were, in fact, as absurd as shameful: for a man had been indicted for treason who probably might have been convicted for riot. Were the House to put faith in the evidence adduced on that trial, evidence which came from the most infamous of human kind? and yet on such was the Report founded. His honourable and learned friend had alluded to the opinion of Lord Falkland respecting spies, and he would set the sentiments of that noble lord against the practice of his Majesty's Ministers*. Were the most notorious criminals,

* The following extract from the "History of the Rebellion," (vol. ii. p. 274, folio edit.) will furnish the reader with the opinions of Lord Falkland and Lord Clarendon on this subject:—"Two things he (Lord Falkland) could never bring himself to, whilst he continued in that office (Secretary of State), that was to his death; for which he was contented to be reproached, as for omissions in a most necessary part of his place. The one, employing of Spies, or giving any countenance or entertainment to them. I do not mean such emissaries as with danger would venture to view the enemy's camp, and bring intelligence of their number, or quartering, or any particulars that such an observation can comprehend; but those, who, by communication of such guilt, or dissimulation of manners, wind themselves into such trusts and secrets as enable them to make discoveries. The other, the liberty of Opening Letters, upon a suspicion that they might contain matters of dangerous consequence. For the first, he would say, 'such instruments must be void of all ingenuity, and common honesty, before they could be of use; and afterwards they could never be fit to be credited; and that no single preservation could be worth so general a wound, and corruption of humane society, as the cherishing such persons would carry with it.' The last, he thought 'such a violation of the Law of Nature, that no qualification by Office could justify him in the trespass;'

dealers in human blood, to be believed when they stood forward as accusers of the people of England? How could any faith be put in their declarations? How was truth to be extracted from them? By what form of abjuration could the consciences of such beings be bound?—He wished the House to reflect, that there was a wide difference between that allegiance which was voluntarily paid, which was sanctioned by reason, and cherished by the liberal spirit of a free government, and that which was claimed and extorted by arbitrary power. He had, indeed, heard some gentlemen go so far as to say, that the people were in favour of this measure; but the people durst not speak; they were gagged; the press was silenced by *ex-officio* informations; and not content with all that, Ministers required an act to be passed to give them the power of imprisoning whom they pleased, and of depriving the country of trial by jury. His learned friend had remarked, that public liberty was never more felt and enjoyed than now. He would himself go farther. In spite of all the arbitrary measures which had been adopted, public liberty never flourished more than during the present reign. Of this he was sensible; but he was at the same time perfectly convinced that public liberty was never more in danger than at this moment, when the persons exercising the Government of the country pretended that they could not repress immorality and sedition by the ordinary laws, but came forward and called upon Parliament to give them extraordinary powers, and found a Parliament willing to give them those powers for such a purpose. He did not say that there might not be persons in the country who wished to sow the seeds of sedition; but if their efforts had any effect, it was because materials for them to work on had been prepared by Ministers, whose wasteful profusion on the one hand, and gross corruption on the other, tended to demoralize the public mind. It was their conduct that gave currency to the doctrines which had been so much complained of: whether those doctrines were wicked or visionary, or both, he should not now discuss. Nobody deplored more than he did that such notions should exist: but if it were demonstrated to him that there was no alternative between popular commotion on the one hand, and the constant suspension of the Habeas Corpus Act on the other, even under that dreadful alternative he would prefer the former as the less evil of the two. He solemnly declared that he would, at this moment, rather see the country revolutionized (*hear, hear*) than enslaved and

and though he was convinced by the necessity, and iniquity of the time, that those advantages of information were not to be declined, and were necessarily to be practised, he found means to put it off from himself; whilst he confessed he needed excuse and pardon for the omission: so unwilling he was to resign any part of good Nature to an obligation in his Office."

bowed down under a system of despotism. A noble friend of his (Lord W. Russell) in speaking on these measures, had observed, "that we were not in a condition to part with any more liberty." (See page 590.) He was sorry to say, that we had parted with much of the spirit which had given birth to those liberties; much of that anxious solicitude and care for their preservation which had hitherto distinguished this country from all others; and much of that wholesome jealousy of power which had been bequeathed to us by our ancestors. He feared, indeed, that the public mind was now far too sensitive to popular commotion, and lamentably cold to the encroachments of arbitrary authority. He was afraid he had troubled the House too long (*hear, hear*) in endeavouring to state the grounds on which he should give his vote: grounds, however which had already been much better stated by others. He concurred with what had fallen from his learned friend (Sir Samuel Romilly) on this subject. These were times in which every public man who revered the rights and liberties which descended from his fathers, and who wished to transmit them to his children, ought to stand forward and oppose the arbitrary measures of Ministers. (*Hear, hear.*)

Mr. Lamb perfectly agreed with the noble lord in one sentiment which he had uttered, namely, that he would rather see the country revolutionized than enslaved. But the way to prevent the country from being enslaved, was, in his opinion, to adopt such protecting measures as that under consideration. If those who thought with him were accused of exaggerating facts, and placing every thing in too strong colours, on the other hand, it surely could not be said that the noble lord had understated his case. He had never undervalued the benefit of the Habeas Corpus Act, and would not consent to its suspension without the strongest reason; but he could not concur with the Member for Bristol, and others, in supposing that any difference between the present and the former Reports afforded a reason for not adopting the bill. If their opinion were founded on the idea that the conspiracy described in the first Report was ripe for explosion, that had not been the foundation of his. It would be recollected, that he had laid very little stress on the Report. He had given his opinion on a consideration of the spirit of the times, and the language held at public meetings, some of which were adjourned from time to time. What had been stated at those meetings respecting Parliamentary Reform, and the declarations that they were to resort to physical force, if their petitions were rejected, indicated a most dangerous spirit. In fact, the petitions which had been presented to that House were not petitions for Reform but for Revolution, since they prayed for Annual Parliaments and Universal Suffrage. He did not mean to say that all who signed these petitions desired a revolution; some of them might be well-meaning but mistaken enthusiasts; but he

would assert that, in the general acceptation of the word, revolution must be the result of that change which Annual Parliaments and Universal Suffrage would create, and which would inevitably be followed by a military despotism. This unfortunate situation of things, arising from the spirit and temper of the times, was greatly aggravated by the manner in which the press was too generally conducted. He did not mean, in saying this, to pronounce an indiscriminate censure. He was aware that there were many instances of moderation, candour, and great ability, in the management of periodical publications; and he made much excuse for the haste in which daily papers were printed; for he believed that, in consequence of the want of time, articles frequently appeared, the insertion of which was afterwards regretted. Still, however, it was reasonable to consider the press, and, in particular, that part which was printed on Sunday, as tending greatly to foster discontent in the country. With respect to the latter publications, he had long observed, that they studiously threw into the back ground all that was excellent in the law and Constitution of the country, and brought forward in the most aggravated colours, every thing which could be rendered a topic of complaint. This practice, too, was always carried on with particular activity during the prorogation of Parliament, when the statements which were hazarded could not experience so ready or complete a refutation. It was common to speak of the power of the press, and he admitted that its power was great. He should, however, beg leave to remind the conductors of the press of their duty to apply to themselves a maxim which they never neglected to urge on the consideration of Governments—"that the possession of great power necessarily implies great responsibility." They stood in a high situation, and ought to consider justice and truth the general object of their labours, and not yield themselves up to their interests or their passions. His friends would, perhaps, reproach him with instigating Ministers to curb the press; but nothing, he assured them, was farther from his mind. He was aware of the great benefit which the country derived from the liberty of the press, and nothing could induce him to concur in any measure that might tend to injure it; at the same time he was free to confess, that its conduct had an influence on the vote which he gave on the present question. With regard to the statements in the Reports, though his vote was not founded on them, he believed them to be generally correct. The Manchester plot had been ridiculed, but ridicule was no argument. It was certain the insurrection in Derbyshire had taken place, as described, and that, too, before Oliver had appeared in the country. If he was the only leader in these disturbances, did he give the people the previous *animus* also? Some gentlemen expected that a plentiful harvest would restore tranquillity to the country, and he hoped it would; but if that should not be the case, it

would then be necessary to consider what other remedies could be resorted to: whether some measures limited to the districts in which the disorder chiefly prevailed ought not to be adopted.

Mr. Macdonald felt himself bound to give his most decided opposition to this measure. The House was now called upon, not to follow a precedent, but to establish a precedent: for, notwithstanding all that the hon. gentleman on the opposite side had alleged, there was no analogy whatever between the present and former times in which this great security of English freedom had been suspended. Blackstone—no very warm defender of popular rights—had expressly declared, that the power which his Majesty's Ministers were now demanding was only to be exercised in cases of extreme emergency. (*Hear, hear, hear.*) What then, should the representatives of the people, should the guardians of public liberty, consent to invest them with this enormous authority in times like these, when the country was at peace with all the world, when no domestic rebellion existed, when the throne was filled by a Monarch whose title was undisputed, and, consequently, when no emergency whatever existed for this measure? The noble lord opposite (Castlereagh) was already possessed of the most ample means of securing the internal tranquillity of the empire: he was now a peace Minister, and he had what the hon. member most sincerely hoped no peace Minister would be ever allowed to have again, a large standing army at his command. (*Hear, hear.*) If the noble lord, therefore, could not preserve the tranquillity of the country, there was reason enough why he should be removed (*hear, hear.*); but there was no reason why he should be appointed dictator. (*Hear, hear, hear.*) He (Mr. M.) desired the House to bear in mind, that Princes and Ministers were but men, and that extraordinary power could not be intrusted to them without great danger. The liberty of the subject had been obtained with great difficulty by our ancestors, and it behoved us to cling to it with almost a desperate grasp. (*Hear, hear.*) The recent circumstances of the world had unfortunately made us too familiar with the arbitrary and despotic views of Kings and Ministers. The league of military monarchs, a league to which England had the glory of having become a party, was an unerring proof of the intentions of the crowned heads of Europe towards their deluded subjects, who had been called upon to take up arms, and shed their blood in the cause of independence. (*Hear, hear.*) What the conduct of our Ministers had been, it was scarcely necessary for him to repeat; but the country would never forget, that they had sent down the representative of the Sovereign, at the opening of the last session of Parliament, with an ironical declaration, that the state of the United Kingdom afforded great cause for congratulation: that the revenue had been considerably increased, and that commerce and manufactures were in the most prosperous condition.

The framers of this speech were afterwards obliged to retract their assertions; but in no one instance whatever had they adopted the smallest economy, until they were actually forced by the loud and unanimous voice of a suffering people. (*Hear, hear, hear.*) "Such was their conduct last session: and now, when they admitted that the greatest distress prevailed among all classes of the community, what did they do? They appointed a Committee of disaffection first, and a Committee of retrenchment afterwards. And yet these were the men who now called upon the people to confide in their integrity, their wisdom, their impartiality, while at the same time they endeavoured to set up prerogative against the law. (*Shouts of hear.*) "Sir," said the hon. member, "if such a bill as I now hold in my hand be suffered to pass, it will raise such a flame in England as who shall undertake to quench? I most earnestly hope that the House will still pause, and consider what is due to themselves and to the people. Let us retract our errors, and retrace our steps, and substitute measures of general conciliation. (*Hear, hear.*) Let us teach the people rather to admire the strength and sturdiness of the Constitution than its pliability, as the President of the Board of Control has called it, by which he means nothing more than that you may turn and twist it as you please. (*Loud cheering.*) Sir, unless we do this, unless we preserve to the people that personal freedom and independence which have raised the English character above that of all other nations in the world, we may build Waterloo bridges and Waterloo monuments, but the spirit which conquered at Waterloo will be no more. (*Repeated cheers.*) Hereafter, the returns from Manchester and Nottingham are to fix the assize of British freedom, and the liberties of the country will be held at the will of Ministers, a tenure not to be found in the laws of England. (*Hear, hear.*) Sir, I implore the House not to consent to this odious measure, not to make that fatal precedent which the Ministers require: I call on them to set a just value on their liberties, and carefully to transmit them to posterity, as the noblest inheritance of mankind." (*Loud and repeated cheers.*)

Colonel Stanhope said, this was a question between the friends of freedom and the friends of arbitrary power. (*Hear, hear, from the Opposition.*) But he was a friend of freedom, and he believed that this measure was calculated to secure the peace and happiness of the country. (*Hear, hear.*) The question depended upon the necessity of the measure, and whether there was any other remedy. For his part, he placed the utmost reliance on the Committee of Secrecy, and on the Report which they had made. The main cause of the disaffection which had appeared arose from the distress of the country; but though he admitted that the people of England had borne their sufferings with great fortitude, it was necessary to save

them from the effects of their own phrenzy. He should, therefore, vote for the third reading of the bill.

Sir F. Burdett said, that notwithstanding all that had been urged by those who supported this measure, it would be difficult for him to collect, from any set of gentlemen, what the real danger was which they apprehended. Some described it to be of one kind, some of another; while a third class created phantoms in their own minds of something which they did not distinctly know, or which they did not clearly set forth to others. It must be admitted, however, that the hon. gentleman below (Mr. Lamb) had stated plainly and manfully his notions of the danger: he was the only one who had declared openly and broadly that this coercive measure was an answer to those numerous petitions of the people with which the table of that House had been covered. (*Hear, hear.*) He had indulged the House at considerable length, and with no small degree of vehemence, with assertions of the idle, wild, absurd, and revolutionary objects which the petitioners had in view; so that he and his friends did not venture to impose on the House by false arguments, although they usurped on those sacred rights, to which, as long as he (Sir Francis) had any breath, he would maintain that the people of England were entitled. (*Hear.*) The hon. gentleman had contended strongly against a Reform of Parliament; but let the people remember that the hon. gentleman himself was a borough-nominee. (*Hear.*) He might think, no doubt, that he discharged his duty to his constituents, but he (Sir F.) would also do his, notwithstanding the opposition of the borough-mongers in that House, called, nominally, the Commons' House of Parliament. To them he had taken no oath of fidelity, to them he owed no allegiance whatever; but he owed to them eternal hostility, and he would never cease from his exertions to procure a more adequate representation of the people. (*Hear, hear.*) The way in which the hon. gentleman had put this question brought it to an issue with the people of England, whether it was high treason for them to desire to be represented in that House. The noble lord and his colleagues might carry this measure; but if they succeeded, this country would be placed in a situation in which no people on earth would be hereafter disposed to envy its inhabitants. The original act stated in the preamble, what he held to be a direct falsehood: it said, that "a traitorous conspiracy has been carried on, with a view to subvert the Constitution of the country." Now, there was an absolute persuasion throughout the people of this country, of the necessity of a Reform in Parliament, but there was no conspiracy against the Government. What could be thought, however, of a Government that employed spies to go about the country to excite disaffection, and rewarded them for such diabolical conduct? He held in his hand a great many letters from respec-

table persons in many parts of the country, giving an account of the mission of Oliver, and others like him, and stating, that he had been attempting to entrap persons into acts which were now alleged in justification of the measure which the House was going to adopt. (*Hear, hear.*) With respect to spies being necessary to a Government, he begged to remind the House that they were not employed in America, the only free Government that now existed. Let the House look to what this new principle of Government would lead. Whatever Ministers might think of it, such strength was really weakness. (*Hear.*) If we were to go on in this way, suspending the rights of the people, severity would beget discontent; and as that discontent would furnish a plea for additional severity, there would be no end to the system. What! would the persons who directed the Government of this country never learn wisdom? Did they wish to adopt and persevere in a system which had produced such scenes of horror, misery, and blood, in a neighbouring country? Could the House have forgotten what occurred in Ireland under the auspices of the noble lord (Castlereagh) opposite? He had several affidavits in his hand, taken in that country, which, with the leave of the House, he would read. The first of them was made by John Hevey, tobacco and snuff manufacturer in Dublin, who stated, "That on the 4th of June, 1798, when Lord Castlereagh was First Secretary of State to the Lord Lieutenant, deponent was arrested by a military party, and taken to the Royal Exchange, which was then converted into a prison and place for the infliction of torture upon persons suspected, or said to be suspected, of treasonable practices. Saith, that at said period, deponent was of the age of 24 years or thereabouts, and the partner of his father in the brewing business, which deponent superintended, and the net profits of which amounted to about 3,000*l. per annum*, as deponent believes. Deponent saith, that whilst deponent was at the said Royal Exchange, he was required by Dean Beresford to give information to Government as to treasonable persons and practices, who thereupon told deponent, he would serve himself by complying, or words to that effect; and at the same time, Henry Charles Sitt, Esquire, then Town Major of Dublin, and a resident in the Castle, (and having daily communications, as deponent understood and believes, with said Lord Castlereagh and the other efficient members of the Irish Government,) threatened to hang deponent. Saith, that after deponent had been confined at the said Royal Exchange for about two days, he was removed to the Prevot, where he remained about seven weeks, and was from thence transmitted to Kilkenny gaol.—Saith, that the night before deponent's departure from the Prevot for Kilkenny, William Sandys (then Brigade-major and Prevot-marshal) sent his servant in deponent's name, to deponent's house, for his (deponent's) horse, which was of

the value of fifty guineas, or thereabouts, and which he accordingly got; and said Sandys, about the moment of deponent's departure, told deponent, that he would never return from Kilkenny, as he would most certainly be hanged, or words to that import and effect. Saith, that deponent was, soon after his arrival at Kilkenny, tried by a Court Martial, and sentenced to transportation to Botany Bay, as it was notified to him, and was convicted by said Court Martial of being an United Irishman, upon the evidence of two witnesses, one of whom was under sentence of death, but promised pardon, as deponent understood and believes, for so swearing against deponent, although deponent positively saith, he never had in his life any communication or conversation about politics with the said witness; and the said other witness was confessedly perjured. Saith, that upon deponent's having heard of said extraordinary sentence, he immediately communicated it to his friends and relatives in Dublin, by whom, as deponent understood and believes, every effort was made to obtain an explanation of the grounds upon which it was passed, without effect; and at length deponent's sister having presented a memorial to Lord Cornwallis (then at the head of the Irish Government), that nobleman was pleased to issue an order for deponent's liberation, grounded upon a revision by his lordship, of the Minutes of the said Court Martial, and a Certificate to deponent's loyalty and general good conduct and character, from the officers of the Roebuck Corps of Yeomanry Cavalry, which was, as deponent verily believes, one of the most respectable corps in the county of Dublin, and of which deponent was at the time a member.—Saith, that sometime after deponent's said sentence, he was waited upon by General Sir Charles Asgill, who then commanded the Kilkenny district, who stated his supposition that deponent was perfectly satisfied with the justice of his sentence, at which deponent having expressed surprise, the General then observed, 'We are told, Mr. Hevey, that you are about to memorial Lord Cornwallis for your liberation, but you are not likely to succeed: you are that sort of a man whom Government would wish to send out of the country, and, to prevent any further trouble, we will rescind that part of the sentence which relates to your transportation to Botany Bay, provided you will quit Ireland for seven years,' or words to that effect; to which proposition, deponent declined to accede; and upon the following day, the said order of Lord Cornwallis for deponent's release, was communicated to him. Saith, that upon deponent's return from Kilkenny, having met said Major Sandys, on Arran Quay, Dublin, in company with Lord Enniskillen, deponent demanded from him his said horse, which, however, said Major Sandys, in an indignant tone of voice, refused to return, alleging that neither he (deponent) nor any other traitor should ever ride said horse, or words to that effect. Saith, that deponent thereupon

commenced an action at law against said Sandys, for recovery of said horse, or the value thereof, upon which deponent received a note from Mr. Edward Cooke, the then Under Secretary, and confidential friend of Lord Castlereagh, and the brother in law of said Sandys, as deponent understood and believes, desiring to see deponent, and deponent having accordingly waited upon said Cooke, was by him indignantly asked, whether deponent was not going to law with an officer of the Government, and upon deponent's observing in answer, that he was only endeavouring by legal means to recover his property, said Cooke then exclaimed, 'By God, Mr. Hevey, we will hang you yet—I can lay my finger, Sir, upon a certain paper, to shew you that you are still in our power,' or words to that import. But upon deponent's saying he defied him to do so, he and his agents having already done all in their power to hang him, said Cooke then said he would send for Major Sandys, and inquire into the transaction. Deponent saith, he heard nothing further from either said Cooke or said Sandys, until the trial of the action so commenced by deponent against the latter was about to take place, when deponent's law agent received a notification from Mr. Kemmis, the Crown Solicitor, and agent for said Sandys in the transaction, that deponent's said horse should be restored, and all the law expenses paid: which restoration and repayment took place accordingly. Deponent saith, that whilst he was in confinement, both at the Prevot and in Kilkenny, he experienced much rigour; and during his captivity in the former place, he saw several persons tied up and whipped, without any trial, as deponent believes, in order (as was avowed) to extort confession of guilt in themselves, or others from them, and amongst the persons so treated, deponent recollects a Mr. Leach. Deponent saith, that from the frequent occurrence of said usage of whipping and torture at the barracks, and various parts of Dublin, he is convinced in his conscience, and verily believes, that such practice was resorted to under the sanction of Lord Castlereagh, Mr. Cooke, and other efficient members of the Irish Government; and further saith, that whilst in confinement at Kilkenny as aforesaid, said Sir Charles Asgill refused deponent the allowance usually granted to persons in his situation, although deponent applied for same, conceiving himself to be entitled thereto, same having heretofore been usually granted to various persons similarly circumstanced as deponent.

(Signed) "JOHN HEVEY."

"Sworn before me this 5th day of Nov. 1810,

(Signed) "ST. GEO. DALY."

[The hon. baronet was proceeding to read other affidavits to the same effect, when he was interrupted by the impatience of the ministerial side of the House.] No doubt, he continued, these exposures were not pleasant to the noble lord and his friends; but the House ought to know what had been done under similar cir-

cumstances in Ireland, and what might be expected, sooner or later, here. The affidavits which he had been about to submit were from individuals who had themselves been victims to the torture, and the whole story was one of the blackest in the annals of the most despotic country: it seemed, however, that the House had not patience to listen to it, and no wonder, considering the distressing nature of the detail. He had, however, offered them, because he thought it was the duty of Parliament to trace the bloody steps which the Ministry had pursued, especially when it was recollected that the hands of the noble lord opposite, to which this measure was now to be intrusted, were as deeply dyed in the bloody transactions of that time, as those of any other member of the then existing Government. (*Hear, hear.*) Another individual, who bore no inconsiderable share in the horrid deeds about that period, was one of those atrocious spies whom Ministers thought fit to employ—the notorious Mr. Reynolds, whose activity and services no native of Ireland could forget; yet this odious informer was found upon the grand jury who had brought in a true bill for high treason against men who had since been acquitted. By an act passed in the reign of Henry IV. all persons who had received the royal pardon, or had taken sanctuary for treason, were excluded from grand juries; and Lord Coke had recorded the case of a man named Scarlet, who, on this account, was held by all the judges to be incapacitated for that duty. Whether Mr. Reynolds had been pardoned or not, he did not know; but certain he was, that he had taken sanctuary against treason among his Majesty's Ministers, and, therefore, his presence on the grand jury ought to have vitiated the indictment. Such men as he could never come within the words of the Great Charter, *probi et legales homines*. Instead of a conspiracy existing against the Government, it was now found that the Government had entered into a conspiracy against the people; and though the practice was not uncommon in these pure times, of dressing up voters at elections, the late trial afforded the first instance on record where a witness had been dressed up by the Government for the purpose of imposing upon a jury, by a false show of independence and respectability. (*Hear, hear.*) True it was, that, by possibility, an informer might be a conscientious man; but spies who were hired and clothed did not even come within that class: their business was, where they could not find evidence, to make it to the satisfaction of their employers. The noble lord opposite had said that he would employ spies, notwithstanding their presence might perhaps destroy the social comforts of traitors. (See p. 1482.) It was easy to understand what were the social comforts of cabinet dinners, at which the plans were arranged for despatching ministerial spies over the country; but what were the social comforts of traitors was not quite so intelligible, ex-

cept to the noble lord. A more detestable system could not be imagined than that of spies and informers. He would much rather that the Habeas Corpus Act were repealed entirely, than that by its suspension any additional powers should be given to Ministers. If the Habeas Corpus Act did not exist, the people would be left to the old remedies; they might be more circuitous, but they arrived at the wished-for end at last—the trial and liberation of the accused; but, under the suspension, Ministers might imprison the King's subjects just as long as they liked; that is, as long as the bill lasted, which they would continue from time to time while it suited their convenience. (*Hear.*) The old law punished the guilty, but the new the innocent; the old law allowed the prisoners to be visited by their friends, but the new introduced solitary as well as indefinite confinement. He would rather empower Ministers to put men to death at once than thus to seclude them: because the executions would be public, in the face of day, and abuse would be less possible. (*Hear, hear.*) At present they did not even know the numbers of their victims; many of whom, like the wretches formerly buried in the dungeons of the Bastille, might be forgotten until their dreary silence was broken in upon by some popular commotion. (*Hear.*) He had been astonished to hear this measure supported by an honourable and religious member, who made superior pretensions to piety, because the spirit of it was not only unchristian, but inhuman: it not only opposed all the ordinary rules of morality, but every maxim of piety and religion. While that honourable and religious member was haranguing in favour of the bill, he seemed to have forgotten all the professions he had previously made of charity and humanity. Did he not recollect the pathetic expostulation of our Saviour, "I was hungry, and ye gave me no meat; I was thirsty, and ye gave me no drink; I was naked, and ye clothed me not; I was sick and in prison, and ye visited me not?" In this appeal there was something irresistibly touching: it adverted to two of the greatest calamities that could afflict human nature—sickness and imprisonment, without any of the consolations of which our nature stood so much in need. Yet they seemed to have lost their effect upon the honourable and religious member, when he lent his aid to men, who not only neglected to perform the offices of charity themselves, but refused to allow others to perform them. (*Hear, hear.*) The hon. and religious member seemed also to have forgotten that one of the sacred writers, describing the machinations of the enemies of our Saviour, related that, "They watched him and sent forth spies which should feign themselves just men, that they might take hold of his words, that so they might deliver him into the power and authority of the Governor." (*Hear, hear, hear.*)—One purpose of the bill now before the House was to in-

timidate, and to prevent meetings and petitions for Reform; and to accomplish this object the more effectually, Ministers were empowered, and this constituted another insuperable objection to the measure, not only solitarily to confine, but to send their prisoners to distant gaols, to change them about from gaol to gaol, to exhibit them in chains from one end of the kingdom to the other. Not a long time had elapsed since the hon. and religious member had been most laudably active in ameliorating the condition of the slaves of Africa; and how happened it that he was not now at all shocked at beholding his own countrymen—Englishmen, dragged about in fetters, treated worse than slaves, because with a stronger sense of injustice and cruelty, and that without the shadow of a crime? (*Loud cheers.*) Recently, the population of the country from London to Manchester had been gratified with these exhibitions; and when the prisoners arrived at the office of the Home Secretary, they were received in a most complaisant manner by a very civil gentleman, who, having nothing to say against them, again despatched them through the kingdom, in another direction, as a sort of warning to the inhabitants. A noble lord (Folkestone) the other night had adverted to a case of this kind; an unhappy individual, who, having had the satisfaction of an introduction to Lord Sidmouth, had been immured in Reading gaol, with no prospect but the chimney-tops, and no society but his gaoler. But it had been said, that this individual was deranged, and surely he had suffered enough to drive him mad. The language of the law was, that, before trial, men were confined *ad custodiam, non ad panam*; but here every thing was reversed. The safeguard of the prisoners had originally belonged to the sheriff, but modern acts of Parliament had given a jurisdiction to magistrates: by the measure before the House even magistrates were now to be excluded, and the Secretary of State was at once gaoler, sheriff, magistrate, and minister. What kind of Government could that be where this jealousy of communication existed; where men were imprisoned *au secret*, as the French termed it; and where they were not only prevented from seeing their friends, but from reading books?—even this last resource was not allowed them. One honourable member had asserted that the suspension was necessary, because the people were so ill educated. Such imprisonment was, indeed, severe discipline; but how education was to be promoted by solitary confinement, without the use of books, was a question he should find it difficult to answer. (*Cheers.*) The whole was a system of the most wicked and wanton torture; and how could men of sense assert that there was no danger of abuse, when from the beginning to the end it was nothing but abuse, and that under the flimsy pretext of two Reports of Committees, who had taken the utmost care that not a syllable should be inserted that could tend to *disalarm* the

country, for that was the expressive word of a noble lord. Every step that had been induced by the low artifices of Government—their spies and informers—their treason-hunters and treason-makers—their rewards and blood-money, were all a part of the same system. A great deal had been said in the course of these debates upon the designs of the Luddites, but he warned the House against a more real and greater danger from the efforts of the Bloodites.

Mr. Lamb explained; observing, that his remarks only applied to the petitions for Annual Parliaments and Universal Suffrage.

Mr. Wilberforce said, he would not have troubled the House, but for a sort of call made upon him by the hon. baronet, who was greatly mistaken if he thought that the sarcasms he had used did not rather injure himself than others. It was not always those who talked the loudest and the longest about their love and admiration of the Constitution that were the most sincere in their professions (*hear*); and he could assure the hon. baronet, and those for whose good opinion he was more solicitous, that he had painfully and reluctantly brought his mind to consent to the measure before the House. In the present circumstances of the country, it appeared to him, that it would be most dangerous, when Parliament was dismissed, to set at large those who had long been employed in spreading poisons that had already attacked the vitals of the Constitution. He could scarcely believe it possible, that even the hon. baronet should speak with levity of the first Report, which shewed undeniably that the feelings of Englishmen had been so perverted, that they could now look without horror at the most atrocious crimes; that private assassination was become familiar to them; and that they did not even shrink from assassination for hire. (*Hear, hear.*) Were these principles which men ought to be allowed to circulate, or which could be circulated without danger? If any fear could be entertained of the establishment of absolute power in this country, it would arise from that very source; other times and other countries proved it; and if any man, or any body of men, wished to make a tyrant firm upon his throne, no better mode could be adopted than to employ a man of popular talents, and possessing public confidence, who would go all lengths, and who, when the flame of discord was beginning its ravages, would choose that opportunity of scattering his firebrands. (*Loud cheers.*) The hon. bart. himself, while braving about the liberties of his country, was deceiving the people to their ruin, and destroying that freedom which he professed so ardently to admire. He (*Mr. W.*) voted for the measure, because in his conscience he believed that, without it, the Constitution might sustain an injury which no subsequent exertions could repair. He granted that, in the view, the practices now carried on were not so dangerous as those of 1715 or 1745; but though there were now no great and efficient leaders,

it was the more difficult on that very account to calculate the number of the opponents of regular Government. When the purpose was, in the first place, to destroy all moral principles among the people, who could say to what extent the mischief might spread? In voting for the bill, as he had before remarked, he had acted unwillingly, but from a commanding sense of duty; and religion itself taught him this lesson—to value the blessings at present enjoyed in this country, and to endeavour to hand them down unimpaired to posterity. (*Cheers.*)

Sir G. Webster rose for the purpose of entering his solemn protest against the passing of this bill. A noble lord (Nugent) had asserted, that he would rather witness a popular commotion than the enslavement of his country, and the observation had been cheered as inconsistent with a due regard for the Constitution; but in confirmation of the sentiment, he begged to refer to a speech of a man whose name was coupled not only with the liberty but the glory of his country—the great Lord Chatham—who, in a speech delivered in the House of Peers on the 9th of Jan. 1770, at the beginning of the American war, had used these remarkable words—“It is an obligation incumbent upon this House to inquire into the causes of the notorious dissatisfaction expressed by the whole English nation, to state those causes to their sovereign, and then to give him their best advice in what manner he ought to act. The privileges of the greatest and the meanest subjects stand upon the same foundation: it is, therefore, our highest interest, as well as our bounden duty, to watch over and protect the rights of the people. The liberty of the subject, I say, is invaded, my lords, not only in our distant provinces, but at home. The people are loud in their complaints; they demand redress, and until the injuries they have received are redressed, they will never return to a state of tranquillity: nor ought they; for, in my judgment, my Lords, and I speak it boldly, better were it for them: to perish in a glorious contention for their rights, than to purchase a slavish tranquillity at the expense of a single iota of the Constitution.” (*Hear, hear, hear.*) Ministers were now aiming at the destruction of the Constitution, and were themselves committing that treason which, by hired spies, they were attempting to charge against others. (*Cheers.*) They were feeling the temper of the people of England step by step, in order to ascertain how far it was possible to establish arbitrary power among them. (*Cheers.*)

The Lord Mayor adverted to the facility with which the riots in the city had been suppressed by the civil power, before the arrival of the military. He said, that he had applied to the Tower for some soldiers, and forty men were sent in consequence, but they were soon recalled for the protection of the fortress, which was thought to be so fearfully threatened by the populace.

The Lord Advocate rose to vindicate himself

from a charge that had been brought against him. (See p. 1491.) He complained, that though he had been attacked in his absence, no one had said a word that evening, though he had sat there seven hours; and he therefore feared that an attack was to be made again, when it would be too late for him to reply. By the law of Scotland, sixty days may elapse after a party is indicted, and before he is tried. The prisoner Mackinlay was charged with treason and felony; and therefore, if separate indictments had been framed, the prisoner might have been delayed above a hundred days; but he had joined the two offences in one indictment for the ease and advantage of the prisoner. Was it fair, therefore, to insinuate that he had been guilty of oppression in this case? It had been stated by a learned gentleman (Sir S. Romilly,) that prisoners had been removed from one gaol to another, for the purpose of secluding them from their friends and acquaintance. But the fact was, that they were placed in a particular prison, because it was the most healthy in Edinburgh, and the district prison was extremely unwholesome. So far from refusing admission to the friends of the prisoners, not only all those whom the prisoners asked to see were admitted to them, but many whom they did not ask to see. To gain admission to prisoners, an application to the Court of Justiciary is necessary, if the consent of the Lord Advocate is not obtained, but he undertook to look into every application himself, and always signed his consent on the spot. He could state on the authority of one of the counsel for the prisoners, and one of the most bustling and active of the counsel, who was not now in his place, (Mr. J. P. Grant) that the prisoners were never better treated in their lives than they were when under confinement. With respect to another statement, that an individual had been twice on his trial for the same offence, and was about to be tried a third time—that the indictment had been twice quashed for informality; and that by the law of Scotland a man might be a thousand times brought to trial for the same offence without control; he rather thought the memory of the hon. and learned gentleman (Mr. Brougham) must have failed him since he studied the law of Scotland, (*hear, hear,*) or he never could have stated that a prosecutor could abandon an indictment without the consent of the Court, on his stating to the Court at the same time, that he intended to proceed to a new trial. It was in the breast of the Court to say whether or not the motion of the prosecutor should be agreed to. So far, therefore, from bringing a man up a thousand times, he could not bring him up a second time, unless the Court themselves were party to the measure. This, the hon. and learned gentleman, if he doubted it, would find stated in Mr. Hume's book, as a matter so clear, that no authority was even referred to in support of it. It had been said that two indictments were quashed on account of informality. Now he had to state,

that not one was quashed on account of informality, and there was not a vestige of authority for saying so.

Mr. Methuen rose to call the learned lord to order.—The question before the House was the Suspension of the Habeas Corpus Act, and not the conduct of the learned lord.

Sir S. Romilly conceived that it would be unfair in the extreme if the learned lord were not allowed to proceed in his statement.

The Lord Advocate continued. He said, he had never delayed bringing prisoners to trial. The English law of treason was not well understood in Scotland, but he denied that under the law of that country a man could be tried more than once*. He should be happy to give any further explanation, if required. The gentlemen who had attacked him were present; but perhaps they waited to attack him again, when he could make no reply.

The Speaker rose to order, and reminded the learned lord that he had fallen into an irregularity, and was transgressing the bounds of explanation; he would see the necessity of not proceeding further in a direct reference to a former debate.

Sir S. Romilly said, nothing could have been farther from his intention than to attack the learned lord. He had merely put a question, with a view to obtain explanation. He was astonished that the English law of treason was not understood by the Scotch Crown lawyers, who were bound by their oath to know it. As to abstaining from repeating his statements that evening in the presence of the noble lord, he had done so, because, with all due courtesy, he thought the learned lord's affairs less important than a question affecting the Constitution of the country.

Mr. Brougham believed the speeches which had given the greatest offence to the learned lord, were not those of himself or his learned friend, but the speeches of the members for Lanarkshire and for Glasgow. The learned lord complained of the hardship of not having the charge followed up against him that night: "You see—I am ready. You see I am come up from Scotland. I have been sitting here seven hours, and yet in all that time you have never ventured to come forward to impeach me." He was quite sure, if he had done so, while such a question was before the House, the House would not have allowed him to go on five minutes. The learned lord accused him of ignorance of the Scotch law. Now, he held in his hands a printed Report of the trial in Scotland, by which it appeared that the learned lord himself was during this trial acting upon what he (Mr. Brougham) had supposed to be the Scotch law;

* By the law of Scotland, a man once remitted to the knowledge of an assize, cannot be again remitted to the knowledge of another assize, for committing the same fact, under a different description of crime—as may be done in England, though he be acquitted, or even though he be convicted.

but the prisoner's counsel got a light which the learned lord had also now got, and objected that the Lord Advocate had no power to desert an indictment without an interlocutor of the Court. When this objection was stated, one learned judge, (Lord Gillies,) was inclined to be of the same opinion, but the majority of the Lords of Justiciary were inclined to think that the objection was not well founded; that is, that the Lord Advocate, if he thought fit, might abandon the indictment, and so, in point of fact, bring the prisoner into court a thousand times. The Records, however, were ordered to be searched, and the result was, that all the judges came over to the opinion of the small minority*.

* Andrew M'Kinlay has been since brought to trial. His case was argued, and decided, in the High Court of Justiciary, at Edinburgh, on the 18th and 19th of July. On the former day, the relevancy of the indictment was debated, in consequence of written informations (the usual proceedings in such cases) having been given in. The panel was indicted under the 52 Geo. 3. c. 104, for having administered to several persons at Glasgow an unlawful oath: (*viz.* the oath which the Lord Advocate read in the House of Commons on the 26th of February.—(see page 352.) By that statute, to administer unlawful oaths is a capital felony; and, therefore, the panel was charged with having administered the oath wickedly and feloniously: (the word *traitorously*, which was in the former indictments, being omitted.) It is scarcely possible, in the limits of a note, to give even an outline of the various objections taken by the counsel for the panel, and debated by the Judges.

The most interesting questions were:—Whether the oath as set forth in the indictment, was of the description alleged? Did it purport, or intend to bind to commit any treason, or murder, or any capital felony? (The oath was materially altered in the indictment:—to the words "physical strength," the prosecutor had added, in a parenthesis, "or force.") If it should appear, that the oath was, or might be of the description alleged, was it incumbent on the prosecutor to specify in the indictment the crime, to the commission of which, he stated, that the oath imported an obligation? Did the offence disclosed in the indictment, as explained by the prosecutor, amount to a case of treason? And if so, could it or ought it to be tried as a felony?

Lord Gillies said, it was impossible to read the whole of the oath without thinking it probable, that it imported the alleged obligation to commit a capital crime; but the presumption in favour of innocence was not to be reargued by mere suspicion. "This presumption (said he) has been too lightly treated by the prosecutor. I think that Annual Parliaments and Universal Suffrage would lead to anarchy, and would issue in military despotism: but because we think the end would destroy the constitution, we must not infer that treason would be the means to be employed in attaining it; and of the end itself, there have been persons, and those of consideration, who have entertained a different opinion. The Duke of Richmond introduced a bill into the House of Peers, the preamble of which stated, that Universal Suffrage and Annual Parliaments were the birth-right of every Briton; but no one ever accused or suspected him of treason for so doing. The criminal nature of this oath is

Lord *Folkestone* wished to know whether the bill would extend to Scotland, and how it stood as to cases of wrongous imprisonment. No Secretary of State now resided in Scotland. Would the Secretary of State's warrant be good there? It was necessary before the division to understand these matters.

The *Lord Advocate* said, there was not a vestige of doubt as to the applicability of the bill to Scotland. In former times there was a Scotch Secretary of State, and, for a century and a half, the warrants of a Scotch Secretary resident in London had operated in Scotland.

The House divided on the third reading—

Ayes . . 195 | Noes . . 65 | Majority . . 180

The bill was read a third time.

An amendment was then proposed by Mr. S. *Wortley*, with the approbation of Lord *Castlereagh*, to leave out the words, "the expiration of six weeks after the commencement of the next session of Parliament," for the purpose of inserting the words, "the first day of March 1818."

Mr. C. *Wynn* proposed an amendment to the

inferred from the words 'physical strength,' but how do I know it was to be illegally exerted? Many instances may be figured of an exertion of 'physical strength,' for political purposes, for influencing the Legislature, where nothing illegal is done or attempted, and where nothing treasonable is to be committed. We have instances of the highest and of the lowest description. The other day we know that many misguided people of Manchester and its neighbourhood assembled with a view of marching to London, for purposes very absurd, perhaps illegal, but certainly they were not thereby guilty of treason, and this was no small exertion of physical strength. The great Lord Chatham, enfeebled by age and sickness, rose from his bed and went down to the House of Lords to employ the last remains of his physical strength in endeavouring, by his eloquence, to arrest the progress of Councils, which he deemed dangerous and dishonourable to his country, and the exertion proved fatal to him.—The oath is now materially altered by adding the words 'or force.' This oath does appear to me to be one to which the Statute may apply: force imports violence. I think, though with some hesitation, that this oath, as it stands now, may import an obligation to commit a treason, or murder, or a capital felony.—But the prosecutor has not specified in the indictment the treason or the felony contemplated. Now I cannot hold an indictment on this statute relevant which does not explain what the crime is to which the oath binds. I cannot do so upon any principle of reason, or any principle of law. Mr. Hume has well explained the law of indictments.—As to the other point, that felony merges in treason, I cannot be permitted to say that I am ignorant of the law of England on this point, for it is the law of Scotland also. By the act of Anne, high treason must be tried in Scotland in the same manner as in England. But if it is tried here as a felony, the act of Anne is violated. It is said, that the last clause in the 59 Geo. 3. excludes the common law doctrine of felony merging in treason. I think this clause not unattended with difficulty; but, upon the whole, I do not think it goes far enough to support the prosecutor's argument. But I am clearly of opinion that the indictment is not relevant on the other grounds." Lord *Hermand*, Lord

Suspension of the Habeas Corpus Act. [1700

said amendment, to leave out all the words after the word "the," for the purpose of adding, "25th day of December, 1817." The House then divided on the question, that the words, "the first day of March, 1818," stand part of the bill. Ayes . . 152 | Noes . . 50 | Majority . . 102.

The bill was then passed.

EMPLOYMENT OF THE POOR AMENDMENT BILL.] This bill was read a second time, and committed for Monday next.

THE MINORITY

AGAINST THE THIRD READING OF THE HABEAS CORPUS SUSPENSION BILL.

Abercromby, Hon. J.	Burdett, Sir F.
Atherley, A.	Byng, George
Aubrey, Sir John	Burroughs, Sir W.
Baillie, J. E.	Barclay, C.
Barham, J. F.	Browne, Dominick
Barnett, J.	Calcraft, J.
Birch, J.	Calvert, C.
Brougham, H.	Campbell, Hon. J.

Pitmilly, Lord *Reston*, and the Lord Justice Clerk thought the oath highly criminal, and that it was not incumbent on the prosecutor to specify the crime which it bound to commit. They doubted whether the doctrine of felony, merging in treason, had any application in Scotland: but, in this case, they thought the last clause of the act, on which the indictment was laid, was sufficient.

The relevancy of the indictment being thus established by a majority of the Court, on the following day *McKinlay* was put on his trial. Five witnesses, all of them prisoners in the Castle of Edinburgh, were called to prove that the panel had administered the oath to several persons. The first, *John Campbell*, being asked whether he had received any reward, or promise of reward, for the evidence which he was to give, answered, that he had. [The witness then detailed some of the means practised by the Procurator Fiscal (Mr. *Salmon*) and the Deputy Advocate (Mr. *Drummond*) in order to get him to confess his knowledge of the oath: but expressed his wish not to enter into any description of the ill usage, threats, and stratagems, practised upon him by the sheriff of Lanarkshire (Mr. *Hamilton*) to induce him to become a witness, by torturing him with the same questions, couched in different terms, which the Court agreed to.]

Mr. *Jeffray* (one of the panel's counsel) proposed to call Sir *William Roe* (Sheriff of Edinburgh) to corroborate certain parts of *Campbell's* declaration, which was opposed by the Lord Advocate as unnecessary.

The Court then decided that *Campbell* was an incompetent witness, as he came forward to give evidence under the impression that he was to receive a certain remuneration, or had made an agreement to that effect.

John McLaughlan, *Peter Gibson*, *James Finlayson*, and *Hugh Dickson*, were then called; but none of them established the case.

The examination of the last witness being concluded, the Lord Advocate rose and addressed the Court, stating, that in consequence of the turn which the evidence had taken, he found that he could not receive the verdict which his former impressions had led him to expect.

The Jury returned a verdict, *Not Proven*.

Cartet, J.
 Cochrane, Lord
 Duncannon, Visct.
 Douglas, Hon. F. S.
 Deerpur, Visct.
 Fazakerly, N.
 Ferguson, Sir R. C.
 Folkestone, Visct.
 Gordon, R.
 Gurney, H.
 Gaskell, Benj.
 Heron, Sir R.
 Howorth, H.
 Hughes, W. L.
 Hurst, Robert
 Hill, Lord A.
 Lefevre, C. Shaw
 Leader, Wm.
 Lloyd, J. M.
 Methuen, Paul
 Madocks, W. A.
 Martin, H.
 Monek, Sir Charles
 Moore, Peter
 North, D.

Nugent, Lord
 Orde, Wm.
 Ossulston, Lord
 Parnell, Sir H.
 Peirse, H.
 Ponsonby, Rt. Hon. G.
 Protheroe, Edw.
 Powllett, Hon. W.
 Pym, Francis
 Ramsbottom, J.
 Raneliffe, Lord
 Romilly, Sir S.
 Spencer, Ld. R.
 Scudamore, R. P.
 Shaw, Ald. Sir J.
 Sefton, Earl of
 Smith, J.
 Smith, W.
 Smyth, J. H.
 Tavistock, Marquis of
 Wood, Rt. Hon. M. (Ld.
 Mayor)
 Waric, J. A.
 Wharton, J.
 Webster, Sir G.

TELLERS.—Hon. H. G. Bennet and James Macdonald.

Mr. Brand paired off with Sir W. Curtis.—Lord Morpeth and Mr. Western also paired off.

HOUSE OF LORDS.

Saturday, June 28.

SUSPENSION OF THE HABEAS CORPUS ACT.]

The Habeas Corpus Suspension Bill was returned from the Commons with an amendment, to which they desired the concurrence of the Lords.

The Earl of *Liverpool* said, that as this amendment, namely, that the duration of the bill should be limited to the 1st of March next, instead of six weeks after the commencement of the next session of Parliament, was of some importance, he did not feel justified in moving the consideration of it without some notice. He therefore gave notice, that he would call the attention of their lordships to it on Monday.

The Sheriffs (Ireland) Bill was read a second time, and several other bills were forwarded.

HOUSE OF LORDS.

Monday, June 30.

MACHINERY.] Earl *Grosvenor* presented a petition of certain labouring manufacturers, praying that, by taxation or otherwise, the use of machinery in manufactures might be discouraged. The noble earl stated, that he thought it his duty to present the petition, though he did not concur in the opinion of the petitioners, that the discouragement of machinery would be any benefit to them: at least, he was sure that it would be a great injury to the country.

The Earl of *Lauderdale* thought it of great consequence that persons in the situation of the petitioners should be aware, that this was not

a subject on which persons on one side of the House thought one way, and persons on the other side another way, but a subject on which all those who had studied the matter, and were conversant with its principles, were perfectly agreed. There could be no doubt whatever, that without the use of machinery, one half of those who were now employed would be utterly destitute, and the petitioners, therefore, were blindly praying for that which, if granted, would contribute to their own destruction.

The petition was laid on the table.

NAVAL AND MILITARY OFFICERS' OATHS BILL.] On the motion of Lord *Melville*, this bill was read a second time, and ordered to be committed to-morrow.

SUSPENSION OF THE HABEAS CORPUS ACT.] The order of the day having been read for taking into consideration the amendment made by the Commons, limiting the duration of the bill to the 1st March, 1818,

The Earl of *Liverpool* observed, that it had been thought more advisable in the House of Commons, to fix a determinate time for the expiration of this bill, than to leave it dependent upon contingencies connected with the meeting of Parliament. Had the amendment, however, materially shortened the time, he should have felt it his duty to oppose it; but as in the way the bill originally stood, it could not have continued longer than about the middle of March, or from thence towards April, he did not see any reason for objecting to the definite period of the 1st of March, and therefore moved to agree to the amendment.

The Marquis of *Lansdown* said, he did not mean now to renew the discussion upon this subject, trusting that the causes of discontent would ere long be removed, by a greater demand of labour, and the beneficial consequences of a favourable harvest. It was in this view that he thought it entirely unnecessary to continue this bill for so long a period, and he should therefore move, in order to record his opinion, to insert the 31st of December next, instead of the 1st of March, 1818.

The Earl of *Donoughmore* considered this measure an evil, and should therefore vote for giving it the shorter duration moved by his noble friend. He trusted, however, as the question now before the House involved the consideration of the manner in which the extraordinary powers entrusted to the Government had been exercised, that some information would be afforded upon certain points connected with the subject, and that some pledge would be given of its being intended to execute these powers with humanity and mildness towards the unfortunate individuals who might become the objects of it. A case had lately been publicly mentioned of which their lordships could not be ignorant, that of two individuals, father and son, of the name of Evans, who had been arrested by the warrant of the noble Secretary of State, and conveyed to the gaol in Surrey, where, it was stated, they

were closely confined in dungeons, without the magistrates being allowed to visit them; that they had been heavily ironed, and that they had been deprived of the means of petitioning the other House of Parliament with regard to their situation. He did not mean to charge this upon the noble Secretary of State, but it appeared to have resulted from the acts of those officiating under him. What offence the two individuals alluded to had committed he knew not, but it would surely not be urged that any unnecessary harshness or severity ought to be used towards them; and it was the more incumbent to obtain some pledge as to the future exercise of the powers given by this measure, as, during the recess of Parliament, unfortunate individuals imprisoned under them, would have no means of giving publicity to their complaints.

Lord Sidmouth said, if it was required of him to give a pledge of a conduct different from that which he had hitherto adopted, it was utterly impossible. No orders for any unnecessary harshness or severity had ever been issued by him. With regard to the case of these two persons, the noble lord had been grossly imposed upon. He (Lord S.) in consequence of the statements that had been made regarding them, had sent for the gaoler of Horsemonger-lane, who had attended him that morning, when it clearly appeared, that the whole of what had been stated was a misrepresentation. So far from these individuals being confined in dungeons, they were placed in two light, airy rooms, 25 feet by 18, where they had every indulgence consistent with their situation. As to their being prevented from petitioning Parliament, this was also untrue. Had any obstruction been thrown in the way of their petitioning by the gaoler, the latter, so far as depended upon him should not have remained an hour longer in that situation. The fact, however, was directly the reverse. No obstruction whatever had been thrown in the way—they had all the means of petitioning; and it appeared by a certificate produced at his (Lord Sidmouth's) office by Mr. Harmer, that the petition, which, it was alleged, these individuals had been prevented from forwarding, had actually been presented to the House of Commons by Mr. Bennet in February last. Recently Mr. Harmer, before alluded to, a very respectable agent, called at his office, to request permission to be admitted to these persons, in order to engross a petition for them, to be presented to the House of Commons. Permission was immediately given, and the petition having been engrossed, was presented to the House of Commons on Friday last. Thus it appeared that the noble lord had been imposed upon from some quarter by a gross misrepresentation.

Earl Grosvenor observed, it was impossible to suppose that the noble viscount would subject individuals committed under the circumstances stated to any unnecessary harshness or severity, but though this undoubtedly applied to the

noble viscount personally, it might not be applicable to some of those employed under him. He could not help observing, however, that the noble Secretary of State had not answered one point of charge regarding the treatment of these individuals, namely, that which related to their having been put in irons, and which he thought was an allegation material to be replied to. With regard to the bill, he should support the amendment moved by his noble friend, but he did not intend to go over again the grounds of opposition to the measure itself. He could not help, however, adverting to the employment of spies and informers which he considered as highly disgraceful to the Government, who thus hired men in the first instance to lie, and of whom nothing else could be expected, than that they would lie ever afterwards. He thought, upon this point, that the conduct of the noble duke (Bedford) when Lord Lieutenant of Ireland (as mentioned in the debate of a former night) in rejecting the testimony of spies and informers was highly worthy of imitation.

Lord Montfort rose to bear testimony, as a magistrate of Surrey, to the conduct of the gaoler of Horsemonger-lane, whom he considered a humane and well-disposed individual.

Lord Sidmouth complimented the noble lord for the liberal, candid and just opinion which he had given respecting the gaoler of Horsemonger-lane. With regard to these persons having been put in irons, the fact was this: On their being committed, the gaoler, considering them in the same point of view as persons committed on similar charges, though not under similar circumstances, had in conformity with the established rules of the prison, put irons on them. Upon his (Lord Sidmouth's) being informed of the circumstance, he immediately issued orders for the irons to be taken off, which orders were executed within an hour after they were issued.

The Marquis of Lansdowne's amendment was then negatived, and the amendment made by the Commons agreed to without a division, and a Message ordered to be sent to them, stating that their lordships concurred in the amendment.—A Commission soon afterwards came down, and the Commons being in attendance, the Royal assent was given to the bill.

OFFICE ABOLITION, &c. BILLS. The Marquis of Lansdowne said, that before the noble earl (Liverpool) proceeded to move the committal of these bills, he wished to have some explanation as to the nature of them. The noble earl, as he understood, intended to move the committal of five bills, as forming parts of one whole. These bills were founded upon a Report made by a Committee of the House of Commons, which was now before their lordships; and on looking at that Report, he found that the abolition or regulation of a great number of offices was there recommended, which offices did not appear in these bills. Then, as to the Compensation Bill, whatever were its merits, it appeared

that, by classing that with the other bills, the noble earl did not consider this as a partial measure, but as one whole; and yet there were offices to the extent of 30,000*l.* mentioned in the Report, which were not to be found in the bills. This was particularly the case with respect to certain offices in Ireland. He wished therefore, 1st, to know the reason why all the offices mentioned in the Report, were not included in the bills; 2d, whether, when it was said that these offices were to be abolished or regulated, as soon as the existing interests ceased, it was meant that they were to be so abolished or regulated, when what was called the vested interests, that was the interests for life, or for a term of years under the Crown grant, had ceased; 3d, whether the pensions already existing were to revert to the public at the end of the terms, or to be at the disposal of the Crown, to be granted anew?

The Earl of *Liverpool* answered to the first point, that these bills were, in some measure, founded on a Report made by a Committee of the House of Commons; but it did not follow that their lordships were bound to adopt all or any of the recommendations in that Report.—There were certain specific measures which might be afterwards adopted; such as the regulation of the office of Lord Justice-General in Scotland. There was another measure which ought certainly to originate in that House, if adopted at all—the regulation of the office of Clerk of Parliament; and as to the Irish offices, inquiries were depending respecting them, which rendered it impossible to have them regulated in the course of the present session. With regard to the term existing interests, it was applied in order to save the interests of those who were in possession of the offices. As to the pensions, if an individual previously held a pension, and became entitled to one under the Compensation Bill, the former would merge in the latter.

The Marquis of *Landowne* thought some further explanation necessary, regarding the term existing interests, as it appeared to him to be used in these bills in a distinct sense from vested interests, and that it was the first time Parliament had been called upon to allow existing interests to stand in the way of the regulation of offices, when these interests merely arose from an appointment during pleasure.

The Earl of *Liverpool* said, there was no question as to the competence of Parliament; the case was merely this: that it had been thought fit, under special circumstances, to make an exception in favour of existing interests.

The Lord Chancellor observed, that these particulars were more proper for the Committee.

The order of the day being then read,

The Earl of *Liverpool* proceeded to state the general ground upon which the bills rested: but he repeated, that their lordships were not bound to adopt the whole or any of them, or prevent-

ed from making such amendments as they thought proper. They would observe, that these bills, including the Compensation Bill, were to be considered as one measure. A bill of a nature somewhat similar, he was aware, had come to that House before; and if a bill were to come now in such a shape, he should certainly oppose it. He did not mean to say that there were not in that bill some valuable regulations; but it consolidated all sinecures, judicial and political, and went to abolish some most efficient offices; and adopted one of the most extravagant principles of compensation that could be conceived. It classed the office of Clerk of the Pells with that of the Lord Privy Seal, and was full of absurdities from beginning to end. The subject now came before their lordships in a very different shape. The principle upon which he recommended these bills to their attention was this—that whatever regulation of this kind might be adopted, there was a necessity for reserving to the Crown the means of rewarding public services; and he certainly would not have voted for these bills, if that had not been attended to. It had been observed, that this measure particularly affected the aristocracy; but in the Constitution of this country, it was impossible that any measure could affect one branch of it, without touching the other branches; and his opinion was, that if the Crown were deprived of the means of rewarding public services, the democratic part of the Constitution would be chiefly injured. The principal offices in the State would then be confined to a few persons; and men of talents and honourable ambition, without fortune, would be excluded. If they looked at those who had, for the most part, held the principal offices, and discharged the duties of those offices with the greatest advantage to their country, they would find that they were men of the latter description—he would say nothing as to the living; he would mention only the dead—Mr. Pelham, (in the reign of Geo. II.), Mr. George Grenville, the two Mr. Pitts, the ancestors of two noble barons, not now in the House, and a late friend of his, (meaning probably Mr. Perceval) whose memory he should ever honour and venerate both as a minister and a man. It would appear the more important, that such means of rewarding political services should be reserved to the Crown, when they considered the inadequacy of the salaries of the highest offices in the State. He appealed to noble lords on both sides of the House for the correctness of the assertion, when he said that the salaries of the highest offices were not more than half sufficient to meet the expenses attending them, with whatever moderation a person holding such office chose to live. He did not, however, mean to say, that it was expedient to augment the salaries of these offices; for if they were to be augmented, they must be so for men of large fortune as well as for those without fortune; and, therefore, the best arrangement,

even with a view to economy, was to reserve to the Crown the means of rewarding political services. Having thus explained the first principle upon which he supported this measure, he now proceeded to the second, which was, that the rewarding of public services ought generally to rest with the Crown, instead of being left to Parliament. For a period of 50 years past, it had not been the general practice of Parliament to reward political services, during the life of any individual who might be thought deserving of such a reward. In some cases, Parliament had granted money to pay the debts of meritorious persons of this description, after their death; and, in the particular cases of Lord Chatham and Mr. Burke, had departed from its general practice of not rewarding political services during the lives of the individuals. But if it were the general practice of Parliament to reward political services by grants of money, during the lives of the individuals, to what abuses would such a practice not be liable? If some partiality in these cases appeared on the part of the Crown, that objection would apply in a much greater degree to parliamentary grants. A certain number of offices had been before at the disposal of the Crown, and they knew the precise extent to which the Crown could go.—Under these bills they would have the same advantage, as the amount of pensions was limited: but the public would have no such security if the matter were left to Parliament. Suppose any abuse of the power to exist on the part of the Crown, the extent of the power and of the abuse was limited; but it was otherwise with Parliament. From what he himself had seen, the last thing he should propose would be to intrust the consideration in this view of particular cases to large bodies. Any one who had been but half the time in Parliament that he had sat there, could not but agree with him in this. The best arrangement, therefore, was, to give the Crown the power of rewarding political services, to be exercised on the responsibility of Ministers; and then, supposing the power to be in some cases abused, they would know the full extent to which abuse could be carried. Upon these two principles, therefore, 1st, that the means of rewarding public services should still be reserved, and 2dly, that these means should be at the disposal of the Crown, he ventured to recommend these bills to the consideration of their lordships, in the hope that they would agree with him, that it would be beneficial to adopt the general measure, with such amendments in the details as their lordships might think proper. As to the offices of Auditor and Teller of the Exchequer, they were not sinecures, but important parts of the administration of the Court of Exchequer. He did not know whether, in the original formation of this Court, these offices could or could not have been with propriety omitted; but he knew that no one had ever ventured to bring forward a bill for their abolition, and that they had been acknowledged to

be useful through a series of successive Acts of Parliament; but he would freely say, that the very circumstance of their not being sinecures, afforded a reason for not considering them as political offices, and for placing them exactly on the footing of other offices of public account; he meant, that those who held them should be entirely disconnected with politics, and should be obliged to attend to their duties in person.—Several instances, illustrating the propriety of such a change, must occur to their lordships, and one was too recent to have escaped the observation of any of them. He alluded to the case of a noble baron (Lord Grenville) who, after having for several years usefully served the Crown, was rewarded with the office of Auditor of the Exchequer. No man was ever more properly rewarded; and yet what an awkwardness resulted from this very reward, when the same noble baron was afterwards made First Lord of the Treasury, an awkwardness which would not have existed if his services had been rewarded by a pension. The offices of Tellers of the Exchequer had already been regulated by law, as far as their profits went: and one noble lord (Marquis Camden) had acted very handsomely in coming forward, voluntarily, and anticipating the future effect of the law. The great, and in some instances, immense profits accruing to the possessors of these offices, rendered them peculiarly unfit to be the rewards of political services; and that, because they had become, and were liable to be at all times, great sources of political discontent. A kind of objection had been raised, that the holders of these offices would be less independent under the new act, than under the former practice, because they would no longer hold under the Crown, but of the Administration. The contrary was the fact: for these offices had never been given by the Crown, but were in the patronage of the Chancellor of the Exchequer. As to the sinecures bill, it was fit that they should be given up; and on two grounds, first, that the Crown should have the power of rewarding services by direct, instead of indirect, compensation; secondly, because the abolition would do away a great deal of the unreasonable prejudice and discontent existing on this point. The Compensation Bill stood on a better footing than a measure formerly brought forward with similar views; for that plan would have lodged in the Crown an unlimited power of granting pensions, whereas the present bill would confine that power within reasonable and economical limits. There would always be considerable doubt as to the claims of public men, and therefore that would be the least objectionable scale of remuneration, which should require a certain definite period of service, in addition to the faithful discharge of that service; especially when this plan would be the least burthensome to the country. That this would be the case appeared from this—that the first class of the pensions would not consist of more than seven

persons of 3,000*l.* per year each; and the second class, though comprehending more pensioners, would not at the utmost cost more than 43,000*l.*, and on the average, not more than 30,000*l.* The saving to the country thus effected, would be about 100,000*l.* a year; but this was but an incidental advantage compared to the principle of the thing, which was the more excellent, inasmuch as it left the prerogative of the Crown untouched, while it would tend to exalt the character of public men, and would thus be a great benefit both to the Crown and the people. In the course of his own possession of the office which he now held, he had given away but one of these large sinecures, and that was to the son of the late Mr. Perceval, a gift which, he trusted, must have afforded general satisfaction; but it was seldom that a case so generally approved of could arise. For his own part, he could assure their lordships, that he would be the last person to bring such a measure before the House, unless he felt convinced, that it would leave unimpaired the dignity of the Crown, that it would elevate public men in public opinion, and that, in fact, it was doing away with that which, however sanctioned by time and experience, ought to have been done away long ago.

The Earl of *Lauderdale* rose to oppose the motion made by the noble Secretary of State, and all the measures before the House connected with that motion. When he recollected the discussions and decisions that had taken place in 1812 and 1813, on the same subject as that now under consideration, and in particular that decision which their lordships came to when the noble Secretary of State moved the previous question on a bill for the same object brought from the other House, he could not for a moment doubt what would now be the determination of their lordships on this question. The noble earl, it was true, had laboured to shew that the bills on the table were very different from the measures formerly proposed, but he saw no reason for so considering them. Indeed, the only ground on which their lordships were called to agree to these bills; the only information before them on which they could form an opinion—namely, the Report of the other House of Parliament—set out with declaring, that the subject was by no means new; that the measures proposed were entirely the same as those of 1812 and 1813. He had read the Report carefully through, to see whether it contained any new reasons for the change which their lordships were called upon to make, but had been unable to discover any. The noble earl, however, seemed to have got a new opinion on the subject without shewing any reason for his adopting it. He had stated, that these offices were such as ought not to be applied to the reward of political services; but this was not his opinion on the former discussions, and he should be glad to know how these offices, which the noble earl held to be perfectly fit, as political recompenses

in 1812, should have become unfit for that purpose now? The noble earl had alluded, as an illustration of his new doctrine, to what had occurred respecting the office of Auditor of the Exchequer; but that circumstance, the House would recollect, took place so far back as 1807; yet in 1813, when the abolition bill was discussed by their lordships, the noble earl never said a word on the subject of that office. How came he to overlook it then, and to consider it so very important a topic now? But the noble earl did not say that inconvenience had arisen from this office being held by a person who became First Lord of the Treasury; he only supposed that some might occur. The truth however was, that no inconvenience could arise. In 1817 an attempt was made by those who sought popularity, to make a run against the Minister on this subject, but it completely failed. Another reason which the noble lord had assigned for supporting these bills was, that the emoluments of some of the offices had proved much greater than was originally intended. Now this circumstance existed more strongly in 1812, and was equally well known to the noble earl then as now; but at that time he did not think it any reason for agreeing to the abolition bill. The noble earl had spoken of a noble marquis (Camden) who had given up some of the emoluments of his office. He thought, however, that that noble marquis was by no means called upon so to act. The office was given as a reward for the meritorious services of his father, and he was justly entitled to all it produced; but it was curious enough, that the noble Secretary of State should be anxious for doing away such offices in proportion as their income was diminished. In 1812, when the emoluments were great, he was for preserving them. In 1817, when the emoluments were reduced, he thought that they ought to be abolished. At the assemblies in *Spafields*, and other meetings which had greatly alarmed some of their lordships, the offices of the noble marquis, and of a noble earl on the cross bench (lord Arden), had been made important topics of declamation. Was it that sort of popular clamour which had induced the noble Secretary of State to change his opinion? He had indeed pointed out some trivial differences between the measure of 1812 and the present; but if he had approved the principle of the abolition-bill, might he not have procured alterations of the particulars to which he objected in the Committee? His objections were not sufficient to account for his opposing that measure altogether, since he thought it right to support this. Reverting again to the information before their lordships, as to the grounds on which this measure was proposed, he must insist that it was most frivolous and inconclusive. The Committee, it appeared, was appointed to consider of the revenue and expenditure of the country; and, on reading the recommendation given to the Committee, no person would suppose that the proposing a mea-

sure of this kind could have been the result of their labours. At a time when it was admitted that the annual deficiency in the revenue amounted to 15,000,000*l.*, it was perfectly ridiculous to talk of the paltry saving which would be produced by the abolition of the offices in question. Their lordships would recollect, that they had already refused to abolish the offices of Chief Justice in Eyre: these offices, however, the Committee of the House of Commons had proposed to abolish, without assigning any new ground whatever. The Report stated, "that the view which the Committee have taken of the two offices of Chief Justices in Eyre, north and south of Trent, is, that they may be abolished without detriment to the public service." He should be glad to know what there was in this to induce the noble Secretary of State to change the opinion which he held in 1812, or for the House to concur with him in his change. If the Report had mentioned an abuse with respect to the appointment to these offices, or any other thing of that sort, something like a ground for a change of opinion would have been laid; but all that the Committee of the other House stated was, that "they have taken a view that these places ought to be abolished." To which their lordships might answer, that in 1812 they also took a view that the same places ought to be continued. But it was curious enough, that this view taken by the Committee was not only a reason for abolishing these two offices, but several others; for, because they had taken a view of the offices of Chief Justices in Eyre, north and south of Trent, they came to the conclusion, that the offices of Clerk of the Pells, the four Tellers of the Exchequer, the Auditor of the Exchequer, the Warden of the Cinque-ports, and the Governor of the Isle of Wight should be abolished. Unless their lordships were supposed to be idiots, they could not be expected to be convinced by such reasoning as this. The noble earl had stated, that such of these offices as required duties to be executed should be regarded as offices connected with the management of the public accounts, and in no way political. In this opinion the noble earl concurred with the Committee, but he seemed to have forgotten, that some of these offices were places of great trust and responsibility, and ought therefore to be held by persons of high station and rank. This was what the noble earl thought in 1812, and he had stated no sufficient reason for supporting the contrary opinion on this occasion. He thought he could convince the noble earl, and the other noble lords near him, that they ought to adhere to the same opinion on this subject which they held in 1812; and his noble friends who wished to support these abolitions, that they ought to oppose them. He supposed that those who supported the present question must do it either upon the supposition that these abolitions would diminish an improper influence of the Crown, or that they would be advantageous in the way of economy. Much had been

done in the present reign, in the way of diminishing the influence of the Crown in Parliament, without having produced any beneficial effect to the public. No less than 72 offices had been abolished, and 39 regulated. In early life he had acted conscientiously with Mr. Burke, in the bills which he introduced on this subject; but he had since had reason to think that he then acted on erroneous views. He had on a former occasion shewn, that during the administration of Sir Robert Walpole there were 118 more place-men in the House of Commons than at present, and yet public liberty was more secure at that time than it was now. The taking away these offices was with him a cause of alarm, when he considered the power of the Crown over the administration of an enormous revenue, in creating *rs* in that House, and in making peace and war. With all these powers undiminished, the influence of the Crown must necessarily be exercised in a manner much more disadvantageous to the public interest than it was during the existence of the numerous offices which had been abolished. These offices were the channels through which the influence of the Crown was formerly exercised. Since their abolition Ministers had sought for agents of another description, and to that was, in a great degree, to be attributed the enormous war expenditures which the country had sustained. Were the moluments of these places to be at all compared with the debt contracted in one year of war? And was it prudent to place men in circumstances in which they must be exposed to such a temptation? In Sir R. Walpole's time, the country had sustained no injury from the House of Commons being crowded with place-men; but let their lordships look at the present situation of this and the other House, and recollect the numerous expensive wars that had been undertaken, and then ask themselves what benefit was likely to arise from the abolition of places? He opposed the measure, because he was convinced that its effect would be to increase the influence of the Crown in its most baneful direction. He was sensible that it was dangerous to increase the influence of the Crown, but there was a salutary influence of which it ought never to be deprived. Much had been said on the necessity of keeping the other House of Parliament free of any influence, and their lordships' House also free, and each House independent of the other. All this was very fine in theory; but if reduced to practice, it would make the British Constitution the worst that ever existed. It was absolutely necessary that the three branches of our Government should have an intimate connexion with, and dependence on, each other. In the best times of the Constitution, the influence of the Crown had been greater than at present. It was remarkable, that the economical reformers, with whom measures of this sort originated, never seemed to think of the evil consequences of the influence possessed by the Crown in the management and collection of an immense reve-

me: they wished to abridge that influence which was exercised through the medium of rank and property, and increase it in the most pernicious way in which the influence of a Government can exist. He could not but deeply deprecate measures which forced Ministers to go to the middling and lower classes to exercise directly among them that influence which formerly used to be obtained indirectly, through the medium of persons of fortune and distinction. The influence was now applied to persons in the most dependent situations, who looked to it for the means of existence, and who were of course incapable of resisting official temptations. On this subject it was necessary to speak out the truth. Before the alteration in our system was produced by the abolition of places, Ministers never, except on occasions of great importance, found any difficulty in carrying on the public business in the House of Commons. Now, on the contrary, there were always abundance of gentlemen ready for opposition on every question, to the great inconvenience of the Government, and very seldom in any degree to the advantage of the country. The consequence of this practice was, that the men who were responsible for their conduct were constantly obliged to regulate themselves by the proceedings of those who were in no way responsible for what they said or did. For these reasons he was induced to give his opposition to the motion.

The Earl of *Harroby* could not agree with the inference of the noble earl, that because his noble friend had voted against the abolitions proposed in 1812, he ought to vote against those now under consideration. In the present case the measure had assumed a very different shape: formerly all that was to be done was proposed in one bill; now the measures were brought distinctly forward, and could be considered separately. The nature of the compensation was also different. The noble earl had stated, that the reason why Sir Robert Walpole had no wars was, because the influence of the Crown was in his time great; and that the reason there had been many wars since was, because that influence was diminished. This was a proposition which, in his opinion, required only to be stated to prove its absurdity. His argument went to shew that the influence of the Crown ought to be exercised through other channels than those in which it was at present directed; but he ought to consider, that a complete change of opinion had taken place in the country as to the manner in which that influence ought to operate. Within the last 30 years there had certainly been about 30 offices taken away, but they were either offices in which no business was done, or such as had been greatly overpaid. The real difference therefore was, that while those offices in which no business was done were abolished, those of actual business were increased. It was absurd to say that they should all continue to exist, those without as well as

those with duties to be performed. The clamour of the *Spafields* meetings, or of any assemblage of that description, was not to be regarded; but he believed that the measure now before their lordships had the approbation of all the loyal and well disposed part of the community.

Lord *Redesdale* saw nothing in this new measure to induce him to alter the opinion which he had formerly expressed on the subject of sinecures; he thought the principle destructive of a part of the Constitution, and that it rendered the King the only person in his realm who was incapable of conferring a personal favour. The principal objection urged in 1812 and 1813 was, that the House was not sufficiently informed upon the question; that objection had prevailed; and what had since been discovered—what new lights had since been procured to lead to any other conclusion? Was the House at all better instructed now, or had any attempt been made to acquire intelligence? With regard to sinecures, his lordship admitted, that the important duties formerly connected with the offices had not of late years been executed, but at any future period the individuals holding those places might be called upon to fulfil them. Some of them had high judicial functions annexed to them; and would the House consent that they should be assigned over, on the sudden, and without investigation, to the department of the woods and forests, which itself had been much misrepresented? Never had a more unjust cry been raised against any thing than against the forest-laws of this country, which were peculiarly favourable to liberty, when rightly understood. The office of Chief-Justice in Eyre fell under the same consideration as other places mentioned with it. One of the principal provisions of the bill was the abolition of the offices of Teller and Auditor of the Exchequer, which had been originally instituted for the control of the Treasury; yet now, by a singular perversion of the system, the deputies (who in future were to discharge all the functions) were to be made subject and subservient to the Lords of the Treasury.—After an examination somewhat in detail of the minuter provisions, his lordship concluded by warning the House not to yield to popular clamour. It was the duty of Parliament to listen to the wishes of the people, calmly and soberly expressed; but it was equally its duty to submit to nothing that bore the appearance of intimidation.

Earl *Gravenor* admitted, that a debate upon this subject could not be of the liveliest description: the question had been frequently discussed, both on principle and in detail; but at present the House was not prepared to enter minutely into the particulars of the measure. His lordship was rejoiced that the bill now came forward under more favourable auspices; not indeed that any praise was due to Ministers, or to himself, and those who had persevered in calling the attention of Parliament to the subject; the credit belonged to the nation,

who, with one voice, claimed that sinecures should be abolished. The House was not indebted for the measure to popular clamour, which one noble lord had censured, but to the good sense of the country, expressed in every petition laid upon the table for a redress of grievances. The noble lord who spoke last had talked of his resistance to the bills of 1812 and 1813; but he seemed not to recollect that then he had only opposed them in principle; now he had gone into the detail: but he did not appear to be more happy in the one than in the other. He (Lord Grosvenor) objected principally to the clause of compensation, which he saw in the bill before the House. The pension list at present amounted to 230,000*l.* and he did not see any reason for casting new burdens upon the people. One noble earl had argued that this measure rather increased than diminished the influence of the Crown: but, at least, it diminished, on the whole, the weight which the nation had to sustain. The influence of the Crown had, indeed, of late years, most lamentably spread into all the employments of life—it came home to the business and bosoms of all men, no place was free from its visitation, and that chiefly from the immense enlargement of the revenue:—it

Lives thro' all life, extends through all extent,
Spreads undivided, operates unspent.

Yet even allowing that the bill upon the table augmented the influence for the present, that influence could only be of short duration; it would not be hereditary, as was now not unfrequently the case. It was singular, after the opposition which the bills he had introduced had met with from the other side of the House, that the present bill should originate with the Treasury bench; that some noble lords there sitting should stand forward to support it; and he hoped, in this age of constructive and fine-drawn treasons, he should not be supposed to be committing a crime of a very heinous nature, if he ventured to oppose one part of it.

The Lord Chancellor said, that if the noble earl who had just taken his seat supposed that the present bill was at all like that of 1812 and 1813, he was most egregiously mistaken: there was not the slightest similarity. He had preserved the bill of 1812 and 1813, as one of the greatest legislative curiosities ever exposed in a House of Parliament; and he would venture to assert, that, in the course of 50 centuries, so much absolute nonsense would not be brought forward. If the noble earl would say that he understood it, or would produce any man in the kingdom who would say that he understood it, he (the Lord C.) would vote in its favour, if the noble lord proposed it again to-morrow. Such a parade of miserable jargon never before defaced parliamentary parchment. Some noble lords had referred to the authorities of Sir M. Hale and Lord Coke; but he wished the noble lord who spoke last to consider what those two

great men would have said upon certain grants of land and valuable leases, whether they were not in reality the greatest sinecures in the country. (*Hear, hear.*)

Lord Erskine rose, and warned their lordships against the augmenting power and weight in the balance of the Constitution which the other House of Parliament was acquiring, and which was exemplified by the fact, that it had the power of removing any Minister the Crown thought fit to appoint. Above all, their lordships ought to take care that it did not improperly yield, because the other House, session after session, besieged it with the same bills, or at least with bills having the same principle. It was necessary first to inquire who made the demand that sinecures should be abolished, and next, what was the precise nature and object of that demand? If both these were examined, it would be found, that there was no pretence for the measure now submitted. There was a wide difference between complying with the wishes of the people in reasonable matters, and suddenly consenting to such an alteration of the fixed Constitution, as deprived the King of a power which he had hitherto at all times possessed.—His lordship then called the attention of the House to the distinction between mere pensions, and offices of high dignity for the reward of distinguished services; and compared the latter to architectural ornaments, which, while they increased the beauty, added to the strength and solidity of the edifice. He argued that, if sinecures were abolished, the people would not in fact be gainers, as the fees of the offices would not be diminished. Considering the power which the House of Commons possessed, it was necessary that the Crown should possess a certain degree of influence and weight among the leading individuals of the realm.

Lord Arden was sorry he could not concur in the principle of the bill. He considered sinecures as a means vested in the Crown for repairing the misfortunes of noble families, torn and destroyed by the injuries of time. The present bill went entirely to deprive the Crown of those means, and to substitute nothing for them. He had no doubt his noble friends were actuated by honourable motives; but in this instance the interest of Ministers was in direct opposition to that of the Crown. Viewing the bill as operating a great change in the condition of the Crown, he could not conceive how the House could accede to such a measure, and he thought that they had not shewn the Throne due respect in countenancing it so far.

Earl Bathurst, in reply to the objection that this bill went to take offices out of the gift of the Crown, observed, that it was unconstitutional to suppose that the Crown would dispose of any office without an accompanying responsibility; but the offices of Auditor of the Exchequer and Clerk of the Pells were not in the gift of the Crown, but in that of the Treasury. As to the objection that pensions, being

a matter of right, would call for no gratitude from the objects of such bounty, this might have been so under the former bill; but at present the number of pensions being limited, the Crown would exercise a selection, and the objects of such selection must always be beholden for the preference.

Lord *Lauderdale* was proceeding to explain, when

Lord *Harrowby* rose to order, as the noble lord was transgressing the bounds of explanation.

The House then divided on the question, whether the bill should be committed, when the numbers were—

Content . . . 27

Not-content . . 7

Majority . . 20

The bill then passed through the Committee, and some amendments having been agreed to, the Report was brought up.

The Exchequer Offices bill was committed and the Report brought up; as were the bills for the Abolition of the Offices of Chief Justice in Eyre, north and south of Trent, and Warden of the Cinque Ports; and a bill for the Abolition and Regulation of certain Offices in Ireland and Scotland.

HOUSE OF COMMONS.

Monday, June 30.

SUSPENSION OF THE HABEAS CORPUS ACT.]

A Message from the Lords announced, that they had agreed to the amendments made by the Commons to this bill.

Another Message required the Commons to attend the Lords Commissioners. The House went: and being returned, Mr. Speaker reported the Royal assent to this bill, and several other public and private bills.

The Election Laws Amendment bill was read a second time, and committed for Wednesday.

USURY LAWS.] Mr. Serjeant Onslow moved the order of the day for further considering the Report of the Usury Laws Repeal bill.

Mr. *Calcraft* observed, that as this bill went to alter the nature of money transactions in this country, it deserved the most serious consideration, which, at present, the House could not bestow upon it.

Sir *H. Parnell* said, that the popular opinion on this subject resulted from what had been established many years ago. He highly approved of the measure, and hoped the learned serjeant would persevere in urging it.

General *Michell* thought it was highly expedient to prevent usury, and to keep young men from being robbed. He was against any thing that would legalize fraud, rapine, and extortion, and should therefore move, that the Report be taken into farther consideration upon this day three months.

Irish Grand Jury Presentment Bill. [1718]

Lord *Castlereagh* said, he thought the question too large to be discussed at the present advanced period of the session. The reasons in favour of the bill were certainly very strong.

Mr. Serjeant *Onslow* observed, that he was not insensible to the state of the session. He had heard nothing to shake his opinions on the measure, but he had no objection to postpone the consideration of it.

Mr. *Baring* said, the debate on this question had not been much attended to; but it was a question of great importance. Some alteration in the Usury Laws was indispensably necessary. During the war, when Government were borrowing at more than 5 per cent. interest, no landed proprietor could get money at less than 10 or 12 per cent. interest. The commercial classes of society, from their habits, could easily evade the Usury Laws. He had known many instances of this. He wished to check usury on money raised on expectancies and reversions, and thought that prospective contracts should be considered.

The consideration of the Report was put off for three months.

DROITS OF ADMIRALTY.] Mr. *Abercromby*, in behalf of Sir *J. Mackintosh*, whose motion on this subject stood for to-morrow, stated, that his hon. friend was anxious to make way for the discussion on the finances, and therefore wished his motion to stand over for an early day in the next session.

IRISH GRAND JURY PRESENTMENT BILL.]

Mr. *V. Fitzgerald* moved that the Report of this bill be taken into further consideration.

Sir *F. Flood*, who, on a former occasion, said a few words, the import of which was understood to be in favour of the bill, now rose and opposed it. It implied that the conduct of grand juries had been improper, which he would never admit. It was an enactment against prudence, economy, and every principle which both sides of the House had so warmly promoted during the session. It created 36 officers, who were to be appointed by the Government, and the people of Ireland, who were in a state of starvation, were taxed with 15,000*l.* to pay them. Those officers were called surveyors of the county. They were to survey the county, to send what presentments they pleased to grand juries, and to say what the grand juries should pass and what they should not. Five magistrates were to dictate to a grand jury! What an insult was this to the gentlemen of the county who represented the property of the county! It was to take away from them the power which they had exercised since the 36th of the King, and to give it to 36 new men, in new offices unknown to that country. This extravagant, this insulting measure, he would oppose with all his power.

Mr. *Abercromby* supported the bill, because he conceived it to be singularly calculated to promote the domestic prosperity and welfare of Ireland. It was in the first place a remedy to the abuse of oaths. He read from the evidence

given by the right hon. gentleman (Mr. V. Fitzgerald) before the Committee, a statement, shewing that perjuries as to roads and presentments were so frequent and familiar, that they were not regarded as so criminal as other perjuries. In the second place, this measure would operate against the spirit of jobbing, which at present prevailed in grand juries, and which was very hurtful to the interests of the country. The other great advantages of the bill respected the manner of conducting business by grand juries. At present it was utterly impossible for grand juries to get through their business. He again read from the evidence of the right hon. gentleman a conversation he had had with the present Solicitor-General for Ireland, than whom there was no man of a higher character, or more respected for talents and integrity. It appeared, that in the county of Tipperary the grand jury were obliged to sit 19 hours every day; and although no criminal indictment, and no cases connected with the judicial administration, were considered by them, they could bestow only two minutes upon each presentment. The bill went to correct this evil, by establishing a previous investigation at Quarter Sessions by persons whose knowledge, experience, and local information, qualified them to investigate fully the necessity of any measure proposed, and the most economical mode of carrying it into effect. A great collateral advantage would be, that the character, and weight, and authority of Quarter Sessions would be raised. It was well known that the Quarter Session was generally held by a person called the barrister-assistant. He again referred to the evidence of the right hon. gentleman, to shew the impossibility of traversing any bill by the present system. No opportunity of traversing was given till one or two in the morning; and then there was such a multitude of bills passing through the hands of the judge, that it was impossible to know whether the one to be traversed was passed or not. He would appeal to the House whether it was fitting that the people should be taxed to support such a system. The hon. baronet had objected to the expense. The whole principle of the bill was a principle of economy. It provided that no money be raised without ascertaining the necessity of the object, the suitableness of the proposed measure, and the most economical mode of effecting it. The hon. baronet had also objected to the 36 surveyors. This might be inconvenient, but he thought it the best means of ensuring the purpose of the bill. The question was, whether the magistrates could perform the whole business without the surveyors. He should be happy to hear the opinions of gentlemen acquainted with the state of Ireland on that point, when they went into a Committee: but he thought surveyors infinitely preferable to the conservators.

Sir G. Hill strongly objected to the partial nature of the evidence on which it was thought proper to pass this measure for the whole king-

dom of Ireland. Evidence had only been examined with regard to sixteen of the counties of Ireland, none at all respecting the other sixteen. In eleven of the sixteen with regard to which inquiry had taken place, no abuses were found in the former system of grand jury presentments; in the other five, it could not be denied that abuses were found; but the whole system ought not to be changed on such limited causes of complaint, nor ought the rest of Ireland to be condemned unheard. He objected to the clauses of the bill which admitted the clergy and the nobility to decide on county works, and to be members of the grand jury in making such presentments. He wished the bill to be printed, and sent to Ireland, to be considered, and to obtain the opinion of the country on its provisions before it passed. With this view, he proposed an amendment, that the said Report be taken into further consideration on this day three months.

Mr. Peel said, he could see no reason why the clergy, as magistrates and proprietors, whose property would be affected by grand jury presentments on county works, should be excluded from the grand jury. They were not to occupy a place there as clergy, but in their other capacities: neither could he agree to the propriety of excluding peers who did not sit in the other House of Parliament. It had been held by the twelve judges, that an Irish peer who held a seat in the Commons' House of Parliament was considered as a commoner, and could exercise his functions as such. Whatever might be thought of this decision, peers who were not either House should be allowed to act as members of the grand jury where their property was concerned; and the more especially, as they were excluded from the exercise of other acts of power which peers of Parliament and commoners could exercise. It might be important to state, that the grand juries of Ireland had an uncontrolled power of imposing taxes for county purposes: but although their functions, in this instance, resembled those of that House itself, they were far from being the fair representatives of those over whom they exercised this authority, being elected by the sheriff alone, and differently constituted from any other body in the United Kingdom which had the power of imposing taxes. The bill, however, did not deprive them of this power, but merely established some degree of check over its exercise, by rendering it necessary that presentments should be subject to the examination of the magistracy. It did not provide that they should have a negative upon the decision of the grand juries, but that it should be submitted for their approbation. It was to be recollected, that the magistracy was a permanent and responsible body, whilst the business of a grand jury often terminated on the first day of the assizes. The bill also provided that a civil surveyor should be appointed to every county, an office which he thought must be considered necessary, when it was understood that the whole average annual

sum raised in Ireland in this mode, and for county purposes, amounted to 1,000,000*l.* It had been admitted in evidence received by the Committee, that there was not, in general, time at the assizes for getting through the criminal, much less for transacting the civil business of the county.

Mr. *Ponsonby* thought that such of the clergy as were in the commission ought to be allowed to attend at the examination of the presentments, because the larger the attendance the greater the advantage. The bill introduced by the late excellent Mr. Horner had been attended, as he knew from personal observation, with the most salutary effects in many counties in Ireland. In giving, however, his cordial support to the general principles of this measure, he felt himself bound to object to that part of it which related to the appointment of county surveyors. He considered such officers as likely to grow up into formidable persons, and to become the instruments of political jobbing, after being in the first instance the creatures of favour and patronage. In any case the clause ought not to stand in its present naked form, but should be attended with some precautions against the danger of abuse.

Sir *N. Colthurst* expressed an opinion that the summer assizes would be preferable to the spring assizes for the trial of the presentments in question; and was disposed, as well as the right hon. gentleman, to object to the appointment of a county surveyor, as he considered the duties of the office would be infinitely too great to be discharged by an individual.

Mr. *V. Fitzgerald* thought the appointment of this officer was one of the essential principles of the bill. It was founded, as well as every other important provision contained in it, on the Report of the Committee, of whose recommendations he considered himself merely as the organ in the introduction of this measure. He believed it was calculated to be extremely useful, and that the House could not give a more acceptable pledge to the people of Ireland of its vigilance over their welfare, and its disposition to defend and promote their interests.

Sir *H. Parnell* said, it was highly necessary there should be some public officer, whose duty it should be to take care that the money levied by the Grand Jury was properly and beneficially expended. The measure, whether bad or good, did not originate with the hon. gentleman opposite (Mr. Cooper) but in another quarter. He agreed with the right hon. gentleman in thinking that it was not likely the appointment would ever degenerate into a political job.—The bill was a most important one with respect to the good it would do in Ireland, and he was quite sure if it did not pass this session, they would have numerous petitions presented next session, complaining of the evils of the present system.

Mr. *Daly* suggested the propriety of recommitting the bill.

Mr. *V. Fitzgerald* said, he had no objection to a recommitment of the bill, upon a fair understanding that it should be only for the purpose of introducing certain amendments, and not for discussing the principle of the measure; because, at this late period of the session, if any obstruction was interposed it might be fatal to the passing of it.

Sir *S. Romilly* observed, that understanding from many hon. gentlemen who were better able to form a correct opinion upon the subject than he could do, that the measure was likely to be productive of infinite good to Ireland, he should persuade the right hon. gentleman not to yield to any suggestion for delaying its progress. Any alterations which were thought necessary could be proposed upon the third reading.

Mr. *Courtenay* hoped no advice would be listened to, which might, by possibility, risk the passing of the bill during the present session, but that the right hon. gentleman would press it through the present stage.

After some farther conversation, the *Speaker* remarked, that as some time had been already lost, it was incumbent on the House to determine what course it would pursue. If the House would give him leave, he would suggest that the recommitment on Wednesday need not delay the third reading of the bill more than one day.

The immediate questions were then withdrawn, and the bill was ordered to be recommitment on Wednesday.

NAVY ESTIMATES.] The House having resolved itself into a Committee of Supply,

Sir *G. Warrender* observed, that in rising to propose certain grants for the further naval service of the year, it was his intention to abstain from all details, and to reserve himself for such explanations as the inquiries of any hon. member might render necessary to the due understanding of the estimates. The clear and able Report of the Finance Committee had furnished so distinct a view of all the various branches of our naval expenditure, as to make this the most advisable course he could pursue on the present occasion. He should, therefore, simply move that a sum not exceeding 1,333,311*l.* 13*s.* 3*d.* be granted for defraying the expense of the ordinary establishment of the Navy for seven lunar months, commencing 18th June, 1817.

Sir *C. Pole* complained of the parsimonious provision made for the widows of naval officers who had fallen in action; and compared them with the pensions and allowances granted to the families of persons employed in the civil service of the navy.

Sir *G. Warrender* assured the hon. baronet that the civil pension list was about to undergo the revision of Government, in conformity with the recommendations of the Finance Committee. With respect to the rate of other allowances, they were in many cases undoubtedly small;

but they bore the same relation to the rank of the parties as the allowances of the army, and were, in fact, as large as the present circumstances of the country would permit. Whenever the time should arrive for the reconsideration of the subject by Parliament, it would certainly be expedient that both services should be reviewed together.

Mr. Calcraft, after complaining that the flag officers of the navy were not in all respects on the same footing as officers of a corresponding rank in the army, observed that his late colleague (Sir T. Thompson), whose pensions on retiring had been formerly discussed in that House, had, at a period several months subsequent to the explanation then made on the subject, received another pension of 600*l.* a year. His own belief was, that this was granted in repayment of the expenses incurred by the gallant officer in the Rochester election. (*Hear, hear.*) He certainly had been allowed to retire with a very large provision, his different pensions and offices not amounting to less than 3,000*l.* a year, a sum as large as that received by Lord St. Vincent or any other admiral.

Sir G. Warrender observed, that the hon. baronet's former pensions on account of his professional services, and the wounds he had received, could scarcely be intended to be called in question. He had filled the laborious office of Comptroller of the Navy for 12 years, and had entitled himself to the pension enjoyed by his predecessor, of 1,500*l.* a year. With a view of saving 900*l.* a year to the public, the First Lord of the Admiralty had sacrificed a piece of patronage, and appointed Sir T. Thompson to the Treasurership of Greenwich Hospital, to which a salary of 900*l.* was annexed, and the pension of 600*l.* was given to make up the sum of 1,500*l.*

Mr. Calcraft asked, why then had the appointment to the treasurership taken place in June, and the pension not been granted until September?

Sir G. Warrender assured the hon. gentleman that the whole arrangement was in contemplation from the commencement, and that the delay in assembling of a council, an order from which was necessary, had been the cause of the postponement of the grant of the pension.

Sir G. Hope and Mr. Graker confirmed the statement of the hon. baronet.

The resolution was then agreed to.

Sir G. Warrender moved that the sum of 60,000*l.* 1*s.* 4*d.* be granted for defraying the extraordinary expenses of the navy for seven lunar months.

Sir J. B. in answer to a question put to him, said, it had become absolutely necessary to carry on the breakwater at Plymouth more slowly, the spot of the work having been destroyed by the sea, and it being evident that a greater degree of consolidation was necessary to make it answer its purposes. He thought, therefore, that a part of the funds originally

appropriated to this undertaking had been prudently withdrawn, and might hereafter, in a more prosperous state of the revenue, be reapplied to its completion.—The resolution was agreed to.

The next resolution was, that the sum of 300,000*l.* be granted, "for the purchase of provisions for troops and garrisons on foreign stations and the value of rations for troops to be embarked on board ships of war and transports, for 1817."

Mr. Rose said, he wished to take the opportunity afforded to him by this Committee, of referring to a petition lately presented by an hon. and learned member, (see page 1635,) from a seaman named Dennis Sullivan, and which stated positively that the petitioner had applied to him in vain for the recovery of some prize-money: he could assure the Committee that there was not the slightest truth in this statement. The petitioner had applied to him in November 1814, for the recovery of prize-money to the amount of 5*l.* 4*s.* 6*d.*, and he had immediately written to the agent, who remitted the money. Dennis Sullivan then complained to him a second time, that deductions to the amount of 7*s.* 6*d.* had been made from the sum due to him. He was far from thinking this charge too insignificant for notice; he had closely investigated the particulars, and found that it was a perfectly reasonable charge, being made up of 2*s.* 6*d.* commission, 1*s.* stamp, 1*s.* 6*d.* for the order, and 1*s.* 9*d.* for postage. Mr. Sullivan indeed declared that he did not mind the money, but that his object was to protect his brother seamen, and to get the agent overhauled. (*A laugh.*) Now he could assure the Committee that those persons were already pretty well overhauled: he had two in gaol, several had fled, and proceedings were going on against their sureties. He had since received for the same individual two other sums of 1*l.* 8*s.* 6*d.*, and 3*l.* 6*s.* 6*d.*, for which he had given receipts, and for which he had expressed himself satisfied. No complaint of ill treatment by a seaman was left unexamined; but the truth was, that they were hardly more remarkable for their spirit and perseverance than for a carelessness of their own affairs, and were thus frequently disposed to make unfounded complaints through ignorance of their real situation. Three gentlemen alluded to by name were remarkable for their civility and attention. No human being could have applied to any of them that was not treated with civility. If any thing further should be said in the discussion of the subject, he would produce the correspondence that took place.

Sir G. Warrender said, that a person representing himself to have been severely wounded had applied to Mr. Dyer, (one of the three gentlemen above alluded to), but it turned out that he had been only one year in the service, and that the wound occasioned him no material injury; he had been only seven days unfit for

duty. He had, therefore, obtained no pension. He had met with no indignity; but one O'Hara, who called along with him, first on Mr. Dyer, and afterwards on himself, had behaved himself so improperly that they were obliged to order him out.

Mr. C. Wynn, Sir C. Pole, and Mr. D. Gilbert bore testimony to the attention, humanity, and zeal, of the right hon. gentleman to do justice to all who applied to him.—The Resolution was agreed to.

Mr. *Arbuthnot* then moved, that 7,614*l.* be granted, "to complete the original estimated Expense of the Works at Holyhead Harbour for the present year."—Also 450*l.* "to defray the Expense of making a Landing-place at Port Devargh, on the Hill of Holyhead, for the Landing of the Mails from the Packets by Boats, when the wind does not enable them to reach the Harbour in time to land the Mail by the Coach, for the present year."—Also 8,951*l.* or 6*d.* "to defray the supplemental Charge for Miscellaneous Printing done by order of the House of Commons in the Session of 1816."—Also 40,000*l.* "to defray the extraordinary Expenses of the Mint in the Gold Coinage for the year 1817."

Mr. *Bankes* asked whether the coinage was all finished, as the charge was thus precisely stated?

The *Chancellor of the Exchequer* said, that the estimate was formed upon the principle, that the charges for each month should be the same. The amount was four millions some odds, and the time proposed nine months.

Mr. *Ponsonby* asked whether Ministers intended to introduce the new coinage into Ireland?

The *Chancellor of the Exchequer* replied, that next Session steps would be taken for reforming the coin in Ireland, and for assimilating it to the coin of this country. Government meant afterwards to reform the currency as well as the specie in Ireland.

Mr. *Ponsonby* hoped that the greater measure would be in their view as much as the less.

The *Chancellor of the Exchequer* said, the one would be a step towards the other; but for obvious reasons he could not be more explicit at present.

These several Resolutions were agreed to.

Mr. *Arbuthnot* then moved, that the sum of 20,000*l.* be granted, "to defray the Expense of improving sundry portions of the Holyhead Roads."—Also 600*l.* "for paying off and discharging on the 10th day of October, 1817, certain Annuities granted by two Acts of the 27th and 42d years of his present Majesty."—Also 28,000*l.* "for defraying the Expense of maintaining and repairing the British Forts on the coast of Africa for the year 1817."

Mr. *Gordon* observed, that those forts had been originally intended for the protection of the slave trade; that on the abolition of that trade they were applied to the protection of general commerce,

which purpose they in some measure effected; but there was an inconvenience in the present system of government. The governors were themselves traders. He wished that Ministers would appoint the governors, leaving to the company to appoint inferior officers: or if the Government would appoint the whole, it might be as well. That country could be improved only by commerce, the parent of civilization. Schoolmasters should be sent thither; and communications ought to be opened with the Ashantee country. These remarks he ventured to make, although the Committee on the subject, of which he was a member, had not yet made their Report. He would mention too, as a commercial consideration, that the Committee recommended that the duty on palm oil should be reduced, and the duty on ivory altered. At present, as the duty on large and small teeth was the same, only large teeth were imported. A duty *ad valorem* would be an improvement.

Mr. *Arbuthnot* explained why the estimate was proposed before the Report of the Committee was given in.

Mr. *Marryat* said, the company were most intelligent and judicious men, and conducted their affairs in an economical and men-of-business like manner. Their secretary was eminently qualified for such a situation.

Mr. *Gordon* hoped, if the company should be abolished, that the secretary would have an appointment in the new arrangement.

The Resolutions were agreed to.

Mr. *Arbuthnot* next moved, that the sum of 3,000*l.* be granted, "for the Board of Agriculture for the year 1817."—Also 207,832*l.* 7*s.* "for defraying the Charge of the Disembodied Militia of Great Britain for the year 1817."—Also 124,522*l.* 17*s.* 5*d.* sterling, being 134,899*l.* 15*s.* 6*d.* Irish currency, "for defraying the Charge of the Disembodied Militia of Ireland for the year 1817."

The House then resumed, and the Report was ordered to be brought up to-morrow.

On the motion of Mr. *Arbuthnot*, the Committee on the Lyme Regis Harbour was revived, and several new names were added.

Mr. *Croker* obtained leave to bring in a bill to ascertain the right of Greenwich Hospital to prize-money and droits of Admiralty. The bill was necessary on account of the expression "during hostilities" in the act on the subject which had been introduced by Lord Grey.

IRELAND ELECTION LAWS BILL.] This Bill was read a third time. On the motion that it pass, Mr. *Dominic Browne* brought up two clauses, which were added as riders.

Sir G. Hill proposed a clause, which Mr. *Ponsonby* opposed, as unfavourable to the impartiality due to candidates at elections.—The right hon. gentleman said, it was highly desirable that there should be a fair registry.

Mr. C. Wynn was aware of the statute-law on the subject in Ireland; but he was bound also to consider the old statute-law, which prevented

a sheriff from keeping the poll open beyond the appointed time.

After a few words from Mr. D. Browne, Mr. Craker observed, that the bill must be subservient to the general law, as to the return.

The question was called for, but no division took place, and further proceedings upon it were adjourned till to-morrow.

MARRIAGES SOLEMNIZATION BILL.] This Bill was read a second time, and committed for to-morrow.

[The House was about to proceed with other business, when the question of adjournment was put and carried, and strangers were excluded from the gallery, and the lobbies and passages, in consequence of the sudden indisposition of Mr. Ponsonby, who was stricken with a paralytic affection, which deprived him of the powers of speech and motion. His situation was, for some minutes, unperceived by the House. Mr. Arbushnot first discovered it, and immediately moved the adjournment. Mr. Ponsonby was conducted to the room of the Speaker's Secretary, and medical assistance was procured. He was there let blood, and, after this relief, regained the faculty of utterance. At half past twelve o'clock the right hon. gentleman, accompanied by Earl Grey, who had been sent for, was removed in the Speaker's chair to his house in Curzon-street*.]

HOUSE OF LORDS.

Tuesday, July 1.

The Irish Insurrection Bill, and Irish Sheriffs Bill, were read a third time and passed.

DIVORCES.] The Earl of Lauderdale stated, that it was not his intention to propose to their lordships any farther proceedings on Millar's Divorce Bill. The ground on which he abandoned the bill was, the doubt which was entertained whether such a bill could be passed consistently with the general principles which governed their lordships' proceedings in such cases. He was anxious to have it understood, that this was the only ground for his giving up the bill. As to Mr. Millar, a near relation of his, under whose government Mr. Millar had lived, had given him the highest character in every respect. There was no imputation whatever on

On Tuesday, the 9th of July, Mr. Ponsonby expired. He was the second son of the Right Hon. John Ponsonby, Speaker of the Irish House of Commons, and consequently brother to William, the first Lord Ponsonby. He was born on the 15th of March, 1753, and in 1780 was called to the bar. In 1782, he was presented with a silk gown, and made first Counsel to the Commissioners of the Revenue. He was then brought into the Irish Parliament. In 1806 he was appointed Lord Chancellor of Ireland, which situation he resigned when his political friends ceased, in 1807, to be in the reign of Government, and he had ever since been what is termed the leader of the Opposition in the House of Commons.—For his character as a Statesman, see the proceedings of the House on the 11th July.

the conduct of Mr. Millar; but it was dangerous, under all the circumstances of this case, to pass such a bill; and therefore he moved, that it be committed this day three months, which was ordered accordingly.

TITHES LEASING BILL.] The Duke of Gloucester presented a petition of the Vice-Chancellor and Scholars of the University of Cambridge against this bill. The petitioners could not view this interference with Church property without alarm, and they prayed that the bill might not pass into a law.

The petition was read and laid on the table.

NAVAL AND MILITARY OFFICERS' OATHS BILL.] This bill was committed and reported, without amendment.

ABOLITION BILLS.] On the motion of the Earl of Liverpool, the Abolition Bills were reported, with one amendment in the English and Irish Exchequer Offices Bill, and were ordered to be read a third time on Thursday next.

CLERGY RESIDENCE BILL.] The Archbishop of Canterbury rose to move the second reading of this bill. He observed, that, in its principle, and for the most part in its details, it was the same as the bill which had come before their lordships last Session, and which they had ordered to be printed and circulated. Its object was, to consolidate into one act all the laws which lay scattered in the statute book relative to spiritual persons holding farms, to the residence of beneficed clergymen on their livings, and the allowances to be made to stipendiary curates. The clergy would thus have the means of knowing the laws particularly affecting them.

The bill was read a second time, and committed for Thursday.

SHERIFFS.] The Earl of Donoughmore, adhering to the notice which he had given of his intention this day to bring the subject of the appointment of the High Sheriff of Tipperary under the notice of their lordships, stated, that upon consideration he had thought it the better course to embody what he had to say in the shape of a resolution, relative to the appointment of Irish Sheriffs generally. He should not therefore trouble the House with an introductory speech.

The noble earl accordingly read the resolution, which stated, in substance, that—It appearing by the reported debates in Parliament, that the responsible Ministers of the Crown had, in the course of last Session, both in that and the other House of Parliament, represented it to be the intention of his Majesty's Government to forego the patronage depending on the appointment of sheriffs in Ireland, and to render the appointment of sheriffs a subject of judicial proceeding, the fitness of the person to be appointed being the chief consideration, according to the practice in England:

And it appearing, that no act had been since done to place the appointment of sheriffs in Ireland on the same footing as the appointment of those officers in England, except that

an intimation had been given by the Irish Under Secretary of State to the Lord Chancellor of Ireland, that it was the wish of Government, that the appointment of sheriffs should be conducted according to the ancient practice, which established the principle that, in making such appointments, the public interests, and not the private interests of individuals, were to be consulted :

And it appearing, that the justly reprobated modern practice still prevailed, as had been exemplified in the case of the sheriff of Tipperary, who had excluded from the grand jury six most respectable gentlemen, and put six others in their place, for no reason that appeared except that the six gentlemen so excluded might be less favourably disposed towards the interests of the governing party :

And it appearing, that grand juries in Ireland were in the habit of making assessments to a very large amount on land, for the repairing of roads and bridges, and other purposes ; and that Ireland having, by the thoughtless profusion of those who had the management of finances, become unable to pay its quota of the interest of the general expenses of the nation ; and that, as Great Britain was obliged to pay the difference, it followed that the people of this country were directly interested in preventing an undue deduction by grand juries from the general fund for the expenditure of the United Kingdom :

And it appearing, that in this country the Habeas Corpus Act had been suspended, and that in Ireland persons might be transported for seven years without any trial by jury ; and that, therefore, it was of the greater consequence that the laws which remained should be executed in the manner most beneficial for the public ; and as the office of sheriff was the centre round which the administration of justice revolved ; and as it was, therefore, of the last importance that this office should be properly filled, in order to prevent the stream of justice from being poisoned at its source, and from being as little as possible corrupted by private interests or Court intrigue ;—that for all these reasons, the House would earnestly supplicate the Prince Regent, to give such directions as might be necessary for having the sheriffs in Ireland appointed by solemn decision of the judges called together for that purpose by the Lord Chancellor, they being as much responsible for such appointments as for any other judicial act.—The facts as to the sheriff of Tipperary, his lordship was ready to prove at the bar.

The Earl of *Liverpool* said, that the noble earl's motion seemed to embrace the whole business of the Session, and could not be adopted even if a resolution had been required. But with respect to the question of the appointment of sheriffs, the state of the case was this :—According to the late practice, the appointments had been made by the Lord-lieutenant, and this had been considered as an important part of the Government patronage: but as that,

might interfere with the due administration of justice, or as it might possibly create an impression in the public mind that it did so interfere, he had declared, and a noble friend of his had declared in another place, that it was their desire to give up this patronage, and to place the appointment of sheriffs in Ireland on the same footing as the appointment of sheriffs in England. Instructions had been accordingly given, but, in entering upon a new practice, it was not surprising if some of the judges had a little mistaken the proper mode of proceeding. In England, the judges on the circuit took every precaution to ascertain who were the persons in the counties best calculated for the execution of the office of sheriff. They might consult the existing sheriff, but did not depend on his information exclusively, because if they did, the sheriff would in effect have the nomination of his successor. If, therefore, the Irish judges contented themselves with the information of the existing sheriff, it was a misapprehension of the rule. With respect to the sheriff of Tipperary, a roll of three persons had been given in. The first on the roll was, according to the usual practice, appointed by the Lord-lieutenant: he made an excuse; and then the second was appointed: he also made an excuse; and the third was appointed, who also made an excuse; and then the first on the roll was, according to the regular course, called upon to execute the office. There could have been no misconduct, therefore, on the part of the Government. It was the wish and intention of Government to place the appointment of sheriffs in Ireland on the same footing as the appointments to that office in England.

The Earl of *Donoughmore* disclaimed all intention to throw any imputation on the Government or the judges. He even cast no imputation on the sheriff of Tipperary, except that he had not made such a good selection of grand jurymen as he might and ought to have done. In other respects he believed he was a worthy man and a good magistrate.—The noble earl also stated, that with reference to this subject of the appointment of sheriffs, some regulation ought to be made as to the judges going upon circuits, where they might have opportunities of promoting their own private and local interests. The resolution was then put, and negatived without a division.

[SAVINGS BANKS.] In a Committee on the Savings Banks Bill, Lord *Redesdale* proposed a variety of amendments. A conversation afterwards arose on the difficulties to which the execution of the bill, in its present imperfect state, would be exposed; and the Lord Chancellor suggested, that the better way would be to move the postponement of the present bill for three months, in order to give an opportunity for introducing a new one. The Report was accordingly ordered to be received this day three months.

The order of the day for committing the Irish

Savings Banks Bill was also postponed to this day three months.

HOUSE OF COMMONS.

Tuesday, July 1.

FINANCES.

the adjourned debate on the finances, when the *Chancellor of the Exchequer* moved that the debate be resumed on Friday next. He added that an hon. friend of his, who entertained a different view of the subject from a right hon. member (Mr. Tierney), wished to propose other resolutions.

Mr. C. Grant, junr. then rose and submitted the following resolutions:—

I.

That the total amount of the Funded

Debt of the United Kingdom, unredeemed, was, on the 1st of Feb. 1816 810,046,031
And on the 1st of Feb. 1817 790,050,981

Being a diminution of. . . 19,995,050

II.

That the total amount of the Unfunded

Debt in Exchequer and Irish Treasury Bills was, on the 5th Jan. 1816
In Exchequer Bills . . . £41,441,900
In Irish Treasury Bills 2,497,808
43,939,708

And on the 5th of Jan. 1817,

Exchequer Bills. . . . £44,650,300
Bills 5,304,992
49,955,292

Being an increase of. . . 6,015,584

III.

That the sum to be expended by the Commissioners for the redemption of the Bonded Debt of Great Britain and Ireland, in the year 1817, may be estimated at. 11,464,443

And that provision has been made for paying off Navy and Transport Debt, within the same period, to the amount of. 1,660,000

16,124,443

IV.

That the amount of Exchequer Bills outstanding on the 5th of January, 1817, was. £44,650,300
And of Irish Treasury Bills 5,304,992
49,955,292

That the amount of Exchequer Bills, and of Irish Treasury Bills, granted in the present or former Session, which will be outstanding on the 5th of Jan. 1817, against the whole of the supplies of the current year be then stated, will be—
In Exchequer Bills . . . £66,000,000
In Irish Treasury Bills 4,684,992
64,684,992

Reasons Given for Treason.

[1798

of Unfunded Debt unprovided, exclusive of any excess of charge upon the Consolidated Fund of the United Kingdom, beyond the income thereof, of 14,799,700
Being less by the sum of 1,394,743, than the sum of 16,194,443, which, as before stated, will be applied in the course of the year to the reduction of Funded and Unfunded Debt, viz.

Sum to be applied to the reduction of Debt 16,124,443
Increase of Unfunded Debt, 14,729,700

1,394,743

The first resolution being read, the debate was adjourned till Friday.

COTTAGE WINDOW TAX (SCOTLAND) BILL.] The order of leave to bring in a bill on this subject, (see page 1779) was read and discharged, and another bill ordered to be brought in by Mr. Lushington and Lord A. Hamilton. Accordingly a bill was brought in, and read a first time, "for extending the exemptions from the duties granted by certain Acts of the 43d and 45th years of his present Majesty's reign, on Dwelling-houses in Scotland, and for altering the manner of claiming and ascertaining the exemptions to be granted."

FRIVOLOUS ARRESTS BILL.] This bill was read a second time.

FRAME BREAKING PREVENTION BILL.] The *Attorney-General* moved for leave to bring in a bill "to repeal an Act passed in the 5th year of his present Majesty, for the punishment of persons destroying stocking or lace frames, and articles in such frames, and to make other provisions in lieu thereof."

Mr. Abercromby supported the motion. The Luddites were formidable from their objects and their numbers; but quite contemptible as to any effort they could make to overturn the Constitution. The offences, however, were so great as to require severe punishment. He would not vote for the bill as a means merely of terror; but he hoped that in cases of conviction it would be rigidly enforced. Terror was too narrow a principle to be proceeded upon.

The bill was brought in and read a first time.

REFORM.] Sir E. Bouverie presented a petition of inhabitants of St. Luke, Chelsea, praying for Economy, and a Reform of Parliament. Ordered to lie on the table.

REASONS GIVEN FOR TREASON.] Mr. Benger asked the hon. gentleman, whom he saw in his place, whether he was now prepared to give any answer as to the petition he had presented from Mr. Evans.

Mr. H. Addington, as it seemed to be the wish of the House, particularly of gentlemen on the side, to hear an explanation of the in Mr. Evans's petition, acknowledged that he was now prepared to give a much more satisfactory answer than he could have given on that the petition was presented. It had been then argued, that all in the petition must be

true; and every an hon. gentleman (Mr. Barham) had gone so far as to say, that he would submit a motion on the subject, if a satisfactory explanation should not be given. He might consider himself absolved by the notice of such a motion from giving any explanation till the motion was made; but he was now willing to explain all the complaints in the petition. First, as to the petition said to have been withheld; he had felt confident that his noble relation, the Secretary of State, was not capable of so great an abuse as deliberately keeping a petition from any subject from reaching the walls of that House. Mr. Evans sent a petition on the 21st of February to the Secretary of State's Office, by the hands of Mr. Abbot, for a noble lord, whom he did not now see in his place (Lord Cochrane): but, on the next morning, he sent to request that it should be given to Mr. Harmer, his solicitor. Mr. Harmer received it accordingly, and since then nothing had been heard of it in the office; but, last Saturday, on looking over the papers in the Vote-office, he found that it had been presented to that House on the 27th of Feb. (see p. 376.) and by the hon. gentleman opposite (Mr. Bennet). He would say nothing disrespectful of the hon. gentleman; but he must pardon him for expressing considerable surprise that he had sat in his seat at the time this charge had been so strongly urged without once contradicting it.—He would now proceed to the other charges. Mr. Abbot (for he had examined him on the subject—he had first gone to the gaoler of Coldbath-fields, and then to the gaoler of Horse-monger-lane) assured him that he had never refused Mr. Evans the use of pen, ink, and paper. It was always the practice in that gaol to cast prisoners into irons. Mr. Abbot had been there five years, and it had been the practice before his time. The day after Mr. Evans had been thrown into irons, three gentlemen, the present sheriff, the late sheriff, and a Mr. Harris, asked to see him; and one of them asked the gaoler, whether it was the practice to put prisoners there into irons? Being told that it was the uniform practice, they acquiesced. The next day, the irons were taken off.—He then read a description of the room in which Mr. Evans was confined, which had been called the condemned dungeon. It was 23 feet long, 18 feet wide, and 11 feet high. There were two large windows, a fire-place, and a coal-place. There was a fine view of the Surrey hills from his window. (*Great laughter.*) The younger Evans had a room exactly the same, except that, being lower, the view from it was not so extensive. It had been alleged, that they had not been allowed to walk any where. There was an arcade 55 feet in length, in which they were allowed to walk. He asked the gaoler whether there was not a place where they could conveniently enjoy free air, and he answered, "Certainly not, without being exposed too much to their security."—Another point he would mention was Mr. Evans's want of communication with his dearest friends. His wife had been allowed

to visit him and to converse with him through the iron gate, which was open from top to bottom, so as to admit them to see and converse freely. All the possible modes in which any grievances felt by the prisoners could be made known were two. The one was by writing to the Secretary of State. This, Mr. Watson had done, and always obtained redress, for which he had written a letter of thanks. The other mode was by sending to inquire at the gaols, which it was impossible to do as to every gaol in the country; and which, if possible, would be a libel upon the individuals who were most carefully chosen to watch over the treatment of prisoners and the management of prisons.

Mr. Bennet admitted that he had presented a petition formerly from Mr. Evans, but he had not known on Friday last, and did not know now, that it was the identical petition with respect to which there was a complaint of its not having been forwarded. As to the other points, he must say that the right hon. gentleman had advocated, but had neither denied nor explained them. Mr. Evans was put, first into Coldbath-fields prison, into the same room and into the same bed with a felon. The younger Evans was put into the hospital-room, with six unhealthy felons. He went to visit Evans on Monday last, but was not permitted to see him; he then requested to be allowed, at least, to see the arcade, which was granted. In going up the stairs he looked into the dungeons: he did not see Mr. Evans, but he saw Mr. Pilkington, in the same kind of room as Evans's. He asked if it was the same, and was answered it was precisely. There he saw that unhappy man, that innocent individual, pacing the room up and down. (*Hear, hear.*) It was a place for condemned persons, a place for convicts between the time of sentence and that of execution. It was not a place of confinement, but a place of punishment. With the felon's punishment he had also the felon's fare. There was a trundle bed, a pail for water, a table, and a chair. The right hon. gentleman had not said that Evans had any fire. He would appeal to the common principles of humanity, whether Mr. Evans, who was author of the pamphlet on the Spencean doctrines, should be excluded from all means of literary gratification? However ludicrous those doctrines were, it was evident that he was a literary person. It was, then, no small hardship for such a person to be denied the use of a candle for the long hours that he had to pass in the dungeon. Yet how much harder would it be by and bye, when the long nights as well as long days must be so passed, as the act was now extended to the 1st of March. (*Hear, hear.*) He wished the honorable gentlemen on the other side had a little experience of the dreadful distress of passing hour after hour without a human being to converse with, and without any means of amusing or consoling their minds, that they might learn the Christian duty of doing to others as they would be done by. If

was not denied that Mr. Evans's flute was taken from him. Nine-tenths, then, of the charges were admitted. As the right hon. gentleman could not be contradicted, he was forced to admit that pen, ink, and paper had not been refused: but now as to the arcade. From the pompous manner in which it was mentioned, it might be supposed to be something like the Piazza in Covent-garden. It was in fact a stone passage, three or four feet broad, with a grated window to admit a glimmering of light. It was nothing more nor less than the necessary passage to the cells. The right hon. gentleman had made out nothing like a case for the gaoler, or the sheriffs, or Mr. Harris. Evans was confined, not for a crime, not upon the charge of a crime, but upon suspicion of treason. The only pretence for putting him into irons must have been to keep him in safety, but the prison was more like a fortress than a prison. He did not say that it was absolutely impossible for an adventurous prisoner to attempt to escape, but, as to Mr. Evans, there was not the least chance of his attempting or effecting his escape. Lord Chancellor King had said, when a gaoler applied to be allowed to put a prisoner in irons for security;—"No, the law does not permit a man to be punished before he is condemned—you have no right to put him in irons; make your walls higher if it be necessary to secure him." (*Hear.*)

Mr. Baring said, that as he had given notice of a conditional motion on the subject, it would naturally be expected that he should say whether or not he was satisfied with the explanation that had been given. He would not now enter into reasons; he would merely say, that he trusted no man in that House could have so far mistaken his character as to expect he should be satisfied with such an explanation. (*Hear, hear, hear.*) One or two circumstances were differently stated, but there was still abundance of matter for most serious consideration. He would make his motion to-morrow.

Mr. Brougham asked the right hon. gentleman, whether he was to credit the assertion that Mr. Evans was without fire or candle?

Mr. H. Addington could only say that no severity had been exercised towards him but what was usual in all other cases.

Mr. Brougham must then consider the charge as true, and would only therefore say, at present, that he rejoiced exceedingly at his hon. friend's resolution to make his motion.

WATCH-MAKERS.] Mr. P. Moore moved that the petition of the watch-makers be referred to a select committee. The motion was agreed to; and Mr. P. Moore, Mr. Buxton, the Lord Mayor of London, Sir F. Burdett, and other members were named on the Committee.

COPY-RIGHTS.] On the motion of Sir E. Brydges, a return was ordered from the Universities, and other public bodies, of the Books which having been claimed under the Copyright Act of 54 Geo. 3. are placed in their libraries,

and which of the same have been otherwise, and how, disposed of.

COTTON-YARN.] Mr. D. Gillert moved that the order for a committee to inquire into the policy of restricting or prohibiting the exportation of cotton-yarn (see p. 1660), be discharged, on the ground that it was too late in the session to inquire and to report on so extensive a subject. Only one side had been heard, and great inconvenience would result from the labours of a committee which could not institute an inquiry into the relative interests of both parties concerned.

Mr. F. Lewis was glad that an end was now likely to be put to this impolitic and ill-judged attempt to agitate the public mind. We had permitted the exportation of cotton twist. The trade was flourishing, great capital was embarked, and great industry employed in it; and, by any impolitic interference, we might sacrifice an important national manufacture, and create great additional distress for a very uncertain advantage to one class, and, perhaps, for a loss to all.

Mr. Cauthorpe consented to the motion, but hoped the House would appoint a Committee early in the next Session. He stated, that a million of weavers in Lancashire and Cheshire were not earning above four shillings and sixpence a week for the support of themselves and their families. They ascribed their distresses to the exportation of cotton-yarn; and represented, that the average quantity left in the country did not furnish employment for more than 200,000 persons.

Mr. Baring was averse to the House pledging itself to the appointment of a Committee early in the next Session; as tending to encourage hopes which it would be impossible to realize. He had never heard that foreigners could not carry on the cotton-manufacture without our yarn; indeed, he knew the contrary to be true. Of 2,700,000*l.* worth of this material that was exported, France, which had very large cotton manufactories, particularly near Rouen, took no more than to the value of 517*l.* The House ought not rashly to adopt a measure, the consequence of which might be to excite a new commercial warfare in Europe.

Mr. Buxton was also anxious to guard against any proceeding which might lead foreign nations to believe that the British Parliament meant to extend that system of exclusion which had been already carried too far.

The Chancellor of the Exchequer did not deny that there were many principles in our commercial policy which, whether wisely introduced or not, might induce particular classes of manufacturers to apply for protecting regulations: at the same time, as those principles were now considered to be erroneous, the presumption was against the propriety of acceding to such applications, which could be supported by extraordinary circumstances. For example, the woollen trade seemed to be that branch of our manufacturing

industry which was most entitled to the especial care of the Government, because the raw material was part of our native produce.

before them, the article imported from abroad, and might be by any other country. The mental system, by Buonaparte, a practical pro-

lity of preventing the existence of a rival manufacture, by prohibiting the exportation of this article. Nothing could easily be imagined more mad or vain than this attempt to carry on a cotton manufacture without any importation of the raw commodity. Yet Buonaparte, although at an expense far beyond the value of the undertaking, succeeded in getting cotton from Turkey, brought through India, into his own dominions, and this wed what might be done by the vigour of a government resolutely bent upon any object of this description.

Mr. D. Gilbert said a few words to a similar effect, and the order was then discharged.

USURY LAWS.] Mr. Serjeant *Onslow* gave notice that, early in the next Session, he should move for leave to bring in a bill for the repeal of the laws that regulate the rate of interest.

IRELAND ELECTION LAWS BILL.] The further proceedings upon the third reading of this bill were resumed, and the bill was passed.

LUNATIC ASYLUMS (IRELAND.)] Mr. F. Fitzgerald brought in a bill "to provide for the establishment of Asylums for the Lunatic Poor in Ireland."—Read a first time.

MARRIAGES SOLEMNIZATION BILL.] After some observations from Sir J. C. Hippisley and Mr. Serjeant *Onslow* in favour of a general revision of the marriage laws, the House went into a Committee on this bill. The Report was brought up, and ordered to be taken into further consideration on this day three weeks; the bill to be printed. [The preamble of this bill states, that many evils have ensued from Clapdestine Marriages, the regulations provided by the 26th Geo. II. having been evaded, and due inquiry not having been made into the truth of certain notices required to be given for publish-

* It appears that, while our manufacturers are applying to Parliament for laws to prohibit the exportation of cotton-yarns, or to lay an export duty thereon, the French Government are giving their spinners a bounty upon exportation. The law of the 10th of September, 1817, gives the following bounty on cotton yarns, per 100 kilogrammes, (about 200lb.)

No. 30, and under	Gray	23 0
	Bleached	20 50
Dyed	Blue	26 50
	Red	28 75
No. 31, and upwards	Gray	29 0
	Bleached	25 0
Dyed	Blue	31 30
	Red	33 30

And by an ordinance of the same date, the French Government lowers the import duties on raw and thrown silks.

ing the banns. The bill therefore enacts:—1st, That no parson, &c. within England and Wales, shall publish banns of matrimony, unless the persons to be married, or one of them, shall, seven days at least before the time required for the first publication of such banns, personally deliver to the clerk, a notice in writing, with the name or mark of each of such persons subscribed, of their true Christian and surnames, of the house or houses of their respective abode, within the parish, chapel, or extra-parochial place, wherein each of the persons to be married shall dwell, specifying the street or place where such house or houses is or are situate, and the number or numbers, if any; and of the time during which they have dwelt, inhabited or lodged in such house or houses respectively.—2dly, That the party delivering the notice shall subscribe a declaration, in the presence of the clerk, that he or she is willing to make oath that the statements contained in such notice are true; to the best of his or her belief and knowledge; and that previous to the solemnization of marriage, the parson, having first read over the said notice to both the said parties, shall call upon them to make oath as aforesaid.—3dly, That the said clerk shall, on or before the Sunday next after the receipt of such notice, deliver a copy thereof to the clergyman; and another copy to one of the churchwardens, overseers, or guardians of the poor, and also enter a copy thereof in a book to be provided and kept for that purpose.—And for preventing and detecting any fraud or falsehood in the notices, it is enacted, that in cases where the churchwarden, &c. shall discover such fraud or falsehood, and shall make the same known to the parson, before the time required for publication of banns shall expire, and such minister shall certify the same under his hand upon the said notice, the churchwarden shall be allowed to charge five shillings, and no more, in his accounts.—And in order to render more effectual the provisions of the 26th Geo. II. for preserving the evidence of marriages, and to make the proof thereof more certain and easy, it is enacted, that the witnesses required by the said act to attest the celebration of marriages, shall be described by their addition and places of abode respectively added to their names, and shall be other than the parish clerk or sexton of the place.—The act to be read in churches at certain times.]

HOUSE OF LORDS.

Wednesday, July 2.

CHIMNEY-SWEEPERS.] Lord *Erskine* presented a petition from certain persons, praying the abolition of the practice of sweeping chimneys by means of climbing boys. As machinery would answer all the purposes, he trusted that this atrocious practice would be entirely abolished.

The petition was laid on the table.

NAVAL AND MILITARY OFFICERS' OATHS BILL.] This bill was read a third time, passed, and sent to the Commons.

HOUSE OF COMMONS.

Wednesday, July 2.

SAVINGS BANKS.] Committees were appointed to inspect the Journals of the House of Lords, with relation to any Proceedings upon the English and Irish Savings Banks Bills.—The Committees went, and being returned, they presented their Reports.—Mr. Rose then moved for and obtained leave to bring in a bill “to encourage the establishment of Banks for Savings in England.”

Sir J. Newport moved for and obtained leave to bring in a similar bill for Ireland. Both bills were brought in, read a first time, and ordered to be printed.

NAVAL AND MILITARY OFFICERS' OATHS BILL.] This bill was brought from the Lords, and, on the motion of Mr. Croker, was read a first time.

COURT OF EXCHEQUER.] Mr. H. Martin moved for and obtained leave to bring in a bill “for regulating the Office of Deputy Remembrancer of the Court of Exchequer at Westminster, and for the better securing the monies and effects paid into the said Court on account of the suitors of the said Court, and for the appointment of an Accountant General, and of two Masters of the said Court.”—The bill was brought in, and read a first time.

ALNAGE ABOLITION.] A bill was brought in and read a first time “to abolish the Subsidy and Alnage of the old and new draperies, and of the woollen manufactures in Ireland, and to authorize the payment out of the Consolidated Fund of an annual sum to John Lord de Blaquiere, during the continuance of his interest in the office of Alnager.”

CHIMNEY SWEEPERS REGULATION BILL.] Mr. Bennet stated, that from the advanced period of the Session, he was reluctantly obliged to signify the postponement of the second reading of this bill to this day three months.—The second reading was postponed accordingly.

FRAME-BREAKING PREVENTION BILL.—COTTAGES EXEMPTION (SCOTLAND) BILL.] These bills were read a second time.

UNDUE REMISSION OF PUNISHMENT.] Mr. Bennet called the attention of the House to a case which he had brought before them some time ago. (See page 1076.) It was then objected that they ought only to interfere in cases where a remedy could not be obtained from a court of law. Since that period the parties had had recourse to a court of law, and it appeared that no relief could be obtained. In order to bring the subject under the consideration of Parliament, he should move, that there be laid before the House a “Copy of the proceedings held at the General Quarter Session of the Peace, and General Session of Oyer and Ter-

miner for the county of Middlesex, touching the case of the King *versus* Robert Hoy.”—Ordered.

SLAVE TRADE.] Mr. Wilberforce postponed his motion on this subject till Wednesday next.

PERSONS CONVICTED FOR TREASON.] Mr. Barham said, that in bringing forward the motion of which he had given notice in the case of Thomas Evans, it was unnecessary for him to disclaim any feelings of personal hostility to the noble Secretary of the Home Department, from whom, as well as from his right hon. relative (Mr. H. Addington), he had received his full share of civility. Neither did his motion originate in any general hostility to the measures which were proposed from the other side of the House, nor from any bias towards democratical opinions. The whole course of his parliamentary life, if any one had thought fit to observe so humble an individual, would contradict such a supposition. He had often, from conviction, supported measures which had originated from the other side of the House, and from the same principle he now opposed them. He had always been of opinion that democratical or monarchical principles pushed to their extent, would have probably in the end the same effect; that as the democratical principle, by unrestrained ascendancy, might destroy liberty by means of the subversion of the Government, so the ascendancy of arbitrary power, by destroying liberty, would cause the destruction of the Government. He had once thought fit to support the Government, and, by supporting it, to support liberty itself against democratical power; and he now, by supporting liberty against arbitrary principles, conceived he was also contributing to the security and permanence of the Government. That arbitrary notions and practices now prevailed and were increasing, he was persuaded, not only by things said and done every day, which would not formerly have been tolerated, but by the silence observed as to the maxims which had once been the boast of Englishmen, or the manner in which, when advanced, they were received. Not to enumerate many instances, they would recollect that when in a speech which would long be deeply impressed on the minds of all who had heard it, a noble lord (Nugent) had said, that a revolution was to be preferred to slavery, (see p. 1663), this sentiment was received not by a murmur, but a clamour of disapprobation from the opposite side of the House. Was this a new sentiment? Was it not one which had been uttered daily in the best times of English history? He should wish to see one of those who joined in that clamour stand forward and record his name, and explain what would have been his sentiments respecting that which had at other times been called the glorious Revolution, but which these gentlemen must have called a treasonable conspiracy to prevent King James II. from establishing arbitrary power. That gentleman would also have the goodness to explain upon what principle of consistency he could view the present

occupant of the throne in any other kind than that of an usurper. As to the case the subject of his motion, two explanations had been given by the right hon. gentleman (Addington). The first had been interrupted, not that he questioned the discretion of the Speaker, who, in the time he had hitherto filled the Chair, had shewn, that however long he might continue there, it would be to his own honour, and the advantage of the country. The words of the right hon. gentleman were few, but pregnant with meaning. He asked, how he could know what passed within the interior of a prison? Now the Secretary of State ought to know from day to day what passed respecting persons whom he had committed. With power, must be responsibility—with great power, great responsibility. To some one, the persons who had the custody of the prisoner must be responsible. To whom were they responsible? The Secretary had deprived them of the writ of Habeas Corpus; he had deprived magistrates of the power of visiting them. Here he admitted that a general intercourse with persons confined for treason might be dangerous, but the system of exclusion was carried a great deal too far. His hon. friend (Mr. Bennet), of whom, if he were not present, he would say, that a more valuable member had not a seat in that House, was refused admission to the petitioner; although the presence of the gaoler would have prevented him from saying any thing improper, even if he had been inclined. It was remarkable how the ideas of men had changed upon this subject. They all knew how a philanthropic gentleman (Mr. Howard) had obtained immortal fame by visiting gaols. He had himself appointed a gaoler in the county of Bedford, in which he was an heritor, for the purpose of ascertaining the correctness of his views respecting gaols. If this had been in the present day, that celebrated philanthropist would have been refused access by the very keeper whom he had appointed; and the order of the British Secretary of State would have been shewn to exclude him. An idea prevailed, in the debates on the Suspension of the Habeas Corpus, that severity towards prisoners under this act was no great harm, since they were placed in confinement for their repentance. No notion could be more opposed to every principle of good government. He would put a case, to illustrate the iniquity of this idea. Suppose one of those confined for his repentance to be brought to trial, and to be acquitted, not from a technical defect of evidence, not from a jury's resistance to an exaggerated charge—and he hoped English juries would always shew such resistance—but upon the clearest evidence of his innocence. Suppose he who had committed him should afterwards meet him, emancipated, broken down in mind, ruined in fortune; he not thus address him:—"You committed me to prison for repentance, but I knew nothing

to be repented of. You did me the greatest injustice. Go, you unjust man, and place yourself in my situation: count the hours of gloomy darkness as I have done (*hear, hear*); stretch yourself day after day, and night after night, on the bed on which I found no rest (*hear, hear*); feel in the cheerless dependency of a dungeon the misery of knowing that your wife and your children are ruined (*hear*); after you have had this experience, when you again propose a law to confine for repentance, perhaps you will qualify it with some consideration." He had dwelt longer on this point, because it had been said that there was no great harm in severity, and would operate in the way of intimidation. It would indeed intimidate, but it would intimidate the good as well as the bad; and that was the worst of all evils. We had now come to the turning point. We must go back to the first age, renounce our free Constitution, establish an arbitrary Government, and take all the machinery of despotism, foreign armies, arbitrary imprisonments, solitary confinements, without specific object or limited duration; and above all, spies and informers as the authority for law, the evidence for trial, and the safeguard of Government: or we must take liberty with all its inconveniences. If any Minister was prepared to give up his birthright, to sell it for a mass of portage, he did not think that he would be successful. He did not think that the people of England were prepared to yield up the liberty purchased by the blood of their ancestors, without a struggle worthy of the cause. He would now advert to one or two points in the petition. The only part that had been denied was, that which related to the petitioners said to have been intercepted in its way to that House. Upon the respectable authority on which this denial was given, he was bound to believe it. Yet, if the man was in his sensor (and nothing appeared to shew that he was not), it seemed to him that he could not have alleged this charge, but for either of two reasons. There were two positions, one of which was never presented, or the man was kept in such absolute seclusion, that he could not know whether his petition had been presented or not. The answer to the issue was quite unsatisfactory. (*hear, hear*.) If it was the practice in that prison to put people in irons, why was the petitioner committed to it? Another kind of answer was, that if a prisoner on a charge of robbery or murder was put in irons, why not for treason, which was a greater crime? The difference was in the nature of the commitment. None ought to be put in irons but for punishment. In cases of robbery and murder, there was a charge, a formal accusation, an examination, and a commitment by a disinterested person. In such a case as the present, the commitment was upon mere suspicion, without accusation, and by one who must be viewed not as a judge, but a party, an officer. He would not dwell on the other points, though they might be hard; such as the felon's

bed and the felon's fare, and the beautiful arcade. There was, however, one minute point, whose very minuteness constituted a claim upon their attention. It was the taking away of the unhappy man's flute, with which he might console a desolate hour. (*Hear, hear.*) He remembered a story of a man who was placed in solitary confinement having inside a spider his companion: he watched its motions, fed it, and taught it to spin its web in a peculiar way; but the malicious gaoler, observing the pleasure which he derived from this mode of diverting his mind, killed the spider, when the unhappy prisoner exclaimed, that he felt a pang more severe than he had ever endured. Was not the taking away of the flute an act of more barbarous cruelty than killing the spider? It appeared that the petitioner had been ruined in his trade through the rigour with which all intercourse with his friends was denied. He knew not whether this could be remedied, but it surely was a very great hardship. It was stated, too, that the circumstances in which he was placed would terminate his life. If, in consequence of the severity which was admitted to have been exercised towards him, he lost his life, it then turned out that it was not the power of arbitrary imprisonment that was given to Ministers, but the power of life and death. If the vigilant attention which ought to be exerted, but which was not exerted, could be neglected; if the answer could be returned, "How can we know what is doing in the interior of a prison?" then they sentenced prisoners, not to confinement, but to death. Let those who had voted for the measure take care of it. He had alluded to gaolers, whose characters, whose conduct, whose very names he did not know; but the right hon. gentleman had deprecated the idea of injuring the characters of gaolers by making inquiries of gaols. They who made no scruple of inquiring by suspicion and imprisonment, the characters of many innocent persons, were quite shocked at the thought of libelling the character of a gaoler, so far as inquiry would have that effect. It had been said, too, that a petition might easily be sent to the Secretary of State; but under what circumstances was the petition to be sent? Was it to be sent by the hands of the gaoler, against whom it contained complaints? (*Hear, hear.*) Many could not read nor write. One in such a condition has no money to procure the services of another person; he is excluded from his friends, or they are at a distance from him. Is he to apply to the gaoler to write a petition for him? (*Hear, hear.*) Even if the gaoler were to give his services, how was he to get paid for it? So much remained uncontradicted, that the House could not refuse to inquire; they were bound to weigh the powers conferred by that authority were properly exercised; and that as those powers were given only for purposes of protection, they should not be carried further. Ministers, if conscious of having acted improperly, should wish to make as

publicly known as possible how they treated their prisoners. The causes of complaint were not to be divulged; but there could be no harm in divulging the treatment, which these persons experienced after commitment. He therefore moved "that the petition of Thomas Evans be referred to a Select Committee." (*Mr. H. Addington*, in making a few observations on what had fallen from the hon. gentleman, would pass over the general topics on which he had touched, not from disrespect to the hon. gentleman, but because he did not think them relevant, and was unwilling to occupy the time of the House longer than was absolutely necessary. Even if the hon. gentleman had not spoken in terms of so much praise, for which he felt grateful, of his noble relation and himself, he should have been the last person to suspect him of any personal hostility. He certainly could not, however, have expected complaints from him against his noble relation. As to the petition alleged to have been withheld from the House, he had proved, to a demonstration, that it was not detained in the Home office. He had a receipt for it from Mr. Harmer, the Solicitor for Mr. Evans. It was the only petition that ever came from him to the office. He contended, that no severity had been exercised; and that the great attention was always paid to any complaints. Although magistrates were not allowed to visit at pleasure, it was perfectly open to any magistrate to apply to the Secretary of State for access to prisoners. There was nothing in the circular letter to gaolers to prevent that. He felt it his duty to exculpate the gaoler in this case; and he had this day sent for him, first, in order to be prepared to give satisfaction to the House; and then, that, if any thing new had occurred which might excite complaint, he might be qualified to state it to the Secretary of State, and to obtain redress. Of coats there was an unlimited allowance. Candles were allowed liberally, according to the seasons of the year. In summer few would be required; and no additional allowance could be made without application to the sheriff. One of the rules of the prison was, that no musical instrument could be allowed. If the flute could be allowed, no person would be more apt to feel the hardship of withholding it than himself. (*A laugh.*) The gaoler told him, that the reason why Evans was not allowed to walk in the garden was, that the way to it was through the felon's yard. The bed was perfectly new, and as good as could be afforded. If the prisoners did not think it suitable to their circumstances in life, and knew that they could afford a better, there could have been no objection to its being received, as well as other parts of furniture of which they might stand in need, or think it proper to order. The sheriff had given a satisfactory report; but not relying wholly on it, he had himself visited the prison that morning, accompanied by a member of the House, who, if

now in his place, would testify to the truth of the facts he had stated, and would contradict the allegation of the petition with regard to the cruelty of the gaoler. From a consideration of these facts, he should give the motion his decided negative.

Mr. B. Shaw, as he had been appealed to by the right hon. gentleman, was willing to bear testimony to the truth of his statement. He had seen and conversed with all the prisoners, who had no complaints to make against the gaoler or the magistrates. The elder Evans mentioned, that so far as his treatment was concerned, he was satisfied, but that liberty was sweet, and that no situation could be agreeable in which he was deprived of it. Pilkington, so far from complaining of any oppressive or harsh usage from the gaoler, said, that he regarded him with love and gratitude, as his friend and benefactor. The younger Evans had no complaint to make, except with regard to the supply of candle; and Ogden went even farther than the rest in giving his evidence to the kind behaviour of the gaoler; declaring, with tears in his eyes, that he should never forget the kindness which he had experienced from his hands, for, added he, "he has been to me a friend and benefactor in my distress." (*Loud cries of hear from the ministerial bench*).

Mr. Bennet said, he had never accused the gaoler of harsh conduct or gratuitous severity. But the question had no reference to the particular character of an individual; it went to the general system of treating prisoners confined under the Suspension Act. The right hon. gentleman had contradicted no material fact of the petition but one—that regarding the refusal of pen, ink, and paper. This he had denied; but he had good reason to believe that the right hon. gentleman was misinformed. The pleasure which the prisoners were said to enjoy in a fine view of the Surrey hills was now given up, and he believed that they enjoyed that view just about as much as he now enjoyed the prospect of the Thames. The next allegation was, that they were not supplied with light; and the defence set up against this charge was, that they were, so far as the rules of the prison would permit. The right hon. gentleman had spoken about an arcade in which they were allowed to walk; but if he had himself gone, as he ought to have done, and examined this arcade, he would have found that it was merely a narrow passage, into which the doors of the prison cells opened. In all those cases, the rules of the prison were thought a sufficient apology for the treatment these prisoners endured; but if Ministers suspended the liberties of the people, and threw men into prison on suspicion, they ought to correct these rules, so far as their treatment was concerned. The same rules prevailed in the Cold Bath Fields gaol, and in most of the other gaols of the kingdom, and the reason was obvious. These prisons were erected for confining felons, or persons accused or con-

victed of crimes, and not in contemplation of being filled by Government with individuals vaguely suspected of conspiring against the State. If Ministers proceeded with their new system of imprisoning, they should build new prisons, and not treat the victims of their power like the common disturbers of society. The whole of the statements were materially admitted. The complaints about the bedding—about the deprivation of light—about the taking away of the flute, and about being thrown into irons, were left uncontradicted. This last instance of harsh treatment seemed to him gratuitous cruelty; as he stated yesterday, that the gaol was more like a fortress than a prison, and that, consequently, all escape was prevented, without this oppressive precaution. (*Hear, hear*).

Mr. H. Sumner said, two magistrates of the county, accompanied by the sheriff, went to the gaol the day after the prisoners were committed. They were allowed, without any restriction, to view the whole of the persons confined, to observe the mode in which they were treated, and to converse with them. Mr. Evans complained that he was thrown into irons, and the gaoler stated, that such was the universal practice. The magistrates objected to this treatment; and, in ordinary cases, by virtue of the general superintendence with which they were intrusted, they would have ordered the irons to be removed, seeing no necessity for them. As the prisoners, however, had been committed under a warrant from the Secretary of State, they were uncertain how far their power extended. They recommended a memorial to be drawn up, and transmitted to the Secretary, which was immediately attended to, and the irons were in consequence knocked off. (*Hear, hear*). With respect to the gaoler, he could state, from his own knowledge, that he was a man of great humanity. The rooms in which the prisoners were confined were large and airy; but whether they commanded a view of the Surrey hills, he neither knew, nor did he think it important to be known. A good prospect was not necessary for a gaol; nor did he think that a place of this description should be made so pleasant as it could be made. The apparent cruelty of depriving the prisoner of his flute, he could not account for; but he could say, that in every other respect his wishes and amusements were attended to. He could procure as many books as he chose to order, and could have them changed as often as he wished. He therefore saw no grounds for inquiry.

Mr. S. Wortley said, he had never heard a charge more completely disproved than the present. He saw no reasons why persons charged on oath with being guilty of crimes against the State should be more leniently dealt with than those who were confined for less offences; but, allowing that they ought not to be so treated, why make such a complaint when immediate redress had been obtained, except

for the purpose of creating unfavourable impressions? He was at first disposed to consider the taking away the flute as a piece of cruelty; but he was reconciled to it, when he heard it was the rule of the prison, and reflected that it might be troublesome to the other prisoners, whose comforts should be consulted as much as those of Mr. Evans. If this rule could be dispensed with, however, it might be better to do so, though the cruelty of the act had now been disproved. With regard to the want of ground for walking, he thought, that though the arcade removed some of the cause of complaint, the prisoners might be allowed to use the garden, if that indulgence could be permitted consistently with the safe custody of the prisoners. He made these observations because he had supported the Habeas Corpus Suspension Act, believing in his conscience that the measure was necessary for the safety of the Constitution, and because he now saw that this was an attempt to bring it into discredit, by an allegation of cruelties committed under its sanction.

Sir F. Burdett said, the facts did not appear to him to be materially contradicted. The cruelty of depriving the prisoner of his flute was not denied, and a right hon. gentleman (Mr. H. Addington), who, from his fondness for it, could, no doubt, make this instrument "discourse most excellent music," sympathized with him, but defended the loss on the ground that no flutes were allowed in the prison. The comparison which had been made between this piece of cruelty, and that of killing a spider, the only society of a prisoner, appeared to him to be just and apposite, but it did not seem so good as that of an act done by a gaoler, who was accused of excessive humanity, and who was said to have kept the gaol, over which he was appointed, not like a prison but an hospital. An hon. and religious member, who had great weight with the House—

Mr. S. Wortley rose to order, and appealed to the Speaker whether one member could be allowed, by the forms of the House, to call another by ironical epithets. (*Hear, hear.*)

The Speaker said, that ironical epithets could not be employed; and he was sure the hon. baronet would see that the one which he had used was not a common designation by which one member could speak of another.

Sir F. Burdett said, he had not used the expression ironically, but distinctively: he was going on to state, that the hon. member had great weight with the House, and being appointed a member of a Committee to inquire into the abuses in Cold Bath-fields, he declared that Mr. Aris, the gaoler, was a man of excessive humanity. Another member of that Committee (Mr. Wilberforce Bird) had however mentioned to him a piece

entered at his window to feed from his hand, and to be familiar with his motions: it was so much acquainted with him, and had so much confidence in his protection, that it even remained undisturbed when any one entered his cell. Mr. Aris, who seldom visited this abode of misery, happened one day to carry the prisoner's breakfast to him, and seeing the bird, which constituted the unhappy man's only society, he seized it with violence, and squeezed it to death. The man declared to his hon. friend, that he should not have felt a greater pang at the fear of his own dissolution, or the extinction of all his family. This was an instance of the humanity of a gaoler. An author, well acquainted with human nature, had said,

that the steeled gaoler was seldom the friend of man." He should be glad to find that the charges against the present individual were unfounded. The Executive Government, however, now seemed to be the universal gaolers of the country; and as they were so, they should not advance the plea of the right hon. gentleman, that they did not know how the prisoners were treated. They were confined on no definite charge, and were to be tried at no fixed time; perhaps never tried at all; and if they were accused upon oath, it should be recollected, that it was the oath of spies and informers. One Oxley had been taken up and confined for months in Cold Bath-fields prison, which was popularly called Aris's Hotel. This person was put in solitary confinement: he was forgotten by the Minister, and when his case was mentioned, it seemed to excite surprise, and he was liberated without any inquiry. He had himself visited the prison at that time, and found in it 218 individuals. There was then no difficulty in visiting the prison; no magistrate was excluded, and no leave from the Secretary of State was necessary. It had been said, that if the prisoners were aggrieved, they might complain of the gaoler, and their grievances would be redressed; but it must be recollected, that that very complaint must be transmitted through the gaoler, the magistrate, or the Secretary of State, who were the parties interested in suppressing it.—In the present case, the petitioner had been above five months in custody, precluded from the due enjoyment of air and exercise; and surely such a case deserved the humane consideration of the House. The windows of his room were confessedly so high that he could not look out of them. Upon the impropriety of such rigour towards persons detained merely upon suspicion, and whom the law must presume to be innocent, he would read some high authorities. "It is more necessary," says Lord Coke, in his third Institute, "to be known how prisoners, to speak once for all, committed for treason or any other offence, ought to be demeaned in prison." Brac. 1. s. 54. saith, "*Solent (gaolers) in carcere continendos damnare, ut in vinculis continentur, sed ejus modi interdicta sunt a lege, quia carcer ad continendos non ad puniendos habere debeat.*"

that, for its atrocity, set all comparison at defiance. He stated that a prisoner, confined in a narrow cell, 6 feet by 8, had taught a robin which

(P. 85.) "It is an abuse that prisoners be charged with iron, or put to any pain before they be attained." And the author of the *Mirror of Justice* says, "And because it is forbidden that none be pained before judgment, the law requirith, that none be put amongst vermin, or in any horrible nor dangerous place, nor in any other pain; but it is lawful for gaolers to fetter those they doubt, so as the fetters weigh no more than 19 ounces for those who are outrageous, violent, &c." But all legal, equitable, and humane authorities had protested against any degree of rigour to prisoners, especially before trial and conviction. If Ministers wished to remove suspicions, and not to excite disaffection, there were no means so efficient for both as by agreeing to the present motion.

Lord Castlereagh admitted that persons confined under the act for suspending the Habeas Corpus ought to be treated with all the care and indulgence consistent with their situation; but the reasons urged for referring the petition to a Committee would be an argument for adopting the same course in each individual case which might be brought before them. He did not deny that circumstances had arisen in the course of this discussion which would lead to a correction of the evil; and the presumption was, that whenever an abuse did exist, it would not be long before it came to the knowledge of Government; who would be disposed to pay the utmost attention to it. (*Hear, hear.*)

Lord Cochrane could conceive no question more momentous, or more entitled to the attention of the House, than one which related to the liberty even of the humblest individual. The House had been employed during the whole Session in destroying the liberties of the country. (*Cries of order.*)

The Speaker said, it was hardly necessary for him to declare that it was contrary to every principle of order to assert that the House had been employed in destroying the liberties of the people.

Lord Cochrane lamented that he was sometimes too incautious in his expressions, and that the habits of his life had not enabled him to be always sufficiently on his guard against legal quibbling. Perhaps if he had said, that the House had been engaged in suspending the liberties of the people, he should not have subjected himself to animadversion. Mr. Evans was, he understood, a Spencean, and hence, he presumed, arose the apprehensions respecting him, though, for his own part, he believed the doctrines of Joanna Southcote about as dangerous to the safety of the State as the reasonings of this unfortunate prisoner. He did not think such a system of injustice and misgovernment could be long endured in this country; or that, after the next dissolution of Parliament, Ministers would be suffered to retain the power of arbitrary and indefinite imprisonment. With regard to the grievances set forth in the petition

having been redressed, he had marked no less than fifteen of the most important allegations, of which no notice had been taken.

General Hope said, he had that day seen the place of Mr. Evans's confinement. The room had two windows, certainly rather high, but 6 feet broad, and 4 feet long, and which admitted as much light as the windows of that House. He had an arcade, into which his room opened, to walk in, 50 feet in length, ten feet high, and six feet broad. Various other rooms communicated with this passage; and when he was there, the doors and windows of them were open, and afforded access to a free circulation of air. From one of these windows he understood that Mr. Evans amused himself with viewing through a telescope the distant hills, and it certainly appeared to him a very unobjectionable place of confinement.

Mr. Barham considered, that many of the allegations in the petition had been admitted. It was not the course of his life to attempt to inflame the public mind, but it was his duty to speak out when he saw his Majesty's Government pursuing measures which he thought equally calculated to work the ruin of the country and of themselves. It was a miserable defence to say that such or such was the invariable practice of the prison. There was no complaint against the gaoler, any more than against the magistrates of Surrey, who appeared to think this a good opportunity of panegyrizing one another. (*A laugh.*) It was desirable that the explanation should have been more full and certain in some points; but if he had the assurance of Government that every exertion would be made to prevent hardships, and to alleviate the sufferings of these unfortunate people, as well as to facilitate their means of communicating their complaints, it would not, perhaps, be necessary for him to take the sense of the House on this occasion.

The motion was then negatived without a division*.

HOUSE OF LORDS.

Thursday, July 3.

Lord Colchester was introduced by Lords Redesdale and Dynevor, and took the oath and his seat.

The Earl of Liverpool moved an address to the Prince Regent, for a return respecting certain offices in Guernsey, Jersey, and other places, which it was expedient should be before Parliament.

CONSPIRACY.] Lord Montford rose to ask a question of the Secretary of State, respecting three men of the names of Brock, Pelham, and Power, who had conspired to seduce three unfortunate Irishmen into the commission of a capital offence, in counterfeiting the coin, in order to get the rewards for the discovery and

* It has since been stated, that Lord Sidmouth had given directions that Mr. Evans should have the free use of his flute.

conviction of such persons. These conspirators had been tried at the Old Bailey, and convicted; but as they had not yet suffered for their crime, he wished to know whether they had been pardoned, or whether their punishment was to be mitigated; and in case they were pardoned—freely or partially pardoned—whether that arose from any favourable circumstances in their case, or from doubts in the minds of the judges with respect to the law as applicable to their crime. It was of great importance that the explanation should be given, as otherwise a very erroneous impression might rest on the public mind: people in general knowing nothing farther than that persons condemned for such a crime had been pardoned.

Lord *Stanhurst* fully concurred with the noble lord as to the enormity of the crime; but the real state of the case was this—these persons were still under sentence of death in Newgate, but execution had been respited. If it should turn out that they could not, from a defect in the law, be brought to punishment, care would be taken that the law should be amended in that respect.

[REFORM, &c.] Earl *Grosvenor* presented a petition of inhabitants of Chelsea, in favour of Parliamentary Reform, and against the Suspension of the Habeas Corpus Act. In presenting this petition, he was anxious to call their lordships' attention to the obstructions which the petitioners had met with in endeavouring to accomplish their object of petitioning Parliament for a redress of grievances, or what they conceived to be such. If the circumstances stated to him were true, he felt much more alarm for the Constitution, on account of these proceedings, than he did from the plots and conspiracies which were made the pretence for suspending the Habeas Corpus Act. The people were desirous to meet in the most regular way, and applied to the churchwardens, who, however, thought proper to throw every obstruction in their way. They had attempted to meet at a tavern, but that was prevented; and at length, after a great deal of difficulty, they met in the open air, and the petition was unanimously agreed to. These obstructions were highly criminal in those who resorted to them, and must be disgusting even to the Executive Government itself. Nothing could have a stronger tendency to irritate the minds of the people, and he trusted that this would be the last instance of such a proceeding.

The petition was read, and laid on the table.

Abolition Bills. The Earl of *Liverpool* moved the third reading of the English and Irish Exchange Offices Abolition Bill.

The Marquis of *Landowne* said, that on looking at the preamble of this bill, he had discovered that two little words had been omitted, which, though little in themselves, were however of great importance. In this bill, the exemption was extended to existing interests; but the words "legally vested," were omitted. It

might be convenient to retain some of these offices, but no credit could be justly taken for a disposition to consult the great object of public economy, if offices were to be preserved, and the salaries paid at the very moment when these offices were solemnly declared to be useless. The observation, he admitted, applied only to a few, perhaps only to one of the offices in the bills now before the House; but with reference to the offices which yet remained to be regulated, and with reference to every proceeding of this nature, the principle was most important: it was recognized in Mr. Burke's Act, in 1783, that no offices ought to be exempt, which were declared to be useless, except those in which the parties had a vested interest. He, therefore, moved that after the words "existing interests," the words "legally vested," be introduced.

The Earl of *Liverpool* objected to the laying it down as a rule, that offices ought to be regulated or abolished, merely because the parties holding them had no vested interest in them. There were some cases in which it might be doubtful whether the parties had or had not vested interests, but he was sure that it would be attended with great inconvenience and injustice, to act strictly upon such a rule as he had mentioned. It was agreed that freehold interests in these offices were as sacred as any other freehold interests; but even with respect to interests which were not freehold, it was a question of discretion, with reference to each particular case, whether the interest ought or ought not to be taken away.

The Earl of *Lauderdale* said, that the doctrines of the noble earl (*Liverpool*) on the point of interests not vested, were recognized neither in the act of 1782, nor in subsequent measures of the same nature, and were denied in the Report of a Committee of the House of Commons, of so late a date as 1810. If these bills were to pass at all, the rule ought to be, that interests not vested, ought to be put an end to; and if the question of expediency arose with respect to any office, the expediency ought to be shewn in the particular case. As to quitting professions and other situations of emolument, for the sake of these offices, he did not know what profession the Lord Privy Seal of Scotland had quitted. The same observation applied to the Lord High Admiral, and to several officers, such as Muster-masters and others in Ireland. The proposition of the noble earl, therefore, stood on very corrupt doctrine, and care ought to be taken that such doctrines did not steal into these bills, from which, God knows, the public would derive but little benefit. If the bills were to be passed at all, there could be no pretence for rejecting the amendment.

The Marquis of *Landowne* said, he was aware that compensation had been given for some offices not held for life, but that was only in cases where effectual services had been performed. It was not always given, however,

even where effective service had been performed. Clerks had been discharged, and properly discharged, at the end of the war, by hundreds, without compensation; and if this was the case with respect to persons who had rendered effective service to the public, were their lordships now to be told, that offices were to be retained for those who had rendered no service? Was the language to one description of individuals to be this:—"You are poor, and have done service to the public, and therefore you are to be dismissed from your offices;"—and that to another description of persons to be—"You are rich and powerful, and have done no service to the public, and therefore your offices are to be retained?" The proper principle was, that when an office was declared to be useless, no salary ought to be attached to it, unless the person holding it had a vested interest in it.

The Earl of *Liverpool* stated, that in all cases where the clerks had been on the establishment, compensation had in fact been given. It was not so in the case of those who had been employed for a limited time, and merely on extraordinary occasions, though even there, compensation had in some instances been given, so that the noble marquis was mistaken upon that point.

The bill was then read a third time.*

The Marquis of *Lansdowne* moved his amendment, that the words "legally vested," be introduced.

The Lord Chancellor said, that the introduction of these words would make no difference in the meaning of the bill.

The Earl of *Lauderdale* felt extremely curious to hear, how it could be made out that these words would make no difference; and he believed every noble lord in the House could not but feel the same curiosity. It appeared a sort of riddle, and he hoped his noble friend would not send them home thus puzzled, but would condescend to solve the riddle, for the information and satisfaction of the House.

The Lord Chancellor would with great pleasure gratify his noble friend and the House; and, therefore, he stated, that in his opinion, every office held during pleasure was a vested interest, until that pleasure was recalled. The noble marquis, in order to attain his own object, ought rather to propose a proviso, that nothing in the act should protect interests in offices held during pleasure. He wished also to say, that the opinion he had given was one about the correctness of which he, by accident, had no doubt. (A laugh.)

The Earl of *Lauderdale* said, there were eminent lawyers who thought that interests legally vested were not exempt from parliamentary regulation. It appeared from the Report of the Committee on Public Accounts, that Sir Arthur Piggott was of that opinion.

The Lord Chancellor observed, that he had given no opinion, except as to the effect of the words proposed to be introduced; but he was

glad to have this opportunity of saying, that there was no man for whom he had a higher respect, than for Sir Arthur Piggott.

The Marquis of *Lansdowne* then moved, "that nothing in the act should protect interests not vested."

The amendment was negatived, and the bill passed.

The other Abolition Bills, including the Signet and Privy Seal Clerks' Bill, and the Civil Service Recompense Bill, were then read a third time, and passed.

CLERGY RESIDENCE BILL.] The Archbishop of *Canterbury* moved the commitment of this bill.

The Earl of *Harrowby* approved of the general principle of the measure, but thought that the provisions for enforcing residence were not sufficiently strict, as the numerous exceptions would deprive the bishops in too many instances of the power of compelling residence.

The Archbishop of *Canterbury* could assure the noble earl, that the prelates of the present day were not indifferent with regard to the residence of the clergy, but felt as acutely on that question as any of their predecessors ever had done. It was his wish that there should be a resident clergyman in every parish in the kingdom, and he hoped that object would soon be accomplished.

The Lord Chancellor stated, that the acts passed since 1803, relative to the clergy, in which himself and a near relation of his, (Sir W. Scott) had had a part, had all been of great utility, and particularly that bill which altered the law with respect to common informers. He regretted that the present bill had come up at so late a period of the Session, that he could not, consistently with his other avocations, give to it all the attention he could have wished.

The House then went into the Committee. Several verbal amendments, moved by Lord *Harrowby* and different learned prelates, were discussed, and some adopted. The Report was ordered to be received to-morrow.

HOUSE OF COMMONS.

Thursday, July 3.

NABOB OF THE NORTHERN CIRCARS.] A Petition of the Nabob Roostoom Jah Coothool Mulk Bahader, for restitution of his patrimonial estate, was presented, and ordered to lie on the table.

NEWFOUNDLAND TRADE.] Mr. M. A. Taylor rose and moved, that the Report of the Committee appointed to inquire into the state of the Trade to Newfoundland, and into the situation of that Settlement, be read. It was accordingly read, as follows:

"Your Committee have commenced their inquiry into the state of the Newfoundland fisheries, as well as into the very distressed situation of the persons settled in that Island.

"They first examined those Merchants who were best able to detail to them the present condition of the residents of St. John's, and in the different Bays occupied by British subjects.

"The evidence on these points was so uniform, so decisive, and so afflicting, that it was thought, from its pressing urgency, to be a duty incumbent on your Committee to lay before the House, without delay, the opinion of the sufferings experienced by the great majority of a very extended population, amounting, unless speedily provided against, to the certainty of absolute famine; and which has already involved in its consequences the violation of private property and the destruction of civilized order.

"Unless, through the intervention of Parliament, some immediate relief shall be granted, it is the opinion of your Committee, that the horrors of the ensuing winter will, if possible, be still further aggravated and increased. It appears also to your Committee, that the Trade itself has experienced a serious and alarming depression: the causes from which this has arisen will require, in the opinion of your Committee, in the ensuing Session of Parliament, a much more detailed and accurate investigation; but enough has been shewn by the testimony of respectable witnesses, to prove, that unless some aid is afforded to the merchants before this House separates, the Fisheries will be most materially injured; the Capitals embarked in it by degrees withdrawn; and the nursery for Seamen, hitherto so justly valued, almost entirely lost."

The hon. member then repeated several of the observations which he made on a former occasion (see page 1427.) respecting the distressed state of the Trade, and of the population of Newfoundland, adding, that Mr. Kemp, of Pbool, had stated to the Committee, that he had a capital of 60,000*l.* employed in the Trade—that he lost last year 20,000*l.* and that he should lose the same sum this year; and, therefore, it was impossible for him any longer to carry on so ruinous a concern.—So satisfied was that gentleman that he should be subjected to the same loss on continuing the Trade, that he had written to his agent, stating, that he should send out no outfits or supplies, but what his own servants would require till they could convey his stores to England. What, it would be asked, could be done with this starving population? But he would ask in return, were these people, because the Trade was not so thriving as to induce merchants to continue their capitals in it, to be left to all the horrors of famine? The merchants requested that 5000 of the population might be removed by Government. He observed the right hon. gentleman (Mr. Robinson) smile—perhaps he thought this number was too small—perhaps he expected that he should ask Government to remove 15 or 20,000. But he had to state, on the part of the merchants employed in the Trade, that if 5000 persons were removed, they thought they could find employment for the rest. The merchants said they could not

meet the French in the European market; that the fishing part of Newfoundland had been conceded by treaty to France; that the French Government were exerting themselves by bounties to support the Trade. Our merchants in the Spanish ports laboured under a duty which amounted almost to a prohibition. Murat, when he was Sovereign of Naples, levied a duty on the fish imported into his States, for the purpose of ransoming slaves in Algiers; the present King of Naples, though placed there by our arms, had increased that duty. So that our merchants had not only to cope with the French bounty, but with the Spanish and Neapolitan duties. The Committee stated, that the causes of the distress required, in the ensuing Session, a more detailed investigation; but they had seen enough to warrant them in stating, that unless some relief was afforded in the mean time, the capitals employed in the Trade would be withdrawn, and the nursery for our seamen almost entirely lost. He should merely move at present, that the Report be taken into consideration: but it was his intention afterward to move, that a Committee of the whole House be appointed to consider the propriety of granting, for one year, a bounty of 2*s.* a quintal on all fish caught and cured in Newfoundland.

Mr. Robinson said, when a case of great distress was laid before the House, and above all when a great proportion of that distress must be admitted to exist, it was not a very agreeable task to object to any specific proposition for relieving it. But, in the situation in which he stood, he felt that he should ill discharge his duty if he did not state the grounds on which he considered this proposition to be ill advised. The hon. gentleman only recommended a bounty to be given for one year. The merchants said a bounty for one year was worth nothing to them. They said last year, that the Government of France had given the French traders a bounty on their fish; and that, without we gave such a bounty, it would be impossible for them to carry on the trade. But if we were to undertake to run a race of bad policy with every foreign nation that chose to set us the example, there would be no end to such applications. The merchants wanted the removal of 15 or 20,000 persons. But where were these persons to be sent to? The far greater part of them came from Ireland. But there were cases of distress at this moment in Ireland beyond any thing that had been reported of Newfoundland. Were they to be sent to Ireland, to be supported there, God knows how? Were they to be sent to Canada? The harvest was very bad in that quarter last year; and it would be only aggravating distress to send them there. Government agreed, if the merchants would move 1000 of the people to Canada, to find subsistence for them for one year, and to give them land to settle on. But the merchants rejected this offer as a perfect joke; and refused to listen to any proposition by Government, unless they would go the length of the

bounty co-existent with the French bounty, and remove 15 on 20,000 of the population. As to the case of Mr. Kemp, the trade was of so fluctuating a nature, that one year on a capital of 20,000*l.* a profit of 20,000*l.* might be made, and another year a loss of 20,000*l.* be sustained. During the last war, the trade acquired an artificial prosperity, and if the House attempted to support it by means of bounties, the evil would be aggravated ten fold. This would only have the effect of increasing the population. Under these circumstances, he could not consent to the motion.

Mr. *Holdsworth* said, if the planters of Newfoundland did not receive some relief, the population must be left to starve.

Mr. *W. Douglas* said, it was quite impossible for the merchants to employ many of the distressed. Last winter, the disturbances in the settlement increased in such a degree, that it was impracticable to protect property and order.

Mr. *Canning* did not think that we should enter into a contest with France in a line of promoting commerce by means confessedly impolitic; but he had himself received such accounts of the losses and sufferings of the merchants and inhabitants of Newfoundland, that, if any temporary aid could be given, it should not be withheld, though such encouragement to one branch of commerce might seem to contravene the general principle of political economy. He thought a case had been made out, which, allowing the principles of his right hon. friend (Mr. Robinson) to remain uncontradicted, called for the interference of the House.

Mr. *Neuman* was disposed to grant a temporary relief to the colony, although he felt the objection that attached to the system of bounties. In considering the sufferings of that unfortunate people, dependent wholly on foreign supply for support, a comparison could not be made with the distressed in Ireland, where there was a prospect of a good harvest, and great mitigation from benevolent subscriptions.

Mr. *Protheroe* said, the question before the House was purely one of humanity. (*Hear.*) The two hon. gentlemen opposite (Mr. Robinson and Mr. Goulburn) had come to the Committee, as he thought, determined against all relief; and, with a sort of ministerial tactic, had contrived to turn the attention of its members from the strong point of humanity, to discussions on political economy. (*Hear.*) A clear case of distress and threatened famine was made out; and if Ministers, after being warned of the evils that might ensue in the following winter, took no means to guard against them, and to protect these unhappy people from starvation, they would incur a heavy responsibility.

Mr. *F. Lewis* was aware that the question was purely one of humanity, and it ought to have been stated as such. There was no reason for coming down to the House with proposals of bounties, defended on false and exploded theories of commerce and political science. (*Hear, hear.*)

It was said, that if we did not support this trade by a bounty, we should be deprived of it; but if it could not support itself otherwise than by a bounty, it must be a losing concern; and the sooner we lost it the better. Then there was the argument about its being a nursery for seamen, an argument that had borne on its back the impolitic regulations of centuries, and which was always at hand to sanction every unwise proposal for extending our commerce. All kinds of trade were nurseries of seamen as well as this, and the same argument might be brought for giving bounties, if necessary, to our West and East India trade. If a subscription were proposed, he was sure that the merchants, and other benevolent individuals, would come forward, as they had done on other occasions, to the assistance of the sufferers; but he could not agree to raise taxes on this distressed country, to remove distress at a distance. There was almost no species of suffering, no extremity of distress mentioned as the lot of the people of Newfoundland, to which he could not find a parallel at home. Why was not relief extended to Wales, to Ireland, and Scotland, by Government? The answer was plain—Government had no adequate relief to bestow. It could only assist one part of the population by a tax upon the other; it could scarcely meet the demands made upon it; it could scarcely procure means for paying the interest of its debt, and supporting its necessary establishments; and it did so only by imposing burdens on the country which it was scarcely able to support.

The *Chancellor of the Exchequer* agreed that this question was purely one of humanity; and that the only thing to be considered was, what relief could be granted, and how the grant could be most beneficially applied. He was surprised to hear it stated, that Government were obliged to support the people of that colony. Government did not encourage their emigration, and could not be accountable for their fate. Every mode of relieving their distresses, however, would be resorted to. Government had already extended relief to the sufferers by the fire at St. John's; and were still disposed to make further exertions, as soon as they knew, from local suggestions, how much farther assistance would be necessary, or how it could be best applied. The dangers of famine were said to threaten the population of Newfoundland, but he believed they might be warded off by the abundance of fish which they could command. He objected to the bounty, as its effects would be only to enable other nations, who imposed a duty on our imported fish, to increase that duty, and thus make the people of this country pay their taxes. It was no reason for giving a bounty because France followed that line of policy; our finances would not bear us out in an impolitic contest of this nature.

Mr. *Baring* thought that, in a case of such distress, our finances were not so exhausted as to prevent us from extending relief, if only

£8,000*l.* was demanded. In the principles of economy which had been stated he perfectly concurred, and rejoiced to see that the commerce of the country, after being so long subjected to impolitic regulations, was now likely to be governed on wiser and more liberal maxims. (*Hear.*) He was of opinion, that no trade which could not support itself should be encouraged by a bounty; but if there was to be any exception, this was a proper case for making it. The Newfoundland trade, more than any other, was connected with our naval power, from its being a nursery for hardy and adventurous seamen. He could not say how many seamen were employed by France in the Fisheries; but from the great bounty of 50 per cent. by which she encouraged them, they must rapidly increase her naval means, and enable her to enter into a formidable competition with us on any future occasion. This system deserved to be watched by Ministers, and they ought to calculate the consequences of the whole of the Newfoundland fisheries being in the hands of our rivals. The provisional treaty of the noble lord seemed to him to be impolitic, from its tendency to increase the power of those in whose favour its provisions appeared to have been made.

Sir T. Acland said, all that was now moved for was, that the Report should be taken into consideration, and in the Committee an address to the Crown, or any other measure likely to attain the end in view, might be adopted. The right hon. gentleman opposite (the Chancellor of the Exchequer) had, by allowing inquiry, held out the hopes of granting some assistance, which should not now be withdrawn.

The Chancellor of the Exchequer declared that the state of this colony had occupied, and would occupy, the serious attention of Government. In the case of St. John's, they took upon themselves the responsibility of administering the requisite relief, and they would do so in the present instance. He could not mention now what particular direction would be given, as that would depend on local information, which Government did not yet possess; but he thought that a discretionary power should be lodged with the governor, to grant such relief in cases of extreme distress as seemed to him expedient. (*Hear, hear.*)

Gen. Gascoigne asked what relief, and to what extent, the governor would be allowed to grant?

The Chancellor of the Exchequer replied, that a discretion would be lodged with him to act on his own responsibility, and according to circumstances. The House then divided:—

For going into the consideration
of the Report. 29
Against it 50

Majority 21

SAVINGS BANKS.] The English and Irish Savings Banks Bills were read a second time.

FINANCIAL. The debate on the Public Finances was deferred from Friday till Wednesday next.

PENSIONS TO WOUNDED OFFICERS.] On the motion of Mr. Bamber, a copy was ordered "of any Circular Letter from the War Office issued since the 1st June last, relating to Pensions granted to Officers in respect of Wounds received on Service*."

NAVAL AND MILITARY OFFICERS' OATHS BILL.] This bill was read a second time, and committed for to-morrow.

ALNAGE ABOLITION BILL.—DEPUTY REMEMBRANCER'S REGULATION BILL.] These bills were read a second time, and committed for to-morrow.

SMALL RENTS DISTRESS BILL.—LAND TAX REDEMPTION BILL.] These bills were read a third time, and passed.

FRAME-BREAKING BILL.] The Solicitor-General moved that the House should go into a Committee on this bill.

Mr. J. Smyth said, that, upon a question which he considered of such great importance, namely, the addition of one more to our present heavy penal laws, he thought it his duty to request of the hon. and learned gentleman to inform him, whether there was any other reason for the introduction of this measure than the recommendation of the grand jury of Nottingham.

The Attorney-General begged to assure the hon. member, that it was in his contemplation to bring this measure forward before the occurrence of the late events. Many of the persons who were Luddites had been made instruments for other purposes; but he considered this bill as directed at no other object than Luddism.

The House then went into a Committee, and the Report was ordered to be received to-morrow.

HOUSE OF LORDS.

Friday, July 4.

The Paper Drawback Bill, and Irish Prisons Bill, were read a third time, and passed.

The Small Rents Bill, and Small Livings' Land Tax Exemption Bill, and others, were

* The letter was afterwards presented. It is addressed to officers commanding regiments of the line, and is as follows:—

SIR,—The Prince Regent having taken into consideration, the rules under which Pensions are granted to Officers wounded in his Majesty's service; and especially the regulation promulgated by the second paragraph of the circular letter from this department of the 31st July, 1815, No. 287; I have the honour to acquaint you, that his Royal Highness has been pleased to order, that the pensions, which may be granted to officers for wounds received subsequently to the 24th June, 1817, shall be confined to the rate attached to the rank which the officer held at the time when he was wounded, and shall not be augmented progressively according to the rank to which such officer may, from time to time, be promoted.

I have the honour to be, Sir,

Your most obedient humble servant,
(Signed) PALMERSTON.

War Office, June 30.

brought before the Commons, and read a first time. [His name was then called out as a] IRISH ELECTIONS.] On the motion of the Earl of *Lincoln*, the Irish Election Bill was read a second time, and committed for Monday.

CLERGY RESIDENCE BILL.] This bill was reported, with amendments, and ordered for the third reading on Monday.

HOUSE OF COMMONS.

Friday, July 4.

LUNATIC ASYLUM (SCOTLAND) BILL.] On the order of the day for a Committee on this bill, Lord *Binning* moved that the Committee be put off for three months, and gave notice of a bill on that subject early next session.

NAVAL AND MILITARY OFFICERS OATHS BILL.] This bill was considered in a Committee, and reported; read a third time, and passed.

ADMINISTRATION OF JUSTICE IN WALES.] Mr. *C. Wynn*, in presenting to the House the Report of the Select Committee appointed to inquire into the state of the Administration of Justice in Wales, observed, that the country were indebted for this inquiry to one of the most valuable members who had ever sat in that House (Mr. *Ponsonby*), the cause of whose absence was so much regretted by all of them. (*Hear, hear.*) He could not allow this opportunity to pass without bearing testimony to the benefits which would accrue to the country from this inquiry, originated and prosecuted with so much zeal by his right hon. friend. He concluded with moving that the Report do lie on the table.—Ordered.

ELECTION LAWS AMENDMENT BILL.] Mr. *C. Wynn* moved the third reading of this bill.

Mr. *Brougham* observed, that the clauses introduced into the bill during its last stages had materially altered it, and that the amendments might be known to the House, he moved, that the bill, as amended, be printed.

The House divided:—

For this Amendment . . . 2

Against it . . . 60

The bill was then read a third time, after which, Mr. *Calcraft* moved an amendment, to leave out the clause respecting the not admitting persons to their freedom after the issue of the writ. The House divided on the question that the clause stand part of the bill—

Ayes, 55, Noes, 23.

The question was then put, "that the bill do pass." The House divided:—

Ayes, 54, Noes, 10.

The Bill was accordingly passed.

POOR LAWS.] Mr. *S. Bournes* brought up the Report of the Committee on the Poor Laws. In moving that the Report do lie on the table, he observed, that the Committee had conceived it most advisable, as no relief seemed practicable this session, to delay their Report till they could make a statement of the character, effect,

and tendency of the whole system. That the Report had not been made before was owing to no tardiness on the part of the Committee, they had given the subject their whole attention. As an instance of the effects which would have attended partial statements, he mentioned that before the recess, the Committee had determined to alter the law of settlements, but in consequence of further inquiry, they were of opinion that it should be abrogated altogether. How would the House have been situated, if they had been left to proceed on such contradictory recommendations? The subject of the Poor Laws had attracted the attention of great men ever since the time of Lord *Hale*, and it would not have been decorous for the Committee to have decided *per saltum* on difficulties, which neither the splendid talents of Mr. *Pitt*, nor the vigorous understanding of Mr. *Whitbread*, had been able to remove. As to the time, though its distresses had exposed the evils of the system, it rendered the attempt to remedy it more difficult. "The hour of the hurricane was not the time to repair houses."—They would be able to proceed to its remedy under better auspices after a genial season and an abundant harvest, and, in the meantime, the Committee would have an opportunity of correcting any error into which it had fallen, or to confirm those statements which were correct. (*Hear, hear.*)

Mr. *Calcraft* said, that in an early part of the session he had expressed his surprise that no communication had been made from the Committee, and he was not yet satisfied as to the propriety of the delay. The country had expected that after the meeting of Parliament some remedy would be applied to the defects of the Poor Laws. He was not ignorant of the difficulties which the Committee had to encounter. The present delay might be for the best, but the disappointment to the country was unfortunate, as under such unparalleled distress there had been a general expectation that some relief, or at least alleviation, would have been suggested.

Lord *Castlereagh* said, that though there had been a strong expectation in the country of some relief, the House had too much sense to expect that the Committee should, without full examination, have recommended decisive measures. If any blame attached to the Committee, he was entitled to a full share of it; for he had

* Sir *E. Brydges's* bill "for altering the laws relating to the removal of the Poor in certain cases," which was brought in on the 21st February (see page 373.) and was read a third time on the 9th of June (see page 1339.) did not proceed beyond its first reading in the Lords. That bill, as amended on recommendation, went to enact, that persons renting a tenement, the value whereof should consist in whole or in part of pasturage rent for cows, or which should be hired under separate contracts, should not gain a settlement thereby, unless the yearly value of such tenement, exclusive of such pasturage rent, should be 10*l.* or inclusive of it 20*l.*

been of opinion, that no recommendation should be made previously to an examination of every distinct feature of the subject. In every week the Committee had sat three days at least, and often day by day. The House would now be enabled to learn the sentiments of the Country on this subject, for it was not enough to know abstractedly the best on such a question, but what the country was prepared to concur in. Great as the difficulties of the subject were, he did not doubt, that in the next session the House would be able to take a comprehensive and useful view of it. He expressed his admiration of the labours of the Committee, to which he had not always been able to attend, and stated his intention to move for its revival in the next Session.

The Report was ordered to lie on the table, and to be printed.

Mr. *Huskinson* suggested, that an additional number of copies should be printed, to be sent to the clerks of every sub-division of magistrates in England and Wales, as the House might expect some useful information from the practical knowledge of those who carried the laws into execution.

After a few words from the Chancellor of the Exchequer, the Speaker said, it would be understood that the suggestion should be attended to, as it appeared to meet the wishes of the House.

ALE-HOUSES REGULATION BILL.] Mr. *Bennet* moved that the report of this bill be taken into further consideration.

Mr. *S. Wortley* said, that it was a material inconvenience to those members who felt deeply interested in the opposition to this bill, to be obliged to attend day by day at this late period of the session. He proposed that the bill should be postponed to the next session, as there was no possible chance that it could meet with a fair discussion this year.

Mr. *Bennet* said, that from the sort of opposition which had been raised against this measure by many persons in the House, as well as by brewers and others out of doors, he had not the smallest hope of being able to carry it through this session, but he anxiously wished, before the recess, that this subject should have been fully discussed, that the country might have seen what sort of arguments could be urged against it. For his own part, he should put in his protest, in the name of the morals of the people of England, against the opposition which had been made to an attempt to ameliorate a system which contained more seeds of corruption, and was more fatal to the good habits of the people than any which had yet prevailed in any civilized country.

The report of the bill was then ordered to be taken into consideration on this day three months.

CHAPELS BUILDING BILL.] On the motion of the *Chancellor of the Exchequer*, the Committee on this bill was put off till this day fortnight.

IRISH GRAND JURY PRESENTMENTS BILL.]

On the motion for the third reading of this bill, Sir *G. Hill* proposed an amendment, that it be read a third time this day three months.—Mr. *V. Fitzgerald* opposed the amendment, and the House divided. For the third reading, 46; against it, 8.—The bill was read a third time and passed.

EXCHEQUER OFFICES REGULATION BILL.] The lords' amendments to this bill were read, and agreed to.

EXTENTS IN AID BILL.] This bill was read a third time, the *Chancellor of the Exchequer* adding a clause by way of rider, empowering persons confined under an Extent, to apply to the Barons of the Exchequer during term, or to any Baron of the said court during the vacation, to be discharged, provided it should appear that they were entitled to such discharge.

Mr. *W. Smith* said, there were many points connected with this subject, which still required amendment, and which he hoped would be brought under the consideration of the House next session.

Mr. *H. Davis* expressed the same opinion, after which the bill passed.

FRIVOLOUS ARRESTS BILL.—EMPLOYMENT OF THE POOR AMENDMENT BILL.] These bills were read a third time, and passed.

HOUSE OF COMMONS.

Saturday, July 5.

The Cottage Exemption (Scotland) Bill, was read a third time, and passed.

The reports of the Alnage Abolition Bill, the Irish Lunatics Asylum Bill, and the English and Irish Saving Banks Bills, were received, and the bills ordered to be read a third time on Monday.

HOUSE OF LORDS.

Monday, July 7.

BURDETT, v. ABBOT.

v. COLMAN.

PRIVILEGES OF THE COMMONS.] It will be remembered, that, in the year 1810, Sir Francis Burdett was committed to the Tower, under a warrant issued by the Speaker of the House of Commons, for having published a libel on that House; the said libel being contained in a letter from "Sir Francis Burdett to his Constituents, denying the power of the House of Commons to imprison the people of England." Sir Francis afterwards brought an action against Mr. Abbot, the Speaker, and Mr. Colman, the Sergeant of the House of Commons; and the case having been argued in the Court of King's Bench and Court of Exchequer Chamber, and on both those occasions decided in favour of the Speaker and the Sergeant, was now brought by two writs of error into the House of Lords for decision in the last resort; and there argued, the Judges being present.

Mr. *Brougham* and Mr. *Courtenay* argued the

case for Sir Francis Burdett, the plaintiff in error, and the substance of the argument generally stated was as follows:—

The whole of the case might be resolved into three questions; 1st, whether the House of Commons had the power of imprisonment for contempt; 2dly, whether, if it had, the warrant in this case was a proper one for the purpose; 3dly, whether, if the warrant was good, it was properly executed?

First, as to the power or jurisdiction of the House of Commons, the fundamental principle for which the plaintiff contended was admitted in the judgment below, namely, that where another matter came before a court of law, to which other matter a question of breach of privilege of either House of Parliament was incident, there the court must deal generally with the question of privilege. Then the principal matter in this case was the trespass; and the privilege came incidentally into question: and if the matter of privilege was brought into question at all, it was argued, that the Court could not confine itself to a general point, whether the House of Commons had the power of punishing by imprisonment for a libel, as a contempt or breach of privilege; but ought to require that the libel should be set forth, that it might decide whether the individual had been rightly punished in the particular case. The argument for the House of Commons, which might in this case be identified with the defendants, was, "We are the judges of our own privileges, and we will answer no charge of this nature; because if we do, we must bring our privileges in question into the courts below, and in the other House of Parliament." Consistently with that argument they ought neither to have appeared nor pleaded at all. But they did plead, and though they refused to try whether the individual was rightly punished, they raised the question, whether they had the power of punishing in this manner generally, and consequently their privileges had been brought into question in the courts below, and now in their lordships' House, the supremacy of which they denied, except as to the precedence of the individual members.

In a question, *inter apices juris*, it was something to shew, that every step they took led to absurdity. It was clear, from the admissions, that the courts might discuss and decide whether the House of Commons had a general class of privileges; and, upon decided cases, it might be considered as also settled, that the resolutions of the Commons were not conclusive as to their having a power or privilege generally; and, therefore, the courts might be compelled to inquire into the particular case, so far as to enable them to decide whether the House had the privilege generally. Suppose the House were to revive the old claim of privilege from arrest for the members of Parliament, the courts would deny it; and, in order to enable them to do so with effect, they must inquire into and decide on the merits of the particular case. Suppose

that on the face of the warrant there was something obviously absurd, or beyond the jurisdiction of the House—*ex. gr.* that the commitment was for a trespass on the fishery of a member of Parliament: that A. B. and C. D. should be put back to back on a horse, with labels on their breasts, setting forth their offence, and compelled, in this situation, to ride round Charing-cross (cases which did happen); or that A. B. (which did not happen) should be put to death. If any of these things were to appear on a return to a Habeas Corpus the court would take cognizance of the particular case, and give redress. This conclusion followed from the admissions; and another conclusion was, that privilege was not of so delicate a nature as to be mentioned out of doors only to be obeyed. The courts might deal with it, and had sometimes dealt with it rather roughly. Then, if the courts would so proceed where such things appeared on a warrant or return, was it not manifestly absurd to say, that the Commons should be allowed to defend themselves by involving the matter in obscurity? If it might by possibility happen, that the court would deny the privilege if the particulars were set forth, was the House of Commons to be permitted to do that indirectly which it could not do directly?

But then the Commons said, that it was necessary for their existence, and the exercise of their functions, that they should be the sole judges whether a particular act amounted to a libel on themselves, and such a libel as entitled them to punish by imprisonment. The courts below had the power of punishing for contempt, and it would be inconvenient, they said, if they should not have that power. The inconvenience, however, was not all on one side; for the Commons might do wrong, and yet upon their principle there was no redress for the injured party, for the House of Commons could not be impeached. The judges below might be impeached, or might be removed upon address by the two Houses of Parliament, and before the Revolution they might be removed by the Crown. But the judges below were subject to control in the exercise of this power, and the House of Commons was not. The courts below proceeded according to a certain known rule and form in these cases, and the accused party was heard on the same terms as the accuser. In the House of Commons the party was heard in answer to a vague accusation, and then the greater part of the charges were brought forward against him after he had withdrawn, and judgment was given against him in his absence. The prerogative of the Crown was defended in the courts below, and why not the privileges of the Commons? It was no answer there to say that an act was done by command of the King; but the question was, whether it was legal, and what harm could result from compelling the House of Commons to say yes or nay, so as to bring the question of the legality in each particular instance before the Court? But it might be said

that the court below might liberate the prisoner, and that the decision might be affirmed in *Dom. Proc.* That, however, was putting an extreme case, and the objection did not come well from them who accused the other party of putting extreme cases; and the objection was so much the less weighty, because the Commons had in some cases abused the power, whereas no instance had been shewn where the courts below had been unwilling to support the privileges of the House.

It had been farther contended for the Commons, that their claim rested on an uniform train of decisions, and uninterrupted practice; but the proceedings in many of the cases relied on as authority had been wild and extravagant, and rested on claims of privilege which could not now be supported, and had, in fact, been abandoned. In the case of *Hall*, 23 Eliz. the House had *fined*, as well as expelled and imprisoned; but Lord Mansfield had said it was clear they could not fine. Then, after this uniform stream had ceased to flow for three-quarters of a century, came the proceedings of the long Parliament, which claimed the privilege of making use of the King's authority against his person; and the case of Pitman, sentenced along with another person, for a contempt, to ride back to back on a horse round Charing-cross. After the Restoration, the same notions of privilege prevailed, as appeared from the case of *Shirley and Fagg*, where the Lords having admitted an appeal from the Court of Chancery against *Fagg*, a member of Parliament, the Commons ordered the counsel who were to argue the appeal to be taken into custody. Various conferences followed, and there the Lords decided a question of privilege claimed by the Commons. It appeared then that the current of decisions was neither uniform nor regularly admitted; that the privileges might be stretched at one time, and diminished at another; that there was no prescriptive right to this power, and no such power was given by statute. The Commons also claimed, in the time of Edward IV., that the goods of a member of Parliament should not be taken in execution. At other times, however, they did what would now be reckoned below their dignity—they applied peaceably for a writ of privilege. That came from the Crown, so that they applied to the Crown for the protection of their own privileges against the Crown. There were several other cases of the same description; but that of Admiral Griffiths, 28 Com. Journals, 1759, was a great privilege curiosity. Admiral Griffiths, a member of the House, complained that certain persons had entered on his fishery. The House appointed a Committee to enquire into the matter; and neither the House nor Committee entertained any doubt as to the jurisdiction. The Committee proceeded to try the question like a court of law, though more clumsily. The possession, the rent, the boundaries, the warning by the admiral, his refusal of licence, and the forcible

entry were proved. The Committee then called on the other parties to answer, and they were heard by their counsel, but no witnesses were examined for them; and then the Committee reported that the parties were guilty of—what? a trespass? No—but a breach of privilege, they having entered the close of the said Griffiths, and fished therein. The House then ordered the parties to be committed; and, on their humble petition, acknowledging their offence, and setting forth their contrition, they were reprimanded on their knees, and discharged—paying their fees. So much for the *lex Parliamenti, ab omnibus querenda, a multis ignota, a paucis cognita*;—of which case Chief Justice De Grey said, that he wished he had some code of it, for that till he had, he could not judge of it.

Leaving these journal precedents to such considerations as they might appear to deserve, the cases where the courts had recognized this privilege of the Commons came next to be inquired into; and the Aylesbury case, 2 Ray. 205: Murray's case, 1 Wils.; and *Rex v. Flower*, 8 T. R. 314, were those chiefly relied on in support of the power. But upon all these this observation was to be made, that they came before the court upon returns to writs of Habeas Corpus, and that if the prisoners had been liberated, there would have been a direct and immediate conflict of jurisdictions. The House might have the power so far as it was necessary to remove obstructions; and it was not contended for the plaintiff that there ought to be such a conflict of jurisdictions; but where trespass was brought in the proper court, and a question of privilege was incident to it, the court of law ought not to be estopped from inquiring into the question of privilege, but ought to deal with it as with incidental questions of marriage or prize, which properly belonged to the Ecclesiastical and Admiralty Courts. It was admitted then, that the court of law would not liberate where there might be a direct conflict of jurisdiction; but did it follow, that a person illegally committed by the House of Commons was to have no redress? Suppose an officer, deriving his authority from the Crown, arrested a soldier illegally, *ex. gr.* because the soldier disobeyed an illegal order, upon a return to a Habeas Corpus, that the arrest was for disobedience of orders, the court would refuse to liberate or inquire into the matter: but suppose the soldier brought his action for false imprisonment, and it appeared that it was his duty to disobey, and that he would be punished for obeying, might he not have redress in that mode? According to Lord Kenyon's doctrine, in a case 1 East, 306, the *King v. Suddis*, the soldier might have redress; and yet the interference of the court in such a case would be a more delicate matter, and the case would be much stronger than the present. Let there be a remedy, therefore, in this case in damages, as there would be for the soldier. One might figure a case of such gross

absurdity that the court could not refuse redress. Suppose the parties committed in the case of Admiral Griffiths had brought an action against him, for that he broke and entered their close, and Griffiths had pleaded the decision of the Commons; the House might imprison the parties for bringing the action, but would the court allow that sentence of the Commons to be conclusive as to the right of property? With respect to the argument that the House of Commons had the power because it was a Court of Record, it was submitted that the House was no court: it had no forms of proceeding as a court; and if its law was known to few, its practice was known to none. To support that position, that it was no court, *Oates's case*, 4, State trials, *Jones v. Randoll*, Cowp. 17, *Shirley and Fagg* before mentioned, and other cases were cited. In the late case of the *King v. Creevy*, a new trial was moved for on the ground that the publication of a speech in Parliament by the defendant was justifiable as being a proceeding of a court, but the new trial was refused.

But suppose the Commons had the power, his privilege of Parliament ought to have exempted the plaintiff from being committed for a contempt. 1 *Hatsell*. 131. *Wilkes's Case*, 2 *Wils.* &c.

Secondly, the warrant was not a good ground of commitment, for it did not pretend to commit for a contempt, but for a breach of privilege; and that was a libel, and a libel too on a past proceeding, so that it could not be an obstruction of a present proceeding. The mere naked fact here was, the admission that the letter was printed by the plaintiff's authority, and how could the admission be a breach of privilege? Besides, there was no allegation of publication of the libel, and therefore it could not be a breach of privilege: because, for any thing that appeared in the warrant, the libel might have remained in the plaintiff's table-drawer.

Thirdly. With respect to the execution of the warrant, there were two particulars—1st, in breaking open the outer door; and, 2dly, in using a military force. As to breaking open the door, the only authority upon which they relied on the other side, *Semayne's case* in Cro. El. would sink under their feet when it was examined in the more authentic report in *Yelv.* 28. Then, as to the use of the military, it had been contended, that they might be called upon to execute the warrant as citizens: but the allegation in the record was, that they were soldiers of our Lord the King, from which it appeared that they were employed as the King's troops, and not as citizens in red coats. But the warrant ought not to have been executed by soldiers, as the King's troops, because the law does not recognize soldiers, as was well stated by *Atkins*, in his defence of Lord *Russell**. In *East's re-*

port of this case of *Burdett and Abbott*, Lord *Ellenborough* (this was stated by Mr. *Brougham*)

this last *Overt-Fail*, or open-deed, a little further; namely, 'to seize and destroy the King's Guards.' The Guards! What Guards? What or whom does the Law understand or allow to be the King's Guards, for the preservation of his Person? Whom shall the court that tried this noble lord, whom shall the Judges of the law that were then present, and upon their oaths, whom shall they judge or legally understand by these Guards? They never read of them in all their law-books: there is not any statute-law that makes the least mention of any Guards. The law of England takes no notice of any such Guards, and, therefore, the Indictment is uncertain and void. The King is guarded by the special protection of Almighty God—he is guarded by the love of his subjects, the next under God, and the surest guard: he is guarded by the law and courts of Justice. The *Militia* and the trained-bands are his legal guard, and the whole kingdom's guard. The very judges that tried this noble lord were the King's guards, and the kingdom's guard, and this Lord *Russell*'s guard against all erroneous and imperfect indictments, from all false evidence and proof, from all strains of wit and oratory misapplied and abused by counsel. What other guards are there? We know of no law for more. King *Henry VII.* of this kingdom, as history tells us, was the first that set up the Band of Pensioners. Since then the Yeomen of the guard; since then certain armed bands, commonly now-a-days, after the *French* mode, called the King's life-guard, ride about and appear with naked swords, to the terror of the Nation: But where is the law, where is the authority for them?"

It may not be improper to subjoin a brief history of our Military Establishment.—By the common law, the King could not, except in cases of *insurrection*, or *insurrection*, levy or keep on foot any standing forces; nor were iunkkeepers, or others, compellable to quarter soldiers. In the *Saxon* times, the military force was not in the hands of the Crown, but of leaders chosen by the people. By the *feudal* government, the King could summon his vassals into the field, where they were obliged, for a limited time, usually 40 days, to serve him at their own expense: but in the reign of *Henry II.* personal service was dispensed with, by pecuniary commutation; so that though military tenures were not abolished till 12 *Charles II.* yet the personal service of the knights had, long before, fallen into disuse. *Richard II.* assembled an army of 4000 archers: they overawed the Parliament, and committed such excesses, that it formed one of the charges (Art. 5.) against him. From that time to the reign of *Charles I.* no standing army was in being. It was the *Militia* that sustained the holy war, and so successfully penetrated into France. In all the wars between the Houses of *York* and *Lancaster*, whoever prevailed, no standing army was established. *Henry VII.* raised 100 yeomen of the guard, which he augmented to 150—the whole standing army of his time. A *regimented militia* was established by *Elizabeth*, but she had no standing army. When the *Duke of Alanson* came over to England, and for some time had admired the riches of the city, the conduct of the Queen's government, and the magnificence of her court, he asked her amidst such splendour, 'where were her guards?' which question she resolved a few days after, as she took him in her coach through the city, when pointing to

* The passage in Sir *Robert Atkins's* defence, here referred to, is as follows:—"But to examine

was made to pronounce an eulogium of Chief Justice Pemberton, who presided at Lord Russell's trial. But as the House of Lords had said that the conviction and execution of Lord Russell was a murder (see Report of the Lords' Committee for inspection of examinations concerning the murders of Lord Russell, of Sydney, &c., 20th Decr. 1689); and as it had been declared by Act of Parliament, that the conviction of Lord Russell had been procured by undue and illegal return of jurors, by refusal of lawful challengers, and by partial and unjust constructions of law, there could be no accuracy in the Report. It was well known that the troops existed only by sufferance from year to year; and so jealous was the law of their interference, that they were removed from assize towns at the time of holding the assizes, and also from the place of election, at the time an election was in progress. In the next place the Commons could not employ the soldiers without application to the Crown, and then what became of their privileges? If they required soldiers to execute their warrants, it was a strong argument against the existence of the power; and this was one of the many proofs that the grounds taken by those who argued in favour of the existence of such a power in the House of Commons involved them in inextricable difficulties.

the people, who received her in crowds, with repeated acclamations, 'These (said she), my Lord, are my guards: these have their hands, their hearts, and their purses, always ready at my command.'—Neither James I. nor Charles I., before the commencement of the Civil War, had any considerable body of troops. —In 1628, the House of Commons remonstrated against an army in time of peace, and against Buckingham's standing commission as General. At the conclusion of the Civil War the ruling power found itself at the head of a large army, great part of which was afterwards maintained by Cromwell, for the support of his government. His army amounted to 20,000 foot, and 10,000 horse. The disbanding of Cromwell's army was, by *Cromwell's* advice, one of the first acts of the reign of Charles II. but he kept up a body of troops, merely by his own authority for guards to garrisons. At his death, the standing army amounted to 8500.—On account of the *Tulane* of *French* invasion, it was increased by James II. to 15,000; and afterwards to 30,000, all paid from his own Civil List; but this was illegal, and it has been said, "it was a riot and unlawful assembly, every hour it stood."—This led to the Declaration in the *Bill of Rights*, "that the raising or keeping a Standing Army, within the Kingdom, in time of Peace, unless it be with the consent of Parliament, is against law." Soon afterwards, the framers of that Bill obliged King William to dismiss his Dutch guards; but they passed an Act, called the *Mutiny Act*, which allowed the Crown to maintain a body of troops for one year. This Act, which has been since passed annually, is the only authority for a standing army, who are *ipso facto* disbanded at the end of the year, unless continued by Parliament. (See Maddock's Life of Lord Somers, and Lord Somers's tract, intitled a "Letter balancing the Necessity of keeping a Land Force in times of Peace, with the Dangers that may follow on it.")

The Lord Chancellor said, that before their lordships proceeded farther, it would be proper to take the opinion of the judges on the following question—whether, if the Court of Common Pleas had adjudged that a person should be committed for a contempt, and the warrant stated that adjudication generally, without setting forth the particular circumstances, and the case had been brought before the Court of King's Bench by Habeas Corpus, and the return stated the warrant of commitment for contempt, whether, in such a case, the Court of King's Bench would liberate the prisoner, on the ground that the particular circumstances were not set forth in the warrant.

The question was accordingly put to the Judges, and they having consulted together for a few minutes, the Lord Chief Baron delivered their unanimous opinion, that in such a case, the Court of King's Bench would not liberate.

The Lord Chancellor then observed, that this was an important, but not a difficult case. If he had thought it difficult, or had any doubt about it, he would have been anxious to hear the counsel for the defendants; but being clearly of opinion, that the House of Commons had the power of committing for contempt—that this was a commitment for contempt—and that the contempt, if that was necessary, was sufficiently set forth in the warrant—and that the objections in point of form had not been sustained; unless any other noble lord stated it to be his wish to hear the counsel for the defendants, he would move that the judgment of the Court below be affirmed.

Lord Erskine rose.—He said, that when this matter was first agitated, he had conceived that the House of Commons intended to pursue a very different course, and he had certainly felt serious alarm at the nature and extent of the claims of privilege, which he imagined were to be set up by the Commons, and had spoken on the subject with warmth. But he entirely concurred in the opinion, that the House of Commons had such powers and privileges as were necessary for their protection, and that these privileges formed part of the law of the land. Here the Speaker of the Commons had proceeded as in the case of an ordinary subject. He had put himself on the country as to the fact, and pleaded a justification in law; for it was not a plea to the jurisdiction, but a plea in bar. This gave him heartfelt satisfaction; for if the judges had decided against the defendants, it was to be taken for granted that the House of Commons would have submitted. It would be a libel on the House to suppose the contrary. By this course of proceeding and judgment, therefore, it appeared to be the same law which protected the rights of the subject, and the just privileges of the House. The case had been argued with great propriety; but it had been said that the warrant did not allege that the plaintiff published the libel. It was stated, however, that the manuscript had

been sent to the publisher of the *Weekly Register*, and printed by the plaintiff's authority; that was sufficient—for if he sent a manuscript to the publisher of a periodical paper, and did not restrain or object to the printing of it, and it was printed, he was the publisher. The word reflecting, separately considered, was too vague; but the allegation was, that this was a false and scandalous paper, reflecting on the just privileges of the House of Commons; and it must therefore be understood as an allegation, that the publication arraigned the just privileges of the House of Commons. He concurred then in the opinion of the learned judges; and it was to be observed, that in that House, the highest court of error, they thought it no derogation from their privileges to consult the judges in matter of law. He had himself, during the period when he presided in the Court of Chancery, committed two persons for contempt; and he thought it absolutely necessary that every tribunal should have this power, without which its character, dignity, and usefulness, could not be maintained. The House of Commons, whether a court or not, must have that power, because it is necessary to protect it from obstruction and insult, and to maintain its character in the world. This was necessary for the protection of the House of Commons, upon the same principle which rendered it necessary for the preservation of the dignity of courts of justice. If the dignity of the law was not sustained, its sun was set never to rise again. He spoke with warmth, because he felt strongly the necessity of supporting the character and dignity of the law; and had now nothing farther to say, than that he fully concurred in the opinion that the judgment ought to be affirmed.

The counsel were then called in, and informed that the House did not think it necessary to hear the counsel for the defendants; and the judgment of the Court below was, without farther proceedings, affirmed.

ROYAL ASSENT.] The Royal Assent was given, by commission, to the Sheriffs in Ireland Bill; the Exchequer Offices Regulation Bill; Justices in Eyre Bill; Offices (Ireland) Abolition Bill; Clerks of the Signet and Privy Seal Bill; Offices (Scotland) Regulation Bill; Civil Services Recompense Bill; Board of Trade Bill; Mint Offices Regulation Bill; the Paper Drawback Bill, and the Irish Prisons Bill.

The Frivolous Arrests Bill, the English and Irish Savings Banks Bills, Irish Grand Jury Presentments Bill, Election Laws Amendment Bill, the Deputy Remembrancer's Regulation Bill, and the Extents in Aid Bill, were brought from the Commons, and read a first time.

The Small Livings' Land Tax Bill, and Small Rents Bill, were read a second time.

CLERGY RESIDENCE BILL.] On the motion of the Archbishop of Canterbury, this bill was read a third time.

The Earl of Harrowby proposed several amendments, and among others, to extend the exemptions from residence to masters in the

great public schools; and enlarge the period of exemption already allowed to canons and prebendaries. The first of these amendments was negatived without a division; and the second, on a division, was negatived by 11 against 1.

The bill was passed, and ordered to be sent back to the Commons for their assent to the amendments.

HOUSE OF COMMONS.

Monday, July 7.

SAVINGS BANKS.] The English and Irish Savings Banks Bills, were read a third time, and passed.

FRAMERBREAKING BILL—LUNATIC ASYLUM (IRELAND) BILL—DEPUTY REMEMBRANCER'S REGULATION BILL—ALNAGE ABOLITION BILL.] These bills were severally read a third time and passed.

STEAM BOATS.] Mr. Harvey moved for, and obtained leave to bring in a bill, "for securing the safety of passengers in vessels worked by means of steam." It was brought in and read a first time.

REMUNERATION OF CONSTABLES.] Mr. Galvraft moved, "that an humble Address be presented to his Royal Highness the Prince Regent, that he will be graciously pleased to direct to be issued the clear sum of 330*l.*, to the Sergeant at Arms attending this House, to be distributed by him in remuneration of the High Constable of Westminster, and the officers serving under him, for their various and arduous attendances upon both Houses of Parliament, for the session 1817." The hon. member observed, that they were almost all tradesmen, who suffered great inconvenience, and incurred considerable loss, by their constant attendance during the session; and his object was, not that they should receive complete compensation for their trouble, but a small remuneration for their loss of time. These officers served without pay, but they should be indemnified in part, and the small sum of 330*l.* distributed among them, for the performance of their various and arduous duties, would do nothing more.

Mr. Beuinet noticed, with great disapprobation, a practice which prevailed in the time of the late High Constable, of taking a fee of a guinea from some of the constables, to exempt them from the duty of attending on Parliament: by which a heavier duty was thrown upon those who did not submit to the extortion. He hoped this would never occur again. The present High Constable was a very respectable individual, and was known to be above such practices.

Mr. Bankes objected to the grant; first, because it was an innovation, without sufficient inquiry into the circumstances; secondly, because he could not allow the claim; and thirdly, because it was brought forward at so late a period of the session.

The *Chancellor of the Exchequer* wished to postpone the consideration of this question to a future opportunity, though he allowed that the claim was moderate.

Mr. *Calcraft* replied, that the present proposition was for a very small remuneration, not above 3s. a day to each constable for attendance, and not intended as a compensation, but as a diminution of loss. He hoped that this grant would be allowed, and the subject of a more systematic arrangement, if thought necessary, might be taken into consideration in the next session.

Mr. *Osborne* understood, that the High Constable and constables were already paid for their attendance.

Mr. *Calcraft* answered, that they were paid for their attendance on lewes and drawing-rooms, but not one farthing for their service about Parliament, by the Parish, the County, or the Treasury.

The House divided—

For the motion, 22, Against it, 27, Majority, 5.

NEW STREET ACT.] Sir *F. Burdett* presented the Report of the Committee appointed to inquire into the case of the *Norris Street* petitioners against the Commissioners for executing the New Street Act. The hon. baronet said, that every claim was satisfied, and that the departure from the plan submitted to Parliament when the act passed, had been found to have originated in mistake.

Mr. *Huskisson* said, that in the early part of the session, a complaint had been made to the House by petition, that the plan sanctioned by the Speaker of the House for the New Street, was not the plan which had been carried into effect. This had proved to be true, but it had also been proved, that no blame attached to Mr. *Nash* and the other persons concerned; but that by mistake, a different plan had been presented to the Speaker for his signature, than that which had been agreed to by the Committee of the House. To prevent such mistakes in future, he should move two standing orders on the subject of private bills:—

1. "That every map or plan, and every schedule or book of reference thereto, which shall be produced before the Committee upon any private bill (whether the same shall have been previously lodged at the private bill office, or not,) shall be signed by the Chairman of such Committee, with his name at length; and he shall also mark with the initials of his name, every alteration of such map or plan, and of the schedule or book of reference thereto, which shall be agreed upon by the said Committee; and every such map or plan, and schedule or book of reference, shall thereafter be deposited in the private bill office."

2. "That every map or plan, and schedule or book of reference thereto, which shall be certified by the Speaker of the House of Commons, in pursuance of any Act of Parliament, shall previously be ascertained, and verified upon oath, to be exactly conformable in all respects to the

map or plan, and schedule or book of reference, which shall have been signed by the chairman of the Committee upon the bill, including and specifying every alteration which may have been made therein by authority of Parliament."

Ordered,—That the said Resolutions be made standing orders of the House.

MADHOUSES.] Mr. *Bennet* moved for a "Return of the number of houses licensed for the reception of lunatics, in each city or town, which is a county of itself, as well as the names of the persons keeping them, and the number of lunatics therein confined." He took occasion to observe, that though a bill had passed that House on this subject, no one step had been taken on it in another place, though a person holding a high situation there (the Lord Chancellor) was the legal guardian of lunatics. By the return to the motion, the House would see the importance of some regulation on this subject. The motion was agreed to.

EDUCATION OF THE POOR.] Mr. *Brougham* brought up the Report of the Committee upon the Education of the Poor, which being read,

The learned gentleman stated, that it would be in the recollection of the House, that by the Report of this Committee in the last Session, a useful exposition had been made as to the extent and character of existing abuses in several charitable establishments for the education of the poor. Since then it was ascertained that in a particular district where 1500*l.* a year had been devised for the education of the poor, the rector of the parish, who, according to the will of the devisor, was to superintend the application of the money, appointed his own brother to be the schoolmaster, and to receive the salary. But this gentleman being very willing to accept the 1500*l.* a year, but unwilling to undertake any trouble, appointed as his deputy a journeyman carpenter at 40*l.* a year. This sum, however, that gentleman was not contented to allow, and it was in consequence of the attempt to reduce it still lower, that the Committee became acquainted with the fact, the rector desiring that the curate should undertake the business as a mere matter of form at 20*l.* a year, to which the curate replied, that if it were a mere matter of form, the rector might do it himself. Another case had come to the knowledge of the Committee, where the object of a bequest of 300*l.* a year in the North of England was defeated by educating only one boy, with a view merely to the form necessary to secure the amount of the bequest. But the Committee might have obtained infinitely more information, if they had possessed the power of extending their inquiry. Their power was, however, confined to the institutions of the metropolis, and such information as he had referred to was but casually obtained. The learned gentleman added, that the imperfect state of the Report which he had presented was attributable solely to his indisposition. But to accomplish the object of the Committee, he thought that commissioners should be appointed by Parliament

with full power to inquire, to examine persons, papers, and records, and to remove from place to place. Such a course of conduct, especially with regard to moving from place to place was impracticable, it was obvious, on the part of a Committee of that House. Besides, the members of a Committee serving gratuitously could not be expected to devote so much time as was necessary to a thorough investigation of the subject in all its details. On these grounds he thought a Parliamentary Commission the more eligible course, and therefore he threw out the suggestion for the consideration of the House. The members of that commission he should propose to reward for their trouble by a certain per centage upon the amount of the abuses which they discovered, and from what he had heard of the abuse of such funds as he had alluded to, he had no doubt that the discovery would be considerable. The only difficulty would be as to the selection of proper commissioners, which he hoped, however, would be chosen without any reference to party attachments, or any view to jobbing or patronage. He trusted, indeed, that Ministers would see the necessity of appointing those Commissioners without any sinister considerations. The only other object to which he had to call the attention of the House, was, whether any pecuniary aid should be allowed to certain establishments for the education of the poor in the metropolis or whether those were objects with which it would be fitting in Parliament to interfere. But these points would naturally attract the consideration of the House at an early period of the next session.

Mr. Serjeant *Onslow* expressed his satisfaction at what the House had heard from his hon. and learned friend, but he thought that the inquiry of the Committee or Commissioners alluded to, should extend to all the endowed public schools in the country.

Mr. *F. Blake* was of opinion that this inquiry should also extend to Ireland.

Mr. *Brougham* observed, that he understood the suggestion of his learned friend (Mr. Serjeant *Onslow*) referred to such schools as Winchester, Eton, and Harrow, and should even include the Universities. As to those establishments, he had not heard that any suspicion attached to them, and he should think it objectionable to have the heads, for instance, of the eminent Universities alluded to, brought before any Committee or Commissioners, without any allegation or grounds of suspicion, as to their conduct in the application of the funds committed to their care. With respect to Ireland, a Commission had for some time existed in that country for inquiring into the conduct of charitable establishments, and from this Commission several very valuable Reports had appeared; and, therefore, he could not see the propriety of interfering with its labours.

The Report was ordered to be printed.

UNDUE REMISSION OF PUNISHMENT.] Mr. *Bennet* moved that the proceedings touching the

case of the King *versus* Robert Hoy be printed, and stated his intention of submitting some measure respecting it early in the next session.

COPENHAGEN.] A petition was presented of merchants, &c. of London, having commerce with Denmark and Norway, respecting confiscated property (see page 1574.) The Prince Regent's recommendations being signified, the petition was ordered to lie on the table.

HOUSE OF LORDS.

Tuesday, July 8.

ELECTIONS.] The Election Laws' Amendment Bill was, on the motion of Lord *Shaftesbury*, ordered to be read a second time this day three months. The reason stated by his lordship was, that it was impossible at this late period of the session to give that attention to the provisions of the bill which their extent and consequence required.

The English and Irish Saving Banks Bill, the Frame-breaking Bill, Extents in Aid Bill, Frivolous Arrests Bill, the Exchequer Court Bill, and Grand Jury Presentments Bill, were read a second time.

HOUSE OF COMMONS.

Tuesday, July 8.

CONSTABLES.] Mr. *Calcraft* gave notice that he would, on the first week of next session, bring under the view of the House, the subject of a remuneration to the high constable and constables of Westminster, for their attendance on the two Houses of Parliament.

Sir *H. Parnell* gave notice, that he would early next session, move for leave to bring in a bill for regulating the office of petty constables in Ireland. The system of the two countries should be assimilated with respect to the civil power; and the administration of the law ought to be inquired into for the purpose of finding a substitute for the employment of the military in keeping the peace.

POLICE COMMITTEE.] Mr. *Bennet* presented a Report from the Committee appointed to inquire into the Police of the Metropolis. For a great part of last session, and a considerable portion of this, they had been employed in investigating the abuses that prevailed in public house licensing, and on that system they had presented the result of their inquiries. The present Report embraced two subjects—the policy of granting what was called blood-money, or rewards on conviction; and the state of juvenile offenders. The magistrates whom the Committee had examined on the first of these subjects were unanimously of opinion, that the system of granting blood-money should be discontinued. They all complained of the pernicious effects that resulted from it; and they were confirmed in the opinion they had formed by the officers of courts of justice whom the Committee had called before them. These latter stated, that the rewards given on conviction

held out a temptation for which witnesses often perjured themselves, and exposed the lives of innocent men. During the last summer there had been three trials for conspiracy to entrap the unwary, and procure their conviction, for the sake of the blood-money. It might be calculated to what an extent of wicked activity this system of granting rewards on conviction excited police officers, when he mentioned that it was reckoned a gainful trade to bring persons found about the streets to the police officers, and swear them vagrants without examination, for 10s. a head. These officers had been heard to say, that 10s. could not be earned so easy in any other manner: and that they doubted whether apprehending felons or swearing vagrants was the most profitable part of their occupation. (*Hear, hear.*) The increase of criminals of all sorts, and particularly of juvenile delinquents, of late years had been truly alarming, and it was melancholy to reflect that the greater part had been thrown into improper courses by the negligence of their parents, or the difficulty of procuring education, for they could neither read nor write. He next adverted to the mode of punishing convicts by transportation to Botany Bay, or confinement in the hulks, and strongly condemned both parts of the system. Transportation had entirely failed of producing the results expected: it produced no amelioration in the principle or conduct of the greater part while it was very oppressive to individuals, and entailed a heavy expense on the country. Those whose time of banishment was expired could not return to their country without the greatest hardship, and after a tormenting delay; and the females, especially, were more liable to be corrupted than amended by their transportation, as they could only find their way back by the prostitution of their persons in payment of their passage. From 1798 to 1813 the establishment at Botany Bay, and the transportation of convicts, had cost 2,433,326*l.*, and the hulks in the same period had required an expense of 948,612*l.* making in all 3,383,938*l.*; or, during fifteen years, at the rate of 225,588*l.* annually. During that period the charge of maintaining the hulks had arisen from 30 or 40,000*l.* to 93,594*l.* annually, which last was the sum expended in 1814.

Sir S. Romilly observed, that many convicts, sentenced to seven years' transportation, had been detained two or three years in the hulks, and after so much of their time had expired were at last transported. The information disclosed in the Police Report, respecting juvenile delinquencies, the evils of the conviction money system, and the extent of the existence of irregular houses unknown to the magistrates, but known and frequented by police officers, called for early and serious attention.

Mr. *Butterworth* bore testimony to the zeal and diligence evinced by the hon. Chairman of the Committee, who was entitled to the thanks of the country at large. He hoped the subjects of the Report would be taken up in another

session. An instance had come to his knowledge, in which, for the purpose of obtaining the parliamentary rewards, police officers had paid counsel to prosecute persons who had entered into a squabble in the street without any malicious motives.

Mr. *Goulburn* said, no persons were transported for seven years, until those who were condemned for a longer term had been sent out. In the case of remaining two or three years in the hulks, the convicts had the option of being transported, or remaining the rest of their time in the same situation, and often preferred the former.

The Report was ordered to be printed.

MARRIAGE CEREMONY.] Mr. *W. Smith* presented the following petition:

"To the Hon. the Commons of Great Britain and Ireland, in Parliament assembled:

"The Petition of the Associated Unitarian Christians of Kent and Sussex—Humbly sheweth,

"That your Petitioners, dissenting from the Established Church upon the principle that Christ is their sole head in matters of religion, are deeply impressed with the inconsistency of submission, on their part, to the marriage ceremony of that Church, as an act whereby its authority to decree rites and ceremonies is acknowledged, and this their leading principle of dissent is violated.

"That as Unitarian Christians, your Petitioners cannot exculpate themselves from the charge of a palpable violation of moral principle in joining in devotions addressed to the Father, the Son, and the Holy Ghost; and particularly in receiving a benediction pronounced for the ratification of the ceremony, in the name of God the Father, God the Son, and God the Holy Ghost.

"That finding that the British Legislature, in an act passed in the reign of his Majesty George the Second, relating to marriage, recognised the importance and sufficiency of such religious scruples, by exempting the Jews and Quakers from all obligation to submit to its provisions, so far as respected the members of their several communions; your Petitioners feel encouraged to submit their case to the consideration of your Honourable House, and humbly to petition, that they also may be allowed to marry among themselves, in conformity with their religious principles. And your Petitioners will ever pray."

The Petition was ordered to lie on the table.

SESSIONAL ADDRESSES.] The *Chancellor of the Exchequer* moved the usual annual addresses to the Prince Regent for conferring some dignity in the Church upon the Rev. Robert Stevens, Chaplain to the House, and for remuneration to the officers: Also, for a sum of 12,000*l.* Irish currency net, to the Commissioners appointed, in pursuance of an Address of the House of the 24th June, 1814, to inquire into the duties and emoluments of officers of the Courts of Justice in Ireland, as a remuneration for their services in the execution of the said commission for two

years. Also, for the sum of 10 000*l.* for executing repairs upon the Cobb at Lyme, under the directions of the Master General and Board of Ordnance.—The consideration of the last sum was deferred.

SCOTCH LUNATIC ASYLUMS.] Lord *Binning* brought in a bill to provide asylums for the lunatic poor in Scotland, which was read a first time, and ordered to be printed; when the noble lord stated, that he did not intend to propose any farther proceeding upon it during this session.

STEAM BOATS.] On the motion of Mr. *Harvey*, the steam boat regulation bill was read a second time. It afterwards passed through a Committee, and the Report was brought up, and ordered to be printed. The hon. member then moved, that the Report be taken into farther consideration on this day three months*.

CATHOLICS—MAYNOOTH COLLEGE.] Sir *H. Parnell* rose to move for certain papers relative to the course of education pursued at the college of Maynooth. Many unjust reports, he observed, had been spread abroad concerning the principles of the Roman Catholics. Among other things it had been stated, that the College of Maynooth encouraged what were called the Transalpine doctrines. This charge was brought forward in a speech published under the name of an hon. member (Mr. *L. Foster*.) Now, the Transalpine doctrine meant a support of the temporal authority of the Pope—a doctrine which every Catholic in the United Kingdom would abjure, and to which the Prelates at the head of the College of Maynooth, some of whom had been in this country to afford information respecting the views of the Catholics, were well known to be hostile. It was strange that in the next paragraph to that in which this charge was made on the College of Maynooth, the hon. member stated that he had not been able to learn what course of studies was pursued at that College. Now the hon. gentleman could have such confidence as to the doctrines, while he was so ignorant as to the studies, he could not conceive. The assistance of the Clergy to the respect of *M. Quarantotti*, was a pledge of their independence. That the

Clergy of the Catholics were well disposed to the Government, was proved by their conduct not only in 1745, but in 1798. At the latter period all the leaders of the rebellion were persons under ecclesiastical censure. It had been stated, that the education which the Catholic Clergy communicated was merely a supply of moral poison. Such a statement could only rest on prejudice and ignorance, for nothing could be more moral than the tenour of the books which were circulated among the population of Ireland, and universally read in the Catholic schools. A notion prevailed in this country, that the Bible was prohibited in Ireland, while the fact was, that numerous editions of it had been published within the last year in Dublin. The version read by the Irish Catholics might be different in some, perhaps immaterial, particulars from that published by the Protestants, and it was notorious that there were several different versions of the Bible circulated in the Christian world; but it was quite a fallacy to state that the reading of the Bible was absolutely forbidden among the Catholics of Ireland, or of any other Catholic country. The address of the Pope to the Catholic Divines of Poland, as to this point, upon which so much comment had been made, was in fact totally misunderstood, as it would appear from accurate examination that that address or bull did not forbid the reading of the Bible, but was aimed at certain persons in Poland, who were endeavouring, by undue means to convert the Polish Catholics, which the Pope deprecated. But this was not the only calumny against the Catholics of Ireland. It was stated, that a College of Jesuits had been established in the county of Kildare, whereas the simple fact was, that the schoolmaster of the seminary alluded to had been educated in a College of Jesuits; but it by no means followed that he presided over a College of Jesuits in Ireland. The hon. baronet concluded with moving, that an address be presented to the Prince Regent, praying for "Copies or extracts of any communication received from the College of Maynooth, respecting the courses of education pursued in that College since the last return made on the 23d of April, 1813."

* This bill went to enact, that no vessel should be employed unless registered, and no registry should be granted, unless an engineer's certificate were produced, that the boilers were wholly composed of wrought iron or copper. Every boiler to have two valves, one of them to be inaccessible to the person employed in attending to the engine, and the other to be accessible to him, and to every other person on board the vessel. Boilers to be inspected once a year, by an engineer appointed by the Admiralty: such inspector to examine and try the strength of every boiler, and the degree of pressure it was calculated to sustain, by such means as might effectually prove the same; provided that in such trial the pressure used should be one third less than such calculation required; and such inspector to examine the safety-valves attached to such boiler, and certify the weight to be placed on the same, so that in no case such weight should exceed one sixth part of the pressure such boiler was calculated to sustain as aforesaid.

Sir *J. G. Hippisley* considered this motion as one of the most important that had occupied the attention of Parliament in the course of the session. Its tendency was to vindicate a most meritorious and important body of his Majesty's subjects against a tissue of calumnies. For those calumnies, however, some colour had been afforded by the conduct of men who professed to advocate the Catholic cause. Among those exceptionable advocates was the Rev. Mr. *Gandolph*, who, however, was suspended for his doctrines by the Vicar Apostolic in this country, and such suspension had since been distinctly approved of by the Pope, who also ordered the suppression of his works. As to the system of education at the College of Maynooth, he had reason to know that it was quite con-

trary to the Transalpine doctrines so unjustly charged upon it.—The hon. baronet then animadverted on the resolutions of the Catholic Aggregate Meeting in Dublin, on the 4th instant. Among those resolutions it was ordered, that a motion of thanks to the Rev. Mr. Hayes, proposed by Mr. Macdonnell, should be referred to the consideration of a Committee, in order to determine how the object of the motion could be rendered most effective. Now, the conduct of this Mr. Hayes, who was some time ago a Missionary from the Irish Catholic Board to the See of Rome, was such as could not have escaped the notice of the public. But among the most remarkable features of that conduct, it appeared, from a letter which Mr. Hayes had written to Mr. Macdonnell, that he wished Dr. Drumgoole, whose extraordinary speeches and writings in Ireland could not fail to be remembered, to be joined with him in the mission. Here the hon. baronet read an extract of a published letter from Dr. Drumgoole, to shew what an useful adjunct to such a mission the learned doctor was likely to prove. From this letter it appeared, that he had endeavoured to impress upon some Cardinals at Rome, that the power and influence of England had, by recent events, become too formidable for Catholic Europe; while its views were so decidedly hostile to the Catholic religion, that its object was to destroy that religion, not only in Ireland, but throughout Europe. Yet this was the man whom Mr. Hayes, the subject of panegyric at the late Aggregate Meeting, proposed to have associated with him in a mission from the Catholics of Ireland. This Mr. Hayes, however, was decidedly disavowed by all the respectable Catholics of Ireland, and had been actually turned out of Rome by order of the Pope, who said to him, "Depart, rash man!" The respectable Catholics must feel that such men were the worst enemies of their cause, and of the same description was the author of a book intitled, "A Statement of the Penal Laws," which, as the Irish Attorney-General justly said upon a prosecution against it, was one of the most mischievous works that had ever issued from the press. It was lamentable to think of the injury inflicted upon the Catholic cause by such ill-judged writers and advocates. They offended those whom it was their interest to conciliate, by the very terms in which they pressed their claim; for while they protested against every proposition of *Veto*, they pressed their pretensions as a matter of right, rejecting any concession as a boon. This, however, was not the general language of the Catholic body in Ireland, as appeared from the writings of Mr. Clinch, an eminent Catholic Jurist, who observed, that if the Catholics had all that they desired, the Protestants would lose nothing, for they would still retain the Protestantism of the Throne, which would form a landmark to shew that what the Catholics obtained was granted as a boon.—The merit of the Catholic cause was not to be determined from the

writings or conduct of particular advocates, any more than from a few isolated speeches in that House. This great question could alone be fairly judged by a full inquiry into all its details. Such an inquiry was peculiarly necessary, and eminently due to the claims of seven or eight millions of his Majesty's subjects; for, including the colonies, that proportion at least of the British people were interested in this important subject. The hon. baronet, after adverting to a gross attack made upon him by Dr. Milner, who stiled himself the agent of the Catholics, but who, in point of fact, filled no such station, concluded by seconding the motion.

Sir G. Hill deprecated the unfair and disingenuous proceeding of the hon. mover, who had indulged in observations upon a speech delivered by an hon. friend of his during the present Session, and who was not then in the House. That speech had been published nearly six weeks before his hon. friend left town, yet during the whole of that period the hon. baronet never once attempted to animadvert upon it.

Mr. Butterworth begged to trouble the House with a few words respecting the Irish Schools and the British and Foreign Bible Societies. He had some knowledge of the schools which had been established in Ireland, and positively declared that neither the founders nor the teachers had the remotest intention of using their influence for the purpose of making proselytes. There was, however, a great opposition on the part of many of the priests and Roman Catholics, who had not acted so liberally as the hon. baronet had stated. The Bible Societies had not been instituted with a view to proselytism: those who distributed the word of God were content to let it produce a good effect on the hearts of those who read it, of what persuasion soever they might happen to be. The Pope's Bull was not issued in consequence of attempts being made in Poland by the Bible Society to convert Roman Catholics to the Protestant faith: it was issued to prevent the establishment of a Bible Society in that country; but the Emperor Alexander, who was at Warsaw soon afterwards, encouraged the institution, and placed it under his protection. The hon. member concluded with saying, that he felt no hostility towards the Catholics: but he knew that, in Ireland, they were very intolerant to their Protestant brethren. On this subject he need only refer to the Roman Catholic Bible, published at Dublin, last year, under the express sanction of Dr. Troy, the titular Archbishop.

Mr. V. Fitzgerald concurred with the hon. baronet (Sir G. Hill) in condemning the attack which had been made on the speech of the hon. member who was absent. It was well known, that he (Mr. V. F.) differed from the opinions which were promulgated in that speech; but he thought it unfair in the hon. baronet (Sir H. Parnell) to reply to it, when no answer could be given to his remarks.

Sir H. Parnell said, he had not been answering the speech of the hon. member; each of

the topics upon which he had commented were to be found in the notes appended to that speech. The reason why he had not brought the subject forward earlier was, the pressing business which had occupied the House. He had intended to have submitted his observations when the Chancellor of the Exchequer took the usual annual vote for defraying the expenses of Maynooth College; but it was so late in the night that he was prevented.

The motion was then carried *.

HOUSE OF LORDS.

Wednesday, July 9.

[CHANCERY SUITORS.] Earl Grosvenor presented a petition from a person of the name of Roberts, complaining of delay in a Chancery suit in which he was a party, and praying that such assistance might be given to the Lord Chancellor, as would produce greater expedition in the decision of causes. His lordship ob-

* The following is the latest information on this subject.

A Meeting of the Titular Bishop and the Roman Catholic Clergy of the Diocese of Cloyne took place on the 27th of August, 1817. They passed several resolutions, of which the following is the substance:

They begin with asserting, that it is the conviction of the Conference that the Church of Ireland is in imminent danger, affirming, that they would be guilty of high treason against the King of Heaven, were they to conceal their sentiments from their Bishop, at a crisis so alarming. They then proceed to state their adhesion to the resolutions to which the Bishops agreed in August, 1815, against the Veto. In the fourth resolution they declare,

"That they contemplate with undisguised horror every measure which has for its object the concession of any such power to men who are ready to swear, and have already sworn, that the religion of the Roman Catholics, as practised in this United Kingdom, is superstitious and idolatrous."

The fifth resolution is directed against the plans sanctioned by Government for the education of the lower orders. The following is the resolution:—

"That the plans, sanctioned by our Government, for the education of the lower orders in this country, furnish us with an additional cause of alarm. Those schools, under the most specious appearances, have, in our apprehension, for their ultimate purpose, the proselyting of our poor Catholic children. We see immense sums of money levied annually for the maintenance and education of the children of Catholic parents, in establishments which are exclusively Protestant—the unwearied zeal, and increasing influence of Bible Societies and other Anti-Catholic Institutions for educating the poor of Ireland, cannot escape the notice of the most indifferent observer. In these schools a version of the Scriptures, not only unauthenticated, but disapproved of by the Roman Catholic Church, is made the school book of the poor Roman Catholic children, whilst every Catholic tract or explanation of the word of God is sedulously discarded."

The eighth resolution is a request to Dr. Coppinger to use his influence with his brethren, the Catholic Prelates of Ireland, to establish Domestic Nomination by Dean and Chapter; and to submit, whether it might not be expedient, at this period, to

served that assistance had been given by the appointment of a Vice-Chancellor, and he trusted it had been found useful.

The Lord Chancellor stated, that he knew neither the person nor the cause. The appointment of the Vice-Chancellor had been useful to the suitors; but as to the Lord Chancellor, the only effect of it was to throw upon his shoulders business much more distressing in its nature, and the same in quantity as before.

The petition was laid on the table.

The Irish Election Laws Bill, and the Small Rents Bill †, were read a third time, and passed.

The Deputy Remembrancer's Regulation Bill was committed and reported, without amendment. [This bill proceeded no farther.]

HOUSE OF COMMONS.

Wednesday, July 9.

[CATHOLICS.] Sir J. C. Hippisley moved for a "Copy of the Concordat between the Court

and assemble a Synod for the purpose of averting the evils with which the church is threatened; of negotiating with the Pope in favour of the ancient discipline of the Irish Catholic Church; and of appointing an agent at the Court of Rome, to transact, at all times at that Court, the business of the Irish Catholic Church.

The ninth resolution is applied particularly to Dr. Coppinger, requesting the Right Reverend Prelate to apply to the Holy See for the appointment of a Dean, and to nominate a Chapter.

The following is the tenth resolution:—

"That we earnestly entreat of our brethren, of every diocese in Ireland, to afford to their respective Prelates their strenuous co-operation in opposing the Veto, and, by respectful and earnest application, to obtain from them their sanction for domestic nomination, on the basis mentioned in our seventh resolution."

† This bill enacts, that no person making any distress for rent, where the sum due shall not exceed 30*l.*, shall take more, either from landlord or tenant, than the following charges:—

Levying distress	£.	s.	d.
	0	3	0

Man in possession, per day	0	2	6
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Appraisement, whether by one broker or more, sixpence in the pound on the value of the goods.

Stamp, the lawful amount thereof.

All expenses of advertisements, if any such	0	10	0
-------------------------------------------------------	---	----	---

Catalogue, sale and commission, and delivery of goods, one shilling in the pound on the net produce of the sale.

Party aggrieved may apply to a Justice of the Peace, who shall adjudge trouble the amount of the monies unlawfully taken to be paid with costs, which may be levied by distress. Justices may summon witnesses, who must attend under a penalty of 40*s.* If complaint unfounded, Justice may give costs to the party complained against. No judgment to be given against any Landlord, unless he personally levies the distress. Parties not to be barred of other legal remedies. Signature of the Justice to be proof of the judgment. Brokers to give copies of their charges to the persons distrained.

of Portugal and the See of Rome, in the year 1778," which, after a few words from Mr. G. Allan, as to the inexpediency of granting further concessions to the Catholics, was agreed to.

CLERGY RESIDENCE BILL.] The Lords' amendments to this bill were agreed to.

LIVERPOOL PETITION.—HABEAS CORPUS ACT.] Lord *Seymour* said, he had a petition to present of inhabitants of the town and neighbourhood of Liverpool, for the repeal of the Suspension of the Habeas Corpus Act. It was necessary for him to state the circumstances which had attended the framing of this petition. On Saturday se'nnight a petition had been voted at a numerous meeting at Liverpool, against the renewal of the Habeas Corpus Suspension Bill, and was signed by 3,500 persons. This petition came too late to be presented. The gentlemen who had drawn it up framed another, which he held in his hand, in nearly the same terms. He was aware that, in point of form, it could only be received in behalf of the two individuals who had signed it; but he trusted it would obtain additional weight from the consideration of the circumstances which he had mentioned. (*Hear.*)

Mr. *Brougham* said, that as he was honoured by a resolution of the meeting, requesting him to support the prayer of the petition, he felt himself called on to state, not merely his entire concurrence in that prayer, but his knowledge of the facts related by his noble friend. The cause of the delay which had prevented the former petition from being presented, was, that the mayor had thought fit to keep in his possession for a week the requisition for a meeting of the town; he then said that he conceived the meeting unnecessary. The gentlemen who signed the requisition did not, however, think so lightly as the worthy mayor of the bill which suspended the British Constitution. Accordingly they presented another requisition, under the provisions of what was called the Gagging Act, and a meeting was held. The petition then agreed to, and signed in a few hours by 3500 persons, came too late to be presented before the passing of the Act, and the petition now presented would have been signed by as many persons, had it not been found impossible to send it back to Liverpool without running the risk of its being again too late, by the prerogative which would soon take place.

The petition was then read, as follows:—
"That the petitioners, in the exercise of their constitutional rights, respectfully, but firmly state to the House the deep anxiety which they cannot but suffer at the continued Suspension of the Act of Habeas Corpus, which is so justly characterized as the chief security of British freedom; they cannot but feel that their fellow subjects and themselves are degraded from the condition of freedom to that of slavery so long as their personal liberty is submitted to the will of the Ministers of the Crown; they cannot but be aware that those Ministers must exercise the extraordinary powers which have been con-

ceded to them according to the suggestions of their under agents and supporters throughout the kingdom; of the disposition and conduct of these agents the petitioners conceive that a judgment may be formed from the fact, that at their instigation great numbers of their fellow subjects have been torn from their families, hurried up to the metropolis in chains, put into solitary confinement, and upon a strict examination have been dismissed as innocent men, but have returned home injured in their health and in their circumstances, without the least possibility of obtaining redress; the petitioners moreover beg leave to remind the House, that it is matter of public notoriety, and admitted in formal documents, that in various cases the above-mentioned agents of Ministers have excited some of the vast multitudes of their countrymen, suffering the extremity of distress, to acts, and that whilst the victims of their treachery have been left to suffer the rigour of the law, not one of these infamous instigators to mischief has been called to account for his conduct; contemplating with dread the operation of a system which subjects the whole community of these kingdoms to the atrocious machinations of mercenary spies and informers, who seek to repair their ruined fortunes by trafficking in the blood of their fellow subjects, and confident that the common course of law is sufficient to restrain any riotous proceedings which may be unhappily occasioned by any cause whatever, the petitioners earnestly intreat the House not to continue them in the condition of dependents upon the will of others, but, by repealing the Act for the Suspension of the Habeas Corpus Act, to restore them to the blessings of that freedom which was won by the firmness, the integrity, and the blood of their ancestors."—Signed, William Shepherd, Richard Preston.

Mr. *Canning* said, he had no objection to the petition being laid on the table, but it was to be understood only as the petition of Mr. Shepherd and Mr. Preston.

BRITISH CONSUL AT MASSACHUSETTS.] Mr. *Brougham* asked, whether the George Manners, Esq. who was appointed in the Gazette to the lucrative and honourable situation of Consul to one of the North American provinces (Massachusetts), was the George Manners who lived formerly in London, and was editor of that most infamous and slanderous publication *The Satirist*, whom he (Mr. B.) had seen stand on the floor of the Court of King's Bench, to receive sentence for a slanderous attack on a private individual?

Lord *Castlereagh* said, he had no knowledge of any charge against the individual in question.

Mr. *Brougham* said, that if it was the Editor of *The Satirist*, he could answer for the fact, as he had seen him receive judgment. He admitted that the leaning of the work in question was all on the side of the noble lord in politics.

SLAVE TRADE.] Mr. *Wilberforce*, in rising to bring forward the motion of which he had given notice, said, he had some satisfaction in

the belief that every individual member of the House was now prepared to receive favourably the few observations which he meant to offer on this subject. When he considered the number of years during which the question was agitated, and the great men that took a part in it, his mind was overwhelmed with feelings of various kinds. His present object was, by proposing an address to the Crown, to give weight to the exertions of the executive power in its negotiations with foreign states. He lamented to say, that in the instance of powers which had already declared their intention to abolish the Slave trade, there were no appearances that they were disposed to carry that intention into effect; and that even subjects of some of the powers which had abolished the traffic were engaged in carrying it on. He was sorry to be obliged to state, that even under the flag of America, which, to its honour, was the first power which set the example of the Abolition, the trade was carried on; and there was reason to suppose, that American property and also American subjects were engaged in it. In the colonies which had been restored to France, the trade had also been carried on, though it was to be stated, to the honour of the French Government, that a governor who had sanctioned, and perhaps to some extent participated in the traffic, had been dismissed from his office. But at Goree and Senegal the trade had been carried on to a great extent; and as the native princes had not been in the practice of collecting slaves by war, they made up cargoes of their domestic slaves. In one instance only, on the Gold Coast, had he heard of the Slave trade being carried off under the auspices of Holland; and he had heard of no charge of the sort against Denmark and Sweden.—But the great evil, in comparison of which all others sunk into insignificance, was the trade as carried on by Portugal and Spain. And even the trade of Portugal, which confined its devastation to the South of the Line, was small compared with the ravages of the Spaniards. When he contemplated the whole conduct of Spain on the subject of the Slave trade, he could not sufficiently express his wonder, that a great and high minded and spirited people, which had made such efforts for its own liberation, should lend itself to the devastation and slavery of a whole continent. Till we abolished the Slave trade, we had been in the habit of supplying Spain with slaves, and an article in a celebrated Treaty stipulated for our privilege of being the carriers of Spain in this traffic. It now appeared from the conduct of Spain, as if she almost intended to ridicule our efforts for the amelioration of the state of Africa. It was known that we had chosen a certain part of the coast of Africa, in which we endeavoured to introduce a relish for the enjoyments of civilized life, and, to carry on this good work, it was absolutely necessary to secure it against the ravages of the Slave trade. To this end we stipulated with Portu-

gal, that she should confine her trade to the South of the Line. France, before she abolished the trade, made the same stipulation. In the negotiations with Spain, that power also conceded that she would confine the trade to a certain part of the coast. But when Spain had to point out the particular portion of the coast, she chose that very portion which we had selected for our efforts for civilization. This was an insult almost too great for an independent nation to bear. It was supposed at first that this choice of Spain originated in mistake, but when the effect of her conduct was pointed out, she seemed to cling the more closely to it. Even in the paper which gave notice of this choice of the King of Spain, as if to ridicule us, it was boasted that he was entitled to the praise of Great Britain. All the consequences which had been predicted had happened. Great numbers of real Spaniards filled the coast, and greater numbers of others under the flag of Spain. In places where schools had been established, and efforts had been made to induce the chieftains to supply their demands for European comforts by peaceful industry and legitimate commerce, the Spaniards now came to persuade the little princes to return to their old habits, and supply themselves more expeditiously with European luxuries by selling their subjects or making war on their neighbours. Tribe was set against tribe, village against village, and family against family. Even an individual would crouch like a tiger in a thicket to spring forth on a defenceless woman, to seize her and drag her to captivity. If even those who wrote that cruel declaration (bad as they must have been), which authorized this trade, had known the horrors of that traffic, their nerves would not have enabled them to sanction it. When 30 years ago, the barbarities of the Slave trade were brought before the House, though it was not immediately abolished, an Act was passed to alleviate the sufferings of the slaves in the middle passage. At present, however, ships were crowded beyond all precedent. In a letter from Sir James Yeo, it was stated that in a vessel of 120 tons there had been conveyed 600 slaves. (Hear.) In one of the examinations before a Committee of the House, a captain of a slave ship having been asked whether the slaves (of whom he had carried 450 in a ship of 230 or 240 tons) enjoyed comfort, said, they enjoyed tolerable comfort; but being asked whether they had room to lie on their backs, he said they had not. What idea of comfort this person had, it was difficult to conceive; but if 450 slaves had not room to lie on their backs in a ship of 240 tons, what would be the condition of 600 slaves in a ship of 120 tons? (Hear.) He would now read to the House an affidavit of Lieutenant Eike, of his Majesty's ship *Cumberland*: It was made on the 17th March, 1815, and was in the following words:—"That the deponent on the 15th of February last went on board the *San Joaquim*, as prize-master, and continued on board her some

days after her arrival in Simon's Bay, which was on the 19th of the said month: that he remained on board until the slaves were landed by virtue of a decree from the Court, and was actually superintending and assisting in their disembarkation; that when he first went on board, he was informed that the said vessel had left Mosambique only 23 days, at which time every person on board was in good health, and that 13 of the slaves had died during that period; that between the capture and their arrival in Simon's Bay the survivors were all of them sickly and weak, and nearly one hundred of them afflicted with the flux; that medical aid was afforded to those who required it; that the brig appears to have been built for a privateer, and for fast sailing, not for stowage; that the slaves were all stowed together, perfectly naked, and nothing but rough unplanned planks to crouch down upon, in a hold situated over their water and provisions, the place being little more than two feet in height, and the space allowed to each slave being so small, that it was impossible for them to avoid touching and pressing upon those immediately surrounding; the greatest part of them were fastened, some three together, by one leg each, in heavy iron shackles, a very large proportion of them having the flux; that they were compelled to perform their natural evacuations under these dreadful circumstances without being able to move, and to remain amidst their own excrement, which could not be cleared away until the said slaves were all disembarked; that between the 19th and 24th days of their being landed, 13 more died, notwithstanding good provisions, medical aid, and kind treatment, and 30 more died between the 24th of February and the 16th of March instant, all occasioned, as he in his conscience verily believes, and is firmly persuaded, by the cruel and inhuman treatment of the Portuguese owners; that more than 100 of them were, at the time of their landing, just like skeletons covered with skin, and moving by slow machinery, hardly maintaining the appearance of animated human beings; that the remainder were all of them emaciated, and in a sickly state; he says, that the pilot, upon being asked by Captain Baker, how many he supposed would have reached the place of their destination alive, replied, about half the number that were embarked; that from the time of seizure, till the said slaves were landed, the Portuguese owners fed and attended them, giving them two meals each day, one at seven in the morning, the other at five in the evening, but never allowing to each person more than half a pint of water at each meal; he lastly says, that he never saw brute beasts treated with such cruelty as the slaves on board the *São Joaquim* were treated by their ~~said~~ owners."

This, said the hon. member, is a loathsome picture, but I beg to recal to the recollection of the House the expression of a right hon. gentleman, to whose eloquence on this subject I have often listened with the highest pleasure.

He said that true humanity consisted not in a squeamish ear, but in a feeling heart. This sentiment speaks its author, and renders it superfluous to name Mr. Fox.—Of the slaves procured by the Spaniards, the greater part were sent to the Havannah. By a paper which had been laid before the Cortes, it appeared, that there had been imported into that colony, from 1799 to 1811, about 10,000 slaves a year; and in the three last years, the importation had been much greater—amounting even to 25,000 a year. The pretence, therefore, that the Spanish colonies were denuded of slaves, was entirely without foundation. They had provided for themselves most amply. The Spanish and Portuguese flags formed also a cover for the illicit traders of other nations. What was very hard, our ships could not, according to law, be confident it was not Hooker's law, "the harmony of the world *," seize vessels carrying on this trade, unless they had carried the slaves from our own coast. The ships of Spain had committed direct acts of violence. They had driven away merchant vessels from the coast, to clear it for themselves. He should regard a war with them with greater complacency than the continuance of such a practice. We were bound to put an end to it, if we would have our own colonies supplied with any other trade. He wished all prosperity to the West Indies, so far as that was compatible with the interests of humanity. He would have the evil abolished by representation, by remonstrance, or by the expedient of receiving the colonial produce of only those who should have abolished the slave trade. In many places gentlemen of feeling and spirit had exposed themselves to much danger by their meritorious exertions against this system of waste and devastation. Mr. Raffles had thus distinguished himself in Java; Colonel Chisholm had, much to his honour, established a seminary of education at Goree; the Governor of Sierra Leone (Colonel Macarty) one of the most active and benevolent men, had so exerted himself that 1,363 children were then in a course of education. Why did he mention these facts? He did so, because he thought himself bound in justice while he condemned the conduct of those who still encouraged ~~it~~ carried on this inhuman traffic, to mark with becoming praise the exertions of those who endeavoured to put an end to its horrors; and because, while we took blame to ourselves for having suffered them so long to disgrace our national character, we were bound to honour the different conduct of those persons whom we ought to be proud to call our countrymen. He did so, because there was now every hope that by their perseverance in the good cause we had the prospect of introducing

* "Of Law no less can be acknowledged, than that her seat is the bosom of God; her voice the harmony of the world; all things in heaven and earth do her homage; the very least, as feeling her care, and the greatest, as not exempted from her power."—(Hooker.)

civilization, industry, peace, and improvement into Africa; and of repairing, in some degree, those evils which we had inflicted on that unhappy region. The success of those exertions had already been conspicuous, and excited his surprise more that it was so great than that it was not greater. He had alluded to one right hon. gentleman (Mr. Fox), now no more, whose conduct, in forwarding the cause of the abolition, he could not too highly praise; and he must now allude to the memory of another dear right hon. friend (Mr. Pitt), who joined with him in those efforts, and who was far from limiting the scope of his endeavours within the accomplishment of the abolition alone. His ideas for the improvement and civilization of Africa were formed on a large scale. His right hon. friend had thought, that we were bound not only to abstain from ravaging the coasts of that country, and carrying its inhabitants into slavery, but to relieve their sufferings, and to promote their happiness, as far as lay in our power; to extend to them the advantages of education, and the improvements of civilized life; and to compensate the evils of a long course of injustice and violence, by restoring to them internal tranquillity, and increasing their comforts by an amicable commercial intercourse. For the accomplishment of all these ends, if they ever could be realized, a complete abolition of the slave trade, either as carried on by ourselves or by other nations, was a preliminary step. (*Hear, hear.*) He would, therefore, conclude by moving an address to the Prince Regent, recommending vigilance and perseverance in this important measure. The hon. gentleman then read the following Resolution:

"That an humble address be presented to his Royal Highness the Prince Regent, most humbly to represent to his Royal Highness, that, in bringing to a close the other business of this session, a great and important duty still remains to be performed by Parliament—that of again submitting to his Royal Highness, in the most dutiful but urgent terms, the expression of our continued and unceasing solicitude for the universal and final abolition of the African slave trade:

"That we are grateful for the efforts already made, and for the progress which we have had the happiness to witness, in the achievement of this great work: That we rejoice that, in all his Majesty's dominions, this wickedness is now for ever proscribed, and that our laws have stigmatized it by severe and ignominious punishment:

"That we have seen with unspeakable satisfaction, that so many of the other nations, under whose flag this criminal traffic had formerly been protected, have now joined in the same prohibition, and have contracted with his Majesty, and with each other, the obligation of persevering in it, as in a duty from which they never can be released: and that our confident expectations of the universal adoption of that prohibition

have been greatly confirmed and strengthened by that memorable declaration which was promulgated by the Plenipotentiaries of all the principal Powers of Europe, assembled in their general congress, a declaration which well became the just and powerful Sovereigns in whose names it was issued; proclaiming to their subjects and to the world, their deliberate conviction, that 'the African slave trade is repugnant to the principles of humanity and of universal morality;' and adding to that avowal, the gracious and solemn assurance of their earnest desire 'to put an end to a scourge which has so long desolated Africa, degraded Europe, and afflicted humanity.'

"That we must indeed deeply regret, that practices acknowledged to be of such a character should, even for an hour, be continued, and even tolerated under the sanction of any civilized and Christian Government; but that it is impossible for us to doubt of that ultimate determination by which these crimes and miseries will finally be terminated. This engagement has been deliberately taken, and publicly and unequivocally announced, and its performance is imperiously required by every motive of interest, and of honour, of humanity, and of justice:

"That we beg leave, however, with all humility, to represent to his Royal Highness, that the actual attainment of this great object can alone discharge our country from the obligation of pursuing it with unremitting attention, and with daily increasing earnestness; and that we cannot disguise from ourselves, the painful certainty, that the intermediate suspense and delay not only prolong, but greatly augment, the evil which we are thus labouring to remedy:

"That it appears to us but too notorious, that these crimes, hitherto partially checked by the prohibition of so many just Governments, and by the abhorrence of all good men, are now again renewed, and are carried on with fresh, and continually increasing activity; that many of the subjects of those Powers which have concurred in the abolition are found, nevertheless, still to pursue the same nefarious course: that the stipulations by which other Governments have consented to put limits to this evil, stipulations purchased by this country at the price of large sacrifices, are constantly, and almost openly disregarded, while the protection of the only remaining flag under which this wickedness can now be carried on without limit or restraint, and the intervention of the only nation to which its continuance is indiscriminately permitted, are used, not merely to protect this horrible traffic in the extent to which that people formerly pursued it, but as a sanction to its indefinite increase in their hands, and as a cover for the breach of the laws by which all other civilized communities have restrained their subjects from embarking in it:

"That, in humbly submitting these painful circumstances to the humane and enlightened consideration of his Royal Highness, we are

sure it cannot be requisite to dwell upon the other and great evils which they necessarily involve. That this state of things has led, by manifest and necessary consequence, to a system of armed defiance and outrage, a system utterly destructive of all peaceful commerce, insulting to legitimate authority, and, in its effects and consequences, little, if at all, short of open piracy: that this system also impedes, or rather it altogether frustrates, the just and benevolent endeavours of those Powers who are labouring to introduce among the natives of Africa the arts and habits of civilized life; is productive of perpetual contest and irritation, leading not unfrequently to open violence between his Majesty's ships and subjects and those of the Sovereigns in amity and alliance with this country; and continually endangers even those relations, the maintenance of which is of the utmost moment to their interests and to ours, as well as to the general repose and tranquillity of Europe:

"To represent to his Royal Highness, that, being deeply impressed with the magnitude of all these considerations, we earnestly entreat his Royal Highness, that he will be pleased to pursue with unremitted activity those negotiations into which he has already entered on this most momentous subject: that he will establish for this purpose the most effective concert with those Sovereigns whose just and benevolent principles respecting it have already been announced to the world, in concurrence with his own; and that he will leave no effort untried to bring the present evils to a speedy and immediate termination, and thereby to prevent the future and still greater mischiefs which their continuance must inevitably produce:

"That we confidently hope that his Royal Highness's urgent but friendly representations will produce their desired effect; yet that, in justice to the great interests that are at stake, we cannot but feel it our indispensable duty, to express our confident expectation, that if all his Royal Highness's amicable endeavours should prove unavailing, the great Powers which at the Congress of Vienna so honourably announced to the world their abhorrence of the slave trade, as radically unjust and cruel, will deem themselves compelled by an over-ruling sense of duty, to adopt, however reluctantly, such a course of commercial policy, as, without infringing on the just rights of any other nation, will alone prevent their indirectly, but powerfully, contributing to the continued existence of this inhuman traffic:

"That there is one important truth which we beg leave most earnestly to press on his Royal Highness's most serious attention, a truth which painful experience has too fully taught us, that, however strong may be the prohibitions of the slave trade, and with how great sincerity soever they may be issued, they will prove practically inefficient, unless some general concert for ascertaining and bringing to punishment the offending parties be mutually established between

the several Powers under whose flags this trade has been or may be carried on:

"That we must once more declare to His Royal Highness, that in enforcing these considerations on his Royal Highness's most serious attention, we are actuated not merely by the feelings of humanity, but by the positive dictates of duty and conscience: that it is by these motives, and not as claiming any superiority in point of humanity or of morals, that we are actuated in our earnest desires to obtain the co-operation of all other civilized nations: that, remembering how long and how largely this country contributed to augment the miseries and perpetuate the barbarism of Africa, we cannot but esteem ourselves specially and peculiarly bound, not to leave that vast continent in its present degraded state, but to endeavour, so far as we may be able, both by our own conduct, and in concert with other Powers, to repair the wrongs which we have inflicted, by opening the way for the diffusion of those blessings which, under the favour of Providence, a legitimate commerce and a friendly intercourse with the enlightened nations of Europe cannot fail to introduce in their train."

Lord Castlereagh complimented his hon. friend on his steady perseverance in the great cause in which he had already so distinguished himself. He assured him that Ministers were fully disposed to second him, and had not slept at their posts. Entirely concurring with him, that till arrangements were formed for carrying into complete effect the abolition by all the powers of Europe, the measure would not be productive of that good which the humane policy of this country and the benevolent views of the other powers expected from it, Government was stimulated to every exertion for procuring the consent of the only two States that now exclusively conducted the traffic. Much had already been done by this country, much by Congress, and much by those two States themselves; but while one nation still disgraced its flag by carrying on so cruel a trade, the evils of the system would be partially increased, and rendered more cruel and atrocious by being combined with resistance and piracy. He would not at present enter into the subject; but he hoped that, by the beginning of next session, the negotiations now going on would be brought to such an issue as would enable him to lay them fully before the House. He flattered himself with the hope that the conclusion of them would be satisfactory; but if they should turn out to be otherwise, his honourable friend, who, he was convinced, would not relax in his vigilance, would again bring forward the subject. Even if Ministers should succeed in their endeavours to the full extent of their hopes, it might be proper at that time to inquire by a Committee into the whole question, and to take into view what had been done, and what still remained to be accomplished. Though, on account of what he had stated, he should abstain from farther

discussion, he would not oppose the address of his honourable friend, because it expressed the sentiments of his Majesty's Government; and he should always esteem it a happy circumstance to have the concurrence of Parliament in the policy which they thought it their duty to pursue.

Mr. P. Moore said, though the evils of the slave trade were great and undeniable, and though he as heartily as any man wished to see them terminated, yet there was a drawback on the measure for carrying the abolition into effect. There had been a species of wholesale legislation on this subject, which had been productive of pernicious consequences. No control was established over those who seconded the zeal of the country in stopping this nefarious traffic; and the result was, that much individual oppression had been produced. He had presented a petition about three years ago from three individuals, complaining of abuse in the exercise of the powers intrusted to officers under the abolition acts. The substance of them was at first denied. It was needless to recapitulate the circumstances. Three persons established on the Rio Pongas had been dragged from their settlements to Sierra Leone, there tried by a surgeon, condemned to fourteen years' banishment in Botany Bay, and sent to Portsmouth, to be from thence transported. From that place they transmitted to him a petition, which he presented to the Prince Regent, through the noble Secretary for the Colonies, who had attended to it, and ordered the oppressed individuals to be liberated. One of them had since brought his action in the King's Bench, and recovered 1000*l.* damages for false imprisonment, and 19,000*l.* as compensation for the loss of property. These persons had not been concerned in the slave trade as was pretended. (*Hear, hear, from Mr. Brougham.*) If such practices were allowed, the evils resulting from the execution of the abolition act would only be equalled by the traffic it was intended to abolish. He had read of captures of slaves from slave-dealers, but what became of them? We heard of such captures in the Mauritius, and at Madagascar; but were these miserable objects released? He was afraid that subjects of our country disposed of them in Brazil, and on those coasts where they were taken, which they were enabled to do from a want of vigilance over their proceedings, and control over their conduct. Government did not take the proper steps to prevent slave-dealing, which occurred principally on the coasts, and which might therefore be stopped more easily by a few vessels in the nature of *guarda costas*, than by the measures usually adopted.

Mr. Brougham would not have obtruded himself at all on the attention of the House, and certainly not at this early stage of the debate, had it not been owing to the statement of his honourable friend (Mr. P. Moore), which, if it went forth to the country uncontradicted,

might produce pernicious effects on the public mind. His honourable friend had launched a most extraordinary charge against all the abolitionists, and against himself as one of them, as dealing in wholesale legislation. He did not understand the meaning of this epithet, when applied to laws for carrying the abolition into effect. In all legislation, the remedy should be co-extensive with the evil to be prevented, or the dangers apprehended. The laws on this subject proceeded no farther; they described the offence, and prescribed the punishment of it wherever found. To limit the punishment to a particular place, when the offence might be general, might, to follow the figure of his honourable friend, be retail legislation; but it would be partial and inefficient. If he meant that such laws should be partial, there was, undoubtedly, some foundation for his charge of enacting wholesale measures. The law of the 51st of the King which he had the honour to introduce, had two objects in view: 1st, to prevent trading in slaves, by declaring the act a felony anywhere within the British dominions; and, 2dly, to prevent trading in slaves by British subjects anywhere, either in the British dominions or not. To apply this law to the case mentioned by his honourable friend, it happened that Cooke and his associates had been engaged in the slave-trade at Rio Pongas, which was beyond the limits of our colony of Sierra Leone. A military force was sent to observe their conduct, and to learn if they were British subjects, with instructions to apprehend them if they were. The information they received was, that they were British subjects; and this was not contradicted till after their apprehension. Cooke was tried at Sierra Leone, and the judge, as had been stated, happened to be a surgeon. It often must occur in the colonies that persons, professionally qualified for particular offices, could not be found when their services were required. Intervals would occur between the death of one judge and the arrival of another; and the public business could not stand still. The gentleman who presided on this occasion was a man of good education and respectable character; and there seemed nothing more incongruous in his fulfilling the office of judge, though not professionally qualified, than in the Duke of Manchester, as Governor of Jamaica, fulfilling that of Lord Chancellor, for which he was not educated. That noble duke had often delicate questions of property to decide in his capacity of Chancellor: and surely, a gentleman of good education could discharge a duty similar to that which every magistrate in the sessions, though not professionally brought up, was called to fulfil. Certain he was that, without much knowledge, this surgeon could perform the duty as well as the late chief justice, Dr. Thorpe, than whose proceedings he never saw any thing more irregular. Cooke was convicted of slave-dealing, and sentenced accordingly, as a British subject. He believed he did not plead guilty, but he ad-

mitted that he was a British subject. The defence that he was an American citizen was an afterthought, and did not occur to him till he arrived in England. It was well known by those who were acquainted with the proceedings of prize courts, that men frequently became Americans or English as best suited their purpose. Being therefore considered as a British subject, he was guilty of a felony under the act of the 51st of the King, though the slave-dealing was carried on beyond the limits of the British territory. He (Mr. B.) however admitted, that the Court had not jurisdiction. By an oversight in the act which he had brought in, it was founded on a statute of William, which had been repealed. Neither he nor any lawyer in Westminster-hall was aware that the statute of William had been repealed; nor was the circumstance known to Mr. Stephen, Master in Chancery, who knew more about the acts relative to colonies than all the lawyers in Westminster-hall put together. By this oversight the Court of Sierra Leone had not jurisdiction; though it was still made a question, whether or not the act of the 51st of the King did not call into existence so much of the repealed statute of William as it referred to; and which, by being revived, would give the former validity. On this ground, and on this ground alone, was Cooke released; a release to which he did not object, as, if there was any doubt, the accused should have the benefit of it. But no part of these proceedings could possibly prejudice the character of Colonel Maxwell; for, with the information which had been laid before him, he would not have been justified in abstaining from taking steps to bring the offenders to justice. The more this transaction was sifted, the more blameless and even praiseworthy would the conduct of that meritorious individual appear. When his hon. friend, therefore, boasted of the verdict which had been obtained in a recent trial, it might be proper to recollect, that the damages given were subject to a reference; that they were taken as stated in the declaration, and might be cut down to the lowest possible sum. With regard to that portion of the verdict which referred to the subject of imprisonment, and the amount of which was 1,000*l.* he deeply regretted the necessity which had occasioned it. He meant no reflection on the Court or Jury; a technical nicety had rendered it necessary that a verdict should pass against the defendant, but it could neither set up the character of Mr. Cooke nor degrade that of Colonel Maxwell. He could not avoid taking the present opportunity of expressing a confident hope, equal indeed to an expectation, that Government, under these circumstances, would not suffer him to go without compensation for the pecuniary loss which he had sustained. No one ever objected to the frequent indemnification of captors in prize cases, and no officer had more hardly earned an ample recompense than Colonel Maxwell. Having thus answered the sort of episode which had been introduced into the

discussion by his hon. friend, he had now a very few observations to address to the principal matter under consideration. He certainly did not entertain the same sanguine hopes of inducing Spain and Portugal to abandon these detestable practices, which had been expressed by his hon. friend in the speech with which he prefaced the present motion, and by the noble lord in his explanation. If the effectual abolition of all these enormous evils was contemplated, there appeared to him to be but one method of accomplishing the object. The only means of ultimate success consisted, in his opinion, in the adoption of some arrangement among the greater powers of Europe, which should establish a mutual right of search. This was the only way of guarding against evasion, and defeating the sophistry of the doctors of Salamanca and Coimbra, in construing or expounding treaties. He considered that, although it might be regarded as introducing a new principle of national law, it was imperiously required by the importance and urgency of the case; and that, without such a regulation, there would be little security that Spain and Portugal would observe their public declarations, whilst there was still less that individuals would not evade them.

Mr. A. Broune thought it right to observe, that whatever progress had been made in carrying the abolition into effect, none of the difficulties which had been experienced were attributable to those who had originally opposed it. On the contrary, many of them, both at home and in the West Indies, had been earnest and active in their endeavours to assist the execution of the law. He had only to add, that he was not sanguine enough to expect any very favourable result from the negotiations which the address was intended to promote.

Mr. Goulburn expressed his satisfaction at hearing the accurate explanation made by the hon. and learned gentleman (Mr. Brougham) relative to the circumstances of Governor Maxwell's conduct. He rose chiefly for the purpose of stating, that Government had already signified to that gentleman, that the whole of the expenses incurred on the late trial would be defrayed by the public.

Mr. Smyth concurred in opinion with the hon. and learned gentleman, that some international regulation could alone effectuate an entire abolition of the slave trade. If the noble lord, the proudest moment of whose life was when he procured from the principal Sovereigns of Europe, in the Congress at Vienna, a sentence of condemnation against this practice, should follow up that proceeding by some measure that might carry it into effect, the reputation of his name would be as lasting as the principles of humanity and justice.

Mr. Barham alluded to a charge against this country, which was sometimes gravely and sometimes sarcastically made by foreigners, and particularly by the French, of our being actuated by selfish motives in our exertions to procure

an universal relinquishment of this trade; and of our having ceased to carry it on ourselves only when it was no longer necessary to our colonial interests. Bold as this accusation was, it was directly contrary to the fact; and it was rather singular, that, at this moment, the French West India colonies were more saturated with slaves than our own.

Mr. *W. Smith* expressed great doubts with regard to any influence which negotiation would enable us to exercise over the courts of Spain and Portugal upon this subject; and referred to an opinion of Dr. Franklin, that whenever their consent to a general abolition of the trade should become necessary, Spain, which deserved the least, would insist on the largest compensation.

Mr. *Marryat* was of opinion, that the suggestion of prohibiting the colonial produce of Spain and Portugal, would, if acted on, expose this country, which must be the greatest gainer by such a proceeding, to a still stronger suspicion of being actuated by selfish motives. He thought it important, that some alteration should be made in the instructions given to naval officers with regard to the capture of slave ships. A great number of these vessels had been condemned at Sierra Leone, and all the judgments, except three, had been reversed by the Court of Admiralty in this country. When the judgment was affirmed, the captors received 30*l.* or 40*l.* for each slave; but when restitution was decreed, the assessment was always made at the highest value, and not less than 75*l.* ordered to be paid to the parties appealing against the decision of the colonial court. This was a most extraordinary situation for us to be placed in; the original cost of a slave was about 5*l.* 10*s.* and the trader knew that if his vessel was condemned at Sierra Leone, he should obtain ample compensation in London. Was it possible to conceive a more powerful stimulus to the continuance and extension of the trade? The first step for the purpose of applying a remedy to this evil was, in his opinion, to render the instructions issued to naval officers more consonant to the decisions of the Court of Admiralty. He was happy in giving his support to the address, and in expressing his hope that a termination of this dreadful traffic was not very far distant.

The address was then agreed to.*

FINANCES OF THE UNITED KINGDOM.] Mr. *Tierney* rose to call the attention of the House to the present amount of the unfunded public debt, and the actual income of the country. He observed, that he had already submitted certain resolutions on this subject, which he now wished to withdraw, as he found that he had committed a very considerable mistake. The state of his health had indeed prevented him from entering into that minute investigation which could alone guard against error in researches of this nature. At the same time he might add, that in substituting other resolutions, there would

be but a slight difference in the general result of his calculations.—He had before stated, that the amount of the unfunded debt of Great Britain and Ireland, (exclusive of any deficiency in the Income of and charge upon the Consolidated Fund) to be provided for on the 5th January 1818, would be 70,267,192*l.* At that time, he was not aware that Irish Treasury Bills, amounting to 4,220,000*l.* had been paid off in the present year. He now assumed, that the amount of unfunded debt unprovided for on the 5th January 1818, would be 66,047,192*l.* The hon. gentleman opposite (Mr. C. Grant) had stated in his resolutions, that the amount of Exchequer Bills and of Irish Treasury Bills, granted in the present or former Session, which would be outstanding on the 5th of January 1818, would be 64,684,992*l.* This calculation, he apprehended, proceeded on the supposition, that the new issues of Exchequer Bills would be strictly applied to pay off those outstanding: and if this were taken for granted, then the whole difference between the hon. gentleman and himself was a sum of 1,362,200*l.* upon the whole amount of the unfunded debt.—The next resolution that he meant to propose related to the Navy debt. The hon. gentleman had estimated the sum to be expended by the Commissioners for the redemption of the funded debt of Great Britain and Ireland, in the year 1817, at 16,124,443*l.*; he (Mr. T.) in his former resolutions had calculated it at 16,175,080*l.*: but it was important to observe, that this included a sum of 1,660,000*l.* for paying off Navy and Transport debt. Now, this was a debt which he considered to be a sort of running account between Government and the persons employed in that branch of the public service, and which was subject to increase from time to time. He wished to know, therefore, whether the 1,660,000*l.* was a final extinction of so much debt, or whether the account was not still open? His whole object, in framing these resolutions, was, to condense the subject of Finance into a few clear points, so as to make it intelligible to the country at large; for, whatever might be the knowledge possessed of it in that House, it was not understood out of doors by one person in ten. It was no answer to him to say, that he had made no discoveries, since his very errors drew an explanation from the other side. The unfunded debt was a complete mystery to the great mass of the country till lately; and he could not but express his surprise that the Finance Committee should have directed no part of its labours towards affording some information upon the state of the funded and unfunded debt.—His third resolution related to the arrears of Property Tax, which formed one of the Ways and Means of meeting the supplies. This point ought to be clearly understood. When the public saw a balance on the face of the Budget, they concluded, that this was created upon the revenue and supplies of the year; whilst the fact was, that of a charge of

* See the note, page 1824.

22,141,537*l.*, the annual revenue produced only 5,165,000*l.* The arrears of Property Tax, namely, 1,023,000*l.* forming part of the surplus of the Consolidated Fund on the 5th of April 1817, and 1,500,000*l.*, received, or to be received, between the 5th of April 1817, and the 5th of April 1818, were to be reckoned among the extraordinary receipts, and could not occur again. In the Report of the Committee of Finance, it was stated, that the arrears of the Property Tax would be necessary to make the revenue equal to the expenditure for this and the following year. What the Committee meant by this, he did not know, for the arrears of Property Tax were in the nature of assets, not of annual revenue. It was material, therefore, to have a resolution on this point.—His fourth resolution was, that, supposing the income of, and charge upon, the Consolidated Fund of Great Britain and Ireland to be the same in the year ending on the 5th of January 1818, as in the year ending on the 5th of January 1817, there would be an excess of charge amounting to 3,575,210*l.* If he was wrong in this statement, he was open to correction, and he desired nothing except that the public should be made acquainted with the truth. The Committee were of opinion, that a fair estimate of the future state of our Finances might be formed upon a comparison of the years 1815 and 1816, the former of which was an abundant, and the latter a deficient year. He was quite satisfied, however, that it was vain to expect that the revenue could be kept up in time of peace to the point which it had reached during the latter years of the war, when we possessed the trade of the whole world. It would be impossible for the Chancellor of the Exchequer to keep up the taxes: the distresses of the country were such that the people could not pay them.—He had one more resolution to submit, which was explanatory of the fourth; but before he moved this, he must observe, that it was rather odd now, in the month of July, to be talking of estimates. It was to him unaccountable how this had happened, as the Report contained nothing which could not have been stated with as much ease in March. It had been delayed to such a very late period because the Chancellor of the Exchequer had said, that the 5th of April had not arrived, and the accounts could not be made up before that time; but let the House look into that Report, and they would not find the 5th of April mentioned in it. (*Hear, hear.*) His last resolution went to state, that the surplus of the Consolidated Fund, in the quarter ending the 5th of April 1817, had been voted as a part of the Ways and Means of the year; so that there remained only three quarters up to the 5th of January 1818. Now the deficiency of the income of the Consolidated Fund to meet the charge in the quarter ending on the 5th of July 1817 (supposing the surplus of the Consolidated Fund in Ireland to be the same as on the 5th of April) was 3,273,827*l.* If the revenue, then, did not equal the payment of the national

debt, what could we think of so dark a prospect? He did not say that the creditors of the nation were by any means in danger, nor did he wish to give a more gloomy view of the situation of the country than was borne out by facts; but there was, without doubt, a considerable sum deficient to enable the Bank to pay their dividends. The right hon. gentleman (the Chancellor of the Exchequer) had talked of a temporary distress; but there never had been so long a temporary distress, and, what was most alarming, it was every day getting worse and worse. The presumption was, and that, too, even on the shewing of the Finance Committee, that there would not be enough to pay the national debt without borrowing, and he could not but regard it as most unfortunate, that Parliament should now separate without making any provision for that purpose, as it was obvious something ought to have been done.—He had now gone through the several points which his resolutions embraced, and if he had committed any mistakes, they would be corrected by the opposite side. He rejoiced to see the hon. gentleman (Mr. C. Grant) coming forward with his talents on subjects of this nature. He was happy to have been the means of calling forth the abilities of that hon. gentleman, and he trusted that he would continue to devote his attention to such important questions. He (Mr. Tierney) believed, that no country ever was in the state in which this country now was. The Chancellor of the Exchequer thought the system of exchequer bills better than funding; but he (Mr. T.) should have funded to a small amount this year. We must consider how much of these exchequer bills could be borne by the market. What was the amount of the exchequer bills which the Bank purchased? Without we knew this, we could not tell what the state of the market was. Next year, the 6,000,000*l.* advanced by the Bank, and the 3,000,000*l.* must undergo some new arrangement. There must be in the next year a great trial of strength on this subject. The right hon. gentleman had said, that the Bank were to resume their payments in cash; but would they resume their payments in cash, and take the same quantity of exchequer bills which they now did? Three months ago we had heard of nothing but distress; every one wished to borrow, and no one was able to lend. Now it turned out that there was so great a surplus capital that no man knew what to do with it. This must arise from the stagnation of trade. What were the Bank to do, if that money which used to be applied in discount now remained on their hands? They must purchase exchequer bills with it: but could this be quoted as a proof of the prosperity of the country? Bankers, he heard, were now buying into the stocks: this, however, might prove to be a fatal speculation. They were playing with their customers' money, he would not say in a very unjustifiable, but certainly in a very unusual way. Every banker in the city had thus become a Bull. Such a state of

things could not go on. He could not understand how the rising of the stocks was any criterion of an improvement in our circumstances. Suppose trade revived in a very great degree, large amounts must be sold out of the stocks. The banker held capital belonging to the merchants, which was invested in the stocks: but it must be sold out, if trade revived, and that at whatever happened to be the price of the day. He never could get any gentleman to tell him what was meant by plenty of money, and what by a scarcity. One day we found plenty of money, and on the next we were told there was nothing. Some gentlemen might be able to explain this, but to him it was quite unintelligible. As a proof, however, of the great capital now unemployed, the Regent's Canal Company, with all this apparent prosperity in the country, had found it necessary to come to Parliament, like beggars, to borrow money? His firm conviction was, that things would get better, and materially (*hear, hear, from the Chancellor of the Exchequer*); the harvest, he hoped, would do a great deal, but this was a slow operation. A length of time had elapsed before the mischiefs which took place a year and a half ago had been felt in the revenue; and, therefore, if the revenue could not be raised, and very considerably raised, this country would be involved in greater difficulties than it had ever before experienced. The Commissioners of Woods and Forests wanted to borrow 300,000*l*. Did any man think that they would be able to raise that money without having recourse to the stocks? He believed that in the way we were now going on, at the end of five years—and if we got five or six years of peace in the present state of the world, God knows, it was as much as any man ought to calculate upon—our situation would be truly alarming. Nobody could say that the country could revive in trade and commerce with such a heavy load of taxes as now existed. All these were things which he had thrown out very crudely, but he trusted they would have their weight with the House, and deserve the attention of the Chancellor of the Exchequer. There were several points connected with the trade of the country which he could have wished to mention, but neither his health nor his spirits would allow him to enter into any details on that subject. The right hon. gentleman concluded with moving that his first resolutions be withdrawn. They were read *pro forma*, and withdrawn accordingly. He then moved the following resolutions:—

I.

That the Unfunded Debt of Great Britain and Ireland, in Exchequer and Treasury Bills unprovided for, may be stated as follows: *viz.*

Exchequer Bills outstanding and unprovided for 24th June 1817.....	£52,362,300
Treasury Bills (Ireland) Do. Do.	1,084,992
Further Exchequer Bills voted for the service of 1817.....	9,000,000
Further Treasury Bills (Ireland) Do. Do.	3,600,000

Probable amount of Unfunded Debt unprovided for 5th January, 1818	66,047,192
That the amount of Exchequer Bills outstanding was 5th January, 1817. £44,463,300	
And of Treasury Bills (Ireland) Do.	5,304,992
Unfunded Debt outstanding and unprovided for 5th January, 1817.....	49,768,292
Leaving a probable increase of Unfunded Debt unprovided for 5th Jan. 1818.	16,278,900
And that deducting the sum to be expended by the Commissioners for the Redemption of the Funded Debt of Great Britain and Ireland in the year 1817, which may be estimated at ..	14,464,443
The probable increase of Debt in Exchequer and Treasury Bills, exclusive of any excess of charge upon the Consolidated Fund beyond the income thereof will be.....	1,814,457

II.

That Provision has been made for paying off Navy Debt, outstanding on the 5th of Jan. 1817, to the amount of..	1,660,000
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III.

That towards raising the Supplies for the year, extraordinary receipts from arrears of Property Tax have been applied as follows: <i>viz.</i>	
£1,023,000 forming part of the Surplus of the Consolidated Fund, on the 5th of April, 1817, voted as Ways and Means of the year.....	1,023,000
£1,500,000 received, or to be received, between the 5th of April, 1817, and the 5th of April, 1818.....	1,500,000
Extraordinary Receipts from arrears of Property Tax, applied towards raising the Supplies of the present year ..	2,523,000

IV.

That supposing the Income of, and Charge upon, the Consolidated Fund of Great Britain and Ireland to be the same in the year ending the 5th Jan. 1818, as in the year ending the 5th Jan. 1817, they may be stated as follows, <i>viz.</i>	
INCOME: Great Britain (after deducting 374,000 <i>l</i> . Arrears of Property Tax).....	38,709,351
Ditto, Ireland.....	4,394,631
Income of year ending 5th January, 1818.....	43,104,182
CHARGE: Great Britain.....£39,693,429	
Ditto, Ireland..... 6,985,963	
Charge of year ending 5th January, 1818.....	46,679,392
Excess of Charge.....	3,575,210

V.

That the Surplus of the Consolidated Fund of Great Britain and Ireland, in the Quarter ending the 5th of April,

1817, has been voted as a part of the Ways and Means of the year : And that the Deficiency of the Income of the Consolidated Fund to meet the Charge in the Quarter ending the 5th July, 1817, (supposing the Surplus of the Consolidated Fund in Ireland to be the same as on the 5th of April) is 3,273,800

Mr. C. Grant, junr. rose.—He commenced with requesting the right hon. gentleman to accept of his warmest thanks for the very flattering terms, and the handsome manner, in which he had been pleased to speak of him. He should not detain the House by going fully into the question, but merely state the points on which he differed from the right hon. gentleman, and shew the grounds which had induced him to bring forward the resolutions which he should have the honour to propose. The resolutions of the right hon. gentleman might be divided into two parts: the one relating to the amount of the unfunded debt; the other to the income and revenue of the country. The right hon. gentleman had stated, that the probable amount of Exchequer Bills, and Irish Treasury Bills, unprovided for on the 5th of Jan. 1818, would be 66,047,192*l.*; while he, on the contrary, maintained that it would not exceed 64,684,992*l.* The right hon. gentleman had also said, that the probable increase of debt in Exchequer and Treasury Bills, exclusive of any excess of charge upon the Consolidated Fund beyond the income thereof, would be 1,814,457*l.* On the other hand, he (Mr. G.) contended, that, instead of an increase, there would be a diminution of debt, to the amount of 1,207,743*l.* The right hon. gentleman, perhaps, assumed that there would be a deficiency in the Ways and Means; but it was very unlikely that any deficiency should occur, as they had all been realized, or nearly so. It was impossible that the utmost amount of Exchequer Bills could exceed, on the 5th of Jan. 1818, the sum, which he had specified; and he was not aware that they would reach that amount. Taking it, however, for granted, that the whole would be then outstanding, the account would be found to stand thus, namely, Exchequer Bills, 60,000,000*l.*, Irish Treasury Bills, 4,684,992*l.*, making a total, as he had said before, of 64,684,992*l.* The right hon. gentleman's mistake arose in this manner:—he had computed the same sum twice. In his former resolutions, he had put down the Irish Treasury Bills at 5,304,992*l.*; but he had since discovered that 4,220,000*l.* had been paid off, and, therefore, he had very properly reduced the item to 1,084,992*l.* But the right hon. gentleman had fallen into a similar error, in the resolutions now before them. The amount of Exchequer Bills outstanding on the 5th of January, 1817, was 44,463,300*l.*, and up to the 24th of June, 52,862,300*l.* To these, the right hon. gentleman had added the 12,000,000*l.* in the budget; but the fact was, that the latter went as a sub-

tution for such part of the 52,862,200*l.*, as had been applied to the services of the year. He was surprised that, in drawing up the resolutions, it did not strike the right hon. gentleman that there was some mistake, when he saw by the First Report, how much had been appropriated since the beginning of the year, to meet the supply for the unfunded debt then unprovided for. If he had been able to make himself understood so far, he hoped he should also be able to explain the remainder of his statement. If the utmost amount of Exchequer Bills which could be outstanding on the 5th of Jan. 1818, (should the whole of the supplies of the current year be then issued) would be no more than 64,684,992*l.*, then the increase of unfunded debt unprovided for, would be no more than 14,916,700*l.*, which would be met by a sum of 16,124,443*l.*, to be applied in the course of the year to the reduction of the funded and unfunded debt; so that on the face of the whole finances, there appeared a reduction of debt to the amount of 1,207,743*l.* So far as his resolutions, then, went, he conceived he might stop there; but in taking the liberty of moving the previous question, he should contend that the merit of these resolutions was, that they consisted of matters of fact and calculation, and not of hypothesis, conjecture, or prediction.—His objection to the resolutions of the right hon. gentleman was, that they contained much matter of argument, inference, or deduction. He did not mean to say that argument, or inference, was never to be made use of on this subject; but he objected to the bringing forward such statements in the shape of resolutions, in which the whole of a subject could not be seen. He regretted that the right hon. gentleman had not multiplied his resolutions, because he wished to see the whole subject better placed before the House, although it would not in this shape have facilitated the answer: for if the right hon. gentleman had multiplied such argumentative resolutions, he (Mr. G.) must have multiplied his in return, and that only in a way to have added to the quantity of argument and deduction. If a stranger were to have such resolutions placed in his hand, it would be impossible that he could form any opinion as to the future finances of the country. He therefore objected to them, because they were framed on inadequate premises, and led to erroneous conclusions. The right hon. gentleman had dwelt upon the amount of the arrears of the Property Tax, which had fallen in this year, which he had called an extraordinary source of supply that would not again recur; but he had omitted to notice, on the other hand, some extraordinary charges, especially with respect to Ireland and the Navy debt, which could not occur next year. In the fourth resolution, he had estimated the charge too high, in supposing it to be precisely the same this year as in the last; it was much more probable that it would be considerably reduced. After animadverting far-

ther upon the fallacious *data* which formed the ground-work of the right hon. gentleman's resolutions, and the erroneous conclusions which he had built upon them, the hon. member referred to the consolatory prospects held out by the improvement of the country, and concluded with moving the previous question.

Mr. *Tierney*, in explanation, maintained, that if the revenue of the present year were equal only to that of the last, and that equality he was entitled to assume from the receipts up to July, the consequences must be such as he had stated*.

The *Chancellor of the Exchequer* thought it would be unnecessary for him to trouble the House with a repetition of the arguments which had been adduced by his hon. friend, especially as the right hon. gentleman opposite seemed to admit the grounds of his honourable friend's resolutions, except as to about 500,000*l.* Exchequer Bills; with regard to which he had contended, that before those bills were issued, the old ones should have been discharged; but any gentleman who had attended to circumstances of notorious fact, very well knew that the amount of Exchequer Bills newly required, was not that which the right hon. gentleman had mentioned, and that the bills issued this year paid for those which had been in circulation during last year. From the present great demand for Exchequer Bills, he had already been enabled to discharge all that had been in circulation up to October last; and, however ludicrous it might sound, it was much more likely that there would be a scarcity of Exchequer Bills, than that there would be any difficulty in disposing of them. (*A laugh.*) If the taxes that had been proposed last year had been maintained, there would have been no question now, whether the balance of accounts was or was not in favour of the public. He expected an improvement in the state of our finances, but if by any unfortunate or unforeseen event, his hopes should be frustrated, it would be the duty of Parliament to supply the proper remedy.—That public credit had been greatly improved, was a fact which the right hon. gentleman could not disguise, although he had thought it surprising and even unnatural. He did not view the matter in that light; and thought he could account for it. Before the close of last year, there had been a great accumulation of mercan-

tile capital, but the funded debt of the country did not improve in the same ~~de~~tal of individuals; and it ~~any~~ed the violent suggestions, the wild and mischievous schemes, which had been thrown out both within and without the walls of the House, some of them going directly to attack the property of the fundholder, he could not wonder that at that time public confidences should have sustained some depression. Happily no such ideas had been held out in the present session. Parliament had carefully and resolutely abstained from any measure that was likely to affect public credit. In a time of great discontent and distress, it had forborne to meddle with or alter the corn laws; for whatever might be said, he was convinced that nothing had done so much injury on former occasions, as that shifting and varying system which had been from time to time pursued, previously to the adoption of the last measure on that subject. The circumstances of the country having generally improved, public credit had also increased; insomuch, that Exchequer Bills now only paid an interest of $3\frac{1}{2}$ per cent*. The prospect of a speedy resumption of cash payments by the Bank, had also contributed to improve public credit. He believed that nothing but some extraordinary political shock could now interfere to prevent the resumption of these payments. (*Hear, hear.*) A beneficial influence had been also produced by the diminution of our debt, and the issue of the new silver coinage. These were the effects of the first year of settled peace, and he hoped that the next year would be productive of results still more important. If, as Providence seemed now to promise, we should be blessed with an abundant harvest, we might next year look to an increase of prosperity, and an extension of commercial intercourse with the rest of the world. It had been most unjustly charged on this country, that she had ever ~~been~~ on the ruin of others. (*Hear, hear.*) But the fact was, that we must rise on the prosperities of other countries, and they on ours. (*Hear, hear.*) We certainly had our difficulties to contend with; but we were still capable of making great exertions. He hoped such exertions would not be called for; but if they should, he depended on that firmness and vigour in Parliament, of which they had given such an example in the present session.

Sir *H. Parnell* said, he was surprised to hear the right hon. gent. ascribe the distressed state of the finances to the rejection of the Property tax. If the subject were sifted, our embarrassments would be found to have no other cause than the wasteful prodigality of the last twenty years. The right hon. gentleman was always ready with vigorous measures, as he called them, but every body knew what was meant by his vigorous measures; the only vigour of which he and his colleagues had any conception, was the

* An official return has been just made of the produce of the Revenue, in the quarter, ending the 10th of October, 1817, by which it appears, that there is an excess in the receipts of that quarter, above those of the corresponding quarter last year. There is a great deficiency in the Excise, but an increase in the Customs. In the Stamps, there is an increase of 200,000*l.*; in the Assessed Taxes, an increase of nearly 70,000*l.*; in the Land Tax and Miscellaneous Taxes, there is also an increase. In the Post Office, there is a deficiency of 11,000*l.* The total increase of the quarter is nearly 100,000*l.* (See the Abstract of the Net Produce of the Revenue, Appendix xvii.)

* Exchequer Bills have been since issued, bearing an interest of only 2*l.* per day.

vigour of new and increased taxation. (*Hear.* They ought to be vigorous in enforcing and giving an example of the most severe economy (*hear.*) but, instead of this, they tied us to an expenditure of 17,000,000*l.*, for a peace establishment. Why had not they got rid of those offices in Ireland, which the Union had rendered quite useless? They still kept up there a secretary for the war department, a secretary for military accounts, an adjutant-general, and commissary-general, whose services were wholly superfluous. He hoped this subject would secure more attention in the next session, and that the country would take steps in time to repel the system of vigour, with which it was threatened by the right hon. gentleman. (*Hear, hear.*)

Mr. W. Smith rose to answer some observations in which he felt he had been alluded to. The Chancellor of the Exchequer called that wild and mischievous which he had himself adopted; because, by borrowing this year to pay off the debt, he only added to the burden of the country. Thus, if a man borrowed 100*l.* to pay off 100*l.* which he had borrowed in the preceding year, all he could get by the operation would be the expense of borrowing; and his affairs would, in fact, be every year growing worse, by the amount at least of the stamp on the notes, and the stamp on the receipt. That was the case now with the right hon. gentleman's operations of finance. All the eloquence in the world could not disprove this plain fact, that though 16,124,443*l.* were to be applied this year, nominally, to the reduction of the debt, no more than 1,207,743*l.* would be actually paid off, while 14,916,700*l.* would be taken from the sinking fund. The hon. gentleman must, therefore, excuse him if he said, that the epithets, vile and mischievous, did not apply to what had fallen from him. The real question was, what advantage had been gained. He did not deny that raising money on Exchequer bills at less than 5 per cent., was a great advantage; but he did not think that much benefit would result from it, if the operation had the effect of materially raising the price of the funds. Suppose the three per cents were at 65, the sum of 190,000*l.*, applied four times a week, by the commissioners for the reduction of the national debt, would purchase 180,000*l.*; but the same sum laid out when the stocks were at 75, would purchase only 160,000*l.*; that is, 20,000*l.* less, four times a week all the year round, which would amount to a loss of five millions in the course of the year. So that if the high price of the funds was caused in any degree, as the Chancellor of the Exchequer had asserted, by the issue of Exchequer bills at 3*l.* per cent., as much was lost by the commissioners for the redemption of the national debt, by the rise in the funds at the time of their purchase, as was gained by the Chancellor under the low rate of interest payable on his Exchequer bills. He agreed, that it was better to borrow money this year by Exchequer bills, than to raise it by taxes; but this

was only putting off the evil day; and he repeated, that it was by the application of the Sinking Fund to the purposes of the year, and by no other means, that the right hon. gentleman would be able to avoid his difficulties. At all events, he sincerely hoped never to see the Income tax revived.

Mr. Grenfell, under all the circumstances of the case, approved of the plan of the right hon. gentleman. He believed that the resources of the country would ultimately be found sufficient for its exigencies. The people had a right to demand that, as long as we remained at peace, no attempt should be made to impose on them any additional taxes, and, in his opinion, any such attempt would be impracticable. After some remarks on the operation of the Sinking Fund, in the course of which he deprecated the plan of creating debt with one hand, for the purpose of diminishing it with the other, he concluded with denying that he had ever expressed any disbelief of the capability of the Bank to resume cash payments; but had only said, that what the right hon. gentleman had called a virtual resumption of cash payments was, in fact, no payment at all.

Mr. Baring contended, that for all practical purposes, the Sinking Fund was completely swept away, and that at present it was a mere delusion. He thought the country was highly indebted to his right hon. friend, (Mr. Tierney), for affording every man the means of making himself acquainted with the real state of the finances. It appeared to him that the receipts would meet the expenses, or at any rate that there would not be above half a million either on one side or the other. He commented on the necessity of keeping inviolate the public credit, which was not to be played tricks with, as had been the case in other countries. He was surprised to hear the right hon. gentleman so often express his regrets at the loss of the Property tax: the House had judged rightly in getting rid of it, he hoped for ever. Alluding to the duties from the Customs and Excise, he thought it utterly impossible to maintain the high duties on many of the articles. He went into a detail of the facility with which smuggling is carried on between this country and Flanders, where tea, which sells in London for 8*s.* per lb., is procured for 2*s.* 6*d.* On the point of the peace establishment, he thought if the House had done its duty, it would have been brought down to the present sum of 17,200,000*l.* at once, instead of being kept at 22,000,000*l.* till this year. He had strong hopes, that when political disputes, connected with Ireland, were at an end, and should no longer be made use of as a ladder to political power, (*hear, hear.*) we might look to that country as affording the means of greatly increasing our financial resources. He was convinced that the general trade of this country was reviving; and that although it would never return to the unnatural state in which it existed during a great period

of the war, it was rapidly approaching to a sound and healthy condition, which was much to be preferred.

Mr. *Huskisson* observed, that, with respect to the assertion that the revenue of the country was not at present more than equal to the charges, the same had always been the case at the conclusion of a peace. In 1786, there was a deficiency in the receipts, as compared with the expenditure, of 4,884,000*l.* What did Mr. Pitt do that year? Precisely what his right hon. friend had done this year. He added no less than 5,500,000*l.* to the unfunded debt, by the issue of Exchequer Bills to cover the existing deficiency. He (Mr. H.) took the main causes of our present difficulties—he meant the remote and predisposing causes—to be of a complicated nature, partly political, and partly financial. During the war a very extraordinary excitement was given to our agriculture and trade, and above all to our foreign trade. It was impossible, too, to forget the state of the currency during the war, and the unbounded facility which speculators found in the unlimited issues of paper, and the state of the country banks. This facility of speculation, coupled with other causes, led to overtrading, which again led to our present difficulties. The immediate cause of these difficulties, was the transition from a state of war to a state of peace, coupled as this was with some circumstances peculiar to the character of the late war. It had always happened to this country on a transition from a state of war to a state of peace, whether that war was calamitous in its result, as the American war had been, or fortunate in its issue, like the present war, that the active classes of the country were placed by the peace in a state of great embarrassment—that trade was in a most distressed condition, and that the industry of the country was paralysed. If the state of the country, at the end of every former war, had been the same in this respect as it was at the termination of the present, there must be some general cause in operation to produce this effect. It was obvious that a number of channels of industry on the breaking out of war were interrupted, and the industry turned into other channels arising out of the war. Again, on the return of peace, the industry to which the war peculiarly gave rise was suddenly stopped. The present war, too, terminated more suddenly than any former war. It also happened, that about the close of the war, a considerable importation of foreign corn had been followed by a very abundant harvest. It was well known that the greatest exertions were made at the close of the last war. The productive powers of the agriculture and industry of the country had received the greatest encouragement from the increase of prices which had been going on during the war. This made the distress produced by the cessation of the immense demand occasioned by the war, be more felt than it otherwise would have been. But what had been the effect of the war on the

currency of the country? During the war a facility had been given to speculation by country banks. The country bankers were tempted to give not only large credit to others, but to embark in extensive speculations themselves, by seeing prices rise from day to day. The borrower was tempted to borrow, by seeing the value of what he borrowed diminished from day to day by the increase in price; and the lender was tempted to lend, by finding in this rise of price an additional security for his money. But when the fall in price took place, the creditor had no longer the same security; and a fall in price always diminished the demand, for no man wished to add to his stock in a falling market. Such was the situation of the country from these causes, that all last year, and in the beginning of the present, it was impossible, out of London, at least, to procure money at the legal interest. It was unnecessary to enlarge on the effects of this on a nation like England, with its poor laws, and its numerous burthens, all sustained by the activity of the country. When prices were continually rising, all the active classes were benefited, and annuitants alone were placed in a worse situation. But it was better that any loss should fall upon them than on the productive classes. The effect of a rise in price on them would perhaps force them to greater economy, and at most abridge their comforts; but while they were reduced to this, the other classes were benefited. But the effect of a falling market on the industry of the country was very different. If the value of a man's stock were only reduced 1-10th in value, perhaps that 1-10th might amount to the whole of his own capital, the other 9-10ths might be borrowed. The fall naturally alarmed the creditor, who, by urging his demand, forced sales by which the difficulty was increased. In such a state of things, it was impossible that the revenue, depending, as it did, so much on the active classes, should not fail. This re-action, produced by a return from war to peace, and the cessation of the war expenditure, had been immediately followed up by an aggravation of the difficulties of the country in the calamity of a deficient harvest. The peace had sent into the market 500,000 persons, who, from being consumers, became competitors for production. All these causes had produced the effects which they all had witnessed, but for which it was impossible there could be any immediate remedy. We had found ourselves, during the greatest part of this year, in the utmost distress from these circumstances. The only articles above value were money for production, and bread for the active part of the population; and nothing could be so distressing to a country as a scarcity in these, and a glut in all other articles. This was the situation of the country, particularly since the failure of the last harvest. His only surprise, indeed, was, that the revenue had not fallen off more. A falling off of 10 per cent. on a revenue of 50 millions was not so wonderful. When a scarcity of pro-

visions happened to take place, when there was full employment for the people, the revenue was not affected. What would be the effect of this stagnation in our manufactures? It happened at present, that while the consumption was not diminished, the supply of all those who furnished goods to the country was diminished. But if consumption went on at the same rate, and the supplies diminished, the effect would be, that the stocks would be exhausted, prices would necessarily rise; and then when prices rose, a demand for labour would take place, and confidence and credit return. It was impossible that credit could improve but with an increased demand, and to this increased demand, in the nature of things, we might confidently look. And if there should be, as he trusted there would, not only in this country, but in all Europe, an abundant harvest, (for it was a singular misfortune, that last year the harvest was not only bad in this country, but in all Europe,) it was impossible but that the situation of the country and its revenue must improve. In another session, too, they would enter into a consideration of the state of our currency and of the country banks; not, he trusted, with a view to check issues or credit, but to place them on a more secure footing than they been on during the war. He would assert, that we were approaching to a state of confidence and credit, and that the industry of the country was reviving. Of this sufficient evidence had been laid before the Committee. It was proved that the leading branches of our manufactures were improving; and, in the very nature of things, this must take place. His right hon. friend could not suppose that the active classes in this country could remain for ever without employment, and that the whole of our immense capitals would lie dormant. He thought, therefore, that gloomy views of the situation of the country ought not to be entertained. He should rather think, after the exertions of the war, we might look forward confidently to a state of still greater prosperity than that which existed prior to the late reaction. Our situation must be one of progressive improvement, if we followed those principles which sound policy, as well as our duty, pointed out to us. It must be our policy, to cherish and preserve the peace of Europe. We were approaching to a state of healthy circulation, and he trusted that with regard to this point in future we should not depart from sound principles. During war public faith had been kept, and he trusted that in peace we should not abandon that honourable course. He trusted also that every means of practical economy would be resorted to, and that the House, not merely in their collective capacity, but individually, would do everything to prepare the country for the reception of more liberal commercial arrangements, which would have the effect of disarming foreign countries of their jealousy towards us.

The resolutions of Mr. Tierney were then successively proposed, and met by the previous

question, after which the following resolutions of Mr. Grant were put and carried.

I.

That the total amount of the Funded Debt of the United Kingdom, unredeemed, was, on the 1st of Feb. 1816.	£. 810,046,036
And on the 1st of Feb. 1817.	790,050,980
Being a diminution of.	19,995,056

II.

That the total amount of Unfunded Debt, in Exchequer and Irish Treasury Bills, was, on the 5th Jan. 1816,	
In Exchequer Bills.	£41,441,900
In Irish Treasury Bills	2,497,808
	43,939,708
And on the 5th Jan. 1817,	
Exchequer Bills	£44,650,300
Treasury Bills.	5,504,992
	49,055,292
Being an increase of.	6,015,584

III.

That the sum to be expended by the Commissioners for the redemption of the Funded Debt of Great Britain and Ireland, in the year 1817, may be estimated at.	14,461,443
And that provision has been made for paying off Navy and Transport Debt within the same period, to the amount of.	1,660,000
	16,121,443

IV.

That the amount of Exchequer Bills outstanding on the 5th of January, 1817, was.	£44,463,300
And of Irish Treasury Bills.	5,304,992
	49,768,292
That the amount of Exchequer Bills and of Irish Treasury Bills, granted in the present or former Session, which will be outstanding on the 5th of Jan. 1818, should the whole of the Supplies of the current year be then issued, will be,	
In Exchequer Bills.	£60,000,000
In Irish Treasury Bills	4,684,992
	64,684,992
Increase of Unfunded Debt unprovided for (exclusive of any excess of charge upon the Consolidated Fund of the United Kingdom, beyond the income thereof) of.	14,916,700

Being less by the sum of 1,394,743l. than the sum of 16,124,443l. which, as before stated, will be applied in the course of the year to the reduction of Funded and Unfunded Debt, viz.

Sum to be applied to the reduction of Debt.	16,124,443
Increase of Unfunded Debt.	14,916,700

£1,207,743

SLAVES.] Sir S. Romilly moved an address for "copies of the Presentment of the Grand Jury of the island of Dominica in Feb. last, and of the Bills of indictment referred to in that Presentment." Three cases of wanton cruelty to slaves had been laid before the grand jury, in one of which a pregnant female had had her arm broken; and yet those whose duty it was to find the bills had thrown them out, adding a clause to their presentment, that "extremely dangerous consequences might result from the number of indictments for unmerited punishment to slaves brought before them, and supported by no evidence." So untrue was this assertion, that upon one of the cases ten of the grand jury had been in favour of the bill; and upon all, the Attorney-general of the island had seen sufficient cause to prepare and present the bills. The hon. and learned member pressed upon the House the necessity of interposing in cases like the present, or those laws for the protection of slaves which appeared the best upon paper, would be the worst in practice.

The address was agreed to. [On the 11th the Return was made, and ordered to be printed.]

HOUSE OF LORDS.

Thursday, July 10.

ROYAL ASSENT.] The Royal assent was given by commission to the Exchequer-offices' Regulation Bill, the Clergy Residence Bill, the Game Preservation Bill, the Small Rents Bill, the Small Living Land-Tax Bill, and the Naval and Military Officers' Oaths Bill*.

* It will be seen, that this Bill passed through both Houses in the space of eight days. Lord Melbourne gave notice of his intention to introduce it on the 26th of June; on the 27th he introduced it accordingly; it was read a second time on the 30th June, was committed on the 1st of July, and read a third time on the 2d July, and sent to the Commons. On the same day, on the motion of Mr. Croker, it was read a first time in the Commons, a second time on the 3d July, and was committed and passed on the 4th July. In the Lords, it passed without a single observation, except the question put by the Bishop of Peterborough, (see page 1659.) and no notice whatever was taken of it in its passage through the Commons. This act allows the Executive Government to admit Roman Catholics freely into the navy and army, as officers, without tendering to them the oaths of Supremacy and Allegiance, which oaths, however, it appears, practically never were tendered, though that matter was overlooked in the various struggles which have taken place for their repeal. But, according to the terms and spirit of this act, Catholic Emancipation is now conceded as to naval and military service. It is in these words:—"Whereas by certain acts passed in the reigns of his Majesty's royal predecessors, it was provided, that officers in his Majesty's royal navy and officers in his Majesty's army shall take certain oaths, and make and subscribe certain declarations, before they shall enter upon the offices or places of trust to which they may be appointed: And whereas doubts have been entertained whether the provisions of the said acts are still

Frame Breaking Bill.

[1818]

POOR LAWS.] The Earl of Hardwicke presented a report from the Committee which had been appointed to consider the state of the Poor Laws.

The Earl of Liverpool could not allow the occasion to pass without saying, that no examination had ever been conducted with more candour and liberality, or with a stronger disposition to attend to every view in which the subject could be represented. The reports of this and the other House contained a great body of most important evidence; and much good might be done by their lordships during the recess, by collecting in their several counties all the information that could be procured on this interesting subject.

FRAME BREAKING BILL.] Lord Sidmouth moved the third reading of the Frame Breaking Bill. He observed, that as soon as this bill passed, it was the intention of his Royal Highness the Prince Regent to issue a proclamation, offering an amnesty to such persons as had been engaged in these practices, with the exception of those concerned in an act of this kind perpetrated in the course of last summer at Loughborough, which had been accompanied with an attempt to commit murder.

The Marquis of Lansdowne observed, that resolutions had been agreed to in March last by

in force in that behalf: And whereas the practice of taking the said oaths, and making and subscribing the said declarations, by officers previous to their receiving commissions in his Majesty's army, hath been long disused: And whereas it is expedient to remove such doubts, and to assimilate the practice of the two services: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this act, it shall and may be lawful to and for his Majesty's Principal Secretaries of State, the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral aforesaid, the Commander in Chief of his Majesty's Land Forces, the Master General of the Ordnance, and the Secretary of War for the time being, respectively, or any other persons thereunto lawfully authorized, to deliver commissions or warrants to any officer or officers in his Majesty's royal navy, land forces, or royal marines, without previously requiring such officer or officers to take the said oaths, or make and subscribe the said declarations; any thing in any act or acts contained to the contrary thereof in anywise notwithstanding.

"II. Provided always, that nothing herein contained shall extend or be construed to extend to be taken, or to any declarations thereby required to be made and subscribed, by such officer or officers as aforesaid, after he or they shall have accepted and received such commissions or warrants as aforesaid."

After these officers have entered the service, all further obligation of taking the oaths is done away by the annual Act of Indemnity which is passed at the beginning of each session.

the grand juries in Leicester, Derby, and Nottingham, stating, that it was expedient, and even necessary, that this measure should be renewed; and yet no attention was paid to their recommendation till the very close of the session, when it was impossible that a matter of such importance could be fully and properly considered. Still, under all the circumstances, he must assent to the bill, though he did so with a protestation against the practice of bringing into that House measures of the highest importance at so late a period of the session.

The bill was read a third time, and passed.

SLAVE TRADE.] Lord *Grenville* said, he rose to call the attention of their lordships to a subject of as high importance as could at any time be brought before them. He was aware of the impropriety of introducing business of consequence into the House at the very conclusion of the session, when it was impossible to give it the consideration which it might deserve, but, as to this particular subject, there was peculiar propriety in the time at which it was submitted. It was proper to wait to see what would be the result of the course which the Executive Government was pursuing for the entire abolition of the Slave trade; but having waited till the very conclusion of the session, their lordships would ill indeed discharge their duty if they were to separate without addressing the Prince Regent, to express their deep regret at the degree in which those measures had proved ineffectual. In the course of the debates on this detestable traffic, it had been argued, that though this country were to abolish it, other countries would continue it; and that while Great Britain would lose a valuable branch of commerce, nothing would really be done towards the abolition of the trade. To that argument, he for one had answered, that if not one human being less were to be torn from his home and country, and exposed to all the horrors of the middle passage; if not one drop of blood less were to be shed in this commerce of cruelty, it was the duty of Great Britain to wash from itself the stain of this execrable trade, and to provide that in future, at least, this guilt should not rest with us, and that this blood should not be required at our hands. But another consideration of the greatest weight was then stated. It had been contended by those who supported the abolition, that it was necessary to proscribe this traffic of robbery and murder—first, in order to purge Great Britain from its abominable contamination; secondly, because, if we extended our wishes farther—and who would not extend their wishes farther to have the trade abolished by other nations?—it was necessary that we should be able to say, “we have purged ourselves from the stain of this cruel and bloody commerce, and we are free from any farther imputation.” Having so done, Great Britain was then placed in the proper situation to call upon others to follow her example, and to af-

ford the best hopes of success in the employment of every effort to procure the abolition all over the world of this inhuman and murderous commerce. It was unnecessary for him to recapitulate what had been done. Their lordships were aware that some of the most powerful countries had concurred with us, and that one considerable nation had even outrun us in this race of humanity: but while this bloody and atrocious traffic had been thus renounced among civilized nations, there were two powers by whom it was still continued; and with one of these all our efforts had proved ineffectual. He had papers in his hands, from which it appeared, that the trade was carried on in some degree by French, and even by Dutch subjects; but if the information which he had received was correct, it was chiefly carried on, first by the Portuguese, whose Government had refused to abolish it generally; and next by the Spaniards, should he say—no, but under the Spanish flag. As to the Portuguese, they carried on the trade, even within the limits which this country had been most anxious to protect, in a great and increasing degree: and if there was any foreign power from whom this country had concluded engagements, for onerous causes, to abolish in some measure this detestable traffic, he trusted their lordships would think it a proper subject of address to the Crown, to urge, with the most pressing importunities, the fulfilment of these engagements. From that, however, he passed to the case of Spain. Under the flag and in the name of Spain, and that, too, at a time when so many of her foreign possessions had disowned allegiance to her crown, the speculation in this accursed traffic was still carried on, to supply the void occasioned by the humanity of other governments. As to the limits within which it existed, there was one part of Africa to which this country had paid particular attention, and in which it had experienced considerable success in introducing the benefits of civilized life, and checking the course of this barbarous trade, which, while it continued, opposed an insurmountable obstacle to all civilization and improvement; and it was in that very quarter that the trade was most actively carried on. Such, then, was the quarter, and now for the manner. Before the resolution for the abolition of the slave traffic by this country had been adopted by Parliament, so unsupportable to the feelings of every human being, so monstrously horrible were the atrocious cruelties of the middle passage, as proved by evidence at the bar of that and the other House, that every man agreed that it ought to be regulated. He would not enter into a statement of particulars, for he had little inclination to enter into the calculations usually connected with this subject; but this he would say, that the warmest advocate of the abolition had never stated, had never imputed, never heard of, never conceived any thing so horrible, respecting the

atrocities of the middle passage, as that which now appeared actually to prevail in this part of the slave traffic. Their lordships had, then, to represent to the Crown, if they chose to make any representation, that this traffic was carried on by Spain and Portugal, within those limits from which Great Britain had been particularly anxious to exclude it; and with circumstances of such barbarity, that, if their lordships could possibly make it present to their own minds, it would be impossible for them to endure the reflection. They had to represent that thousands and millions were exposed to these appalling atrocities, the very picture of which could hardly be contemplated by any man in whose heart there existed the slightest feeling of humanity but they would consider, that what revolted them to hear or look at, did not revolt others to do; and did not revolt their governments to sanction, though in opposition to the clamours of Europe. The statement to which he was now about to call their attention, was that of a British officer, made upon oath. It was an affidavit of Lieutenant James Eike, made on the 17th of March, 1816. (See p. 1790.) Upon this document, he should simply ask them, whether they had ever imagined, whether they believed any individual had ever conceived, that there were any persons capable of carrying on this horrible trade, with the calculation that more than one half of the unhappy beings embarked would perish in so short a voyage. No such calculation of loss of life, he was persuaded, had ever entered the mind of any man. He had had frequent occasion to direct his attention to this subject, and he certainly had never read or heard of any thing to equal this barbarous murder.—The officer who made this affidavit had stated, that those unfortunate Africans were used worse than brute beasts, and there was no man whose mind would not recoil with horror from the idea of treating any beings under his control whether human or not, with such cruelty. It was the duty of his Majesty's Government to inform the Portuguese Court fully of these barbarous transactions. They must inform that and other Governments of the nature of the frightful system to which they so pertinaciously adhered. The paper he had read, it was true, applied directly to the conduct of the Portuguese only; but he mistook much, if it did not afford a picture of the trade in general. He doubted not, that it was equally characteristic of the trade of Spain. He had not circumstances of the same nature to lay before their lordships, respecting Spanish ships; but he had the declaration of a British officer, of no less a person than Sir James Yeo, which proved the situation of the slaves in Spanish ships to be dreadful, beyond any thing that had ever been contemplated. Sir James stated, that the *San Antonio*, of only 120 tons burden, had 600 slaves on board. Now, let any man, acquainted with the former examinations on this subject, and with the accommodation required for transports, consider what must be the situation of such a num-

ber of human beings, confined to so small a space. The description of this dreadful state of suffering, was not applicable only to the ship captured, but was a proof of the general manner in which the Spanish trade was carried on.—Was it possible, then, to present to their lordships, a case which could have a stronger claim to their attention? Was it possible, that they could require any additional motives for their interference to put an end to these multiplied barbarities? He entreated them to bear in mind, that there never was, there never could be, a stronger claim than that which Africa had on this country. We had been among the foremost to inflict wrong, it became us to be the foremost to redress it; and there were in the state of the times, and the situation of this country with respect to other powers, circumstances which afforded reason to hope that our representations, if firmly made, would prove effectual. If in the government of any country there should be found a man who would say, in answer to our representations, that he disregarded the principle of humanity, and that he would only consider this question with respect to our interest to interfere in it; to such a person the reply should be, that the trade of this country could not be carried on with that security which belonged to peaceful commerce while this traffic in slaves was permitted to exist. This observation applied not merely to the trade with Africa, but to our trade to every other part of the globe. If their lordships reflected on the facts which had been disclosed upon the most unquestionable evidence, they would be convinced that the destruction of peaceful commerce must be the result of the continuance of the atrocious system he had described. In the first place, with regard to Africa, the trade, it was evident, could not be carried on without counteracting all the efforts that had been made for its civilization, and replunging the whole line of coast into barbarism. In the second place, it was carried on under a regular system of defence. He could quote no less than 20 cases of armed vessels, bearing the Spanish flag, having committed acts of violence, not only against the peaceful commerce of British subjects, but against the national flag of this country. If this system was suffered to go on, could it be expected that the aggressors would be confined to the African seas? No, every branch of commerce and navigation would at length suffer, and the world would again be forced back into a state of general warfare. Was it a common, an indifferent thing, to see trading vessels in a period of profound peace armed as in war? Even in a time of war, when men were called upon to act in self-defence, no merchant ship could be armed without the owners, in the first place, gave security that the flag of the country would not be made to cover abuses, nor be employed in transactions which the Government could not approve; but the ships of which he had spoken possessed no letters of marque, and had received no sanction, as armed

vessels, from the Spanish Government. They were armed only because they were fitted out to commit crimes. If the Government of the United States of America was applied to on the subject of such vessels bearing the American flag, that Government disclaimed them; the slave trade had long been abolished by the United States, and if the persons on board of these vessels were Americans, they were violators of the public law of their country. If the Government of Spain was applied to, that Government, it was true, defended the right of Spanish subjects to the African trade, but did not defend the commission of crime. No country, therefore, even those which had not abolished the traffic in human beings, would vindicate criminal depredations committed by vessels bearing its flag—depredations which amounted to acts of piracy. In this situation of things, his Majesty's Ministers had a right, and were indeed called upon to make representations to all foreign powers whose flag was used by armed vessels in the African trade, as the proceedings in which these vessels were engaged must degenerate, as in fact they had already degenerated, into acts of violence against the peaceful commerce of this country. Having made these representations, if they should not be effectual, if the powers to whom they were made found themselves incapable of repressing the acts of violence committed by vessels under their flag, we should then be entitled to act against such vessels as pirates. To any question that might be raised as to the right of this country to interfere on the ground of our interests being affected, Ministers had the strongest possible answer to make—they had to claim for the trade of this country a free navigation in time of peace. Such was the duty of the Government; and with regard to Parliament, there never was a case in which the necessity of its interference was more evident, or in which their lordships were more urgently called upon to strengthen, by a declaration of their opinion, the hands of Administration in the negotiations now pending. God forbid that he should doubt the zeal of those who had the conduct of these matters; but, under all the circumstances of the case, silence on the part of their lordships would be a dereliction of duty. It would be a neglect not to give to the Crown that additional strength which the manifestation of their opinion could give, and which, therefore, ought not to be withheld. Upon a recent occasion, one of the very powers to which he had, with reluctance, been obliged to allude, as concerned in these transactions, had adopted the course of making representations to the powers of Europe, on an aggression alleged to have been committed by another power, and the ground of the representations was precisely that which he had recommended in this case, namely, the probability of the aggression leading to war. It was accordingly considered by the parties to whom the representations were addressed, that they had a right, founded on their interests, to interfere, not only with their good

offices, but to exercise all the weight of their powerful mediation, in order to prevent the flames of war from being again lighted up. Their interference was founded on the same principle as that which he pressed on the attention of their lordships: for if the African trade was to be continued, it could only be carried on in the manner he had described, and, therefore, could not fail in time to produce hostilities between this country and Spain. Upon those grounds we had a right to call for the interposition of every State in Europe, in putting down a system fraught with such danger to the peace of the world. They had already bound themselves to us, and we had bound ourselves to them, that nothing should be neglected that could contribute to the termination of this atrocious traffic. There was one topic more on which he should say a word before he sat down. Cases had already occurred in which officers in the service of this country had been exposed to complaints of having committed pretended irregularities in attacks on Spanish ships. He must take this opportunity of declaring, that if any question should arise as to compensations claimed for such transactions, he, for one, should require not only proof that the capture or attack was irregular, but that it was not the result of the improper system pursued by those who set up the claim. Their lordships, he hoped, would take care that, under the pretence of granting redress, they were not led to make a concession which might tend to confirm the evils they wished to remove.—The noble lord concluded by moving an address to the Prince Regent, similar in effect to that moved in the Commons yesterday by Mr. Wilberforce. (See page 1793.)

The Earl of *Liverpool* approved of the address, and observed, that he had never entertained but one opinion on this subject, namely, that the abolition to be made effectual for the purposes of humanity must be total; that it must not only be the work of Great Britain, but of every commercial country. If their lordships looked back to the circumstances under which this trade had been carried on, and above all, to the prejudices which had prevailed on the subject—prejudices which had been worked upon in a way to raise doubts as to the conduct of this country in the abolition—they must be convinced that much had been done: at the same time he was ready to acknowledge that much remained to be done. Prudential considerations induced him to refrain from entering into any details at present; but, if no unforeseen circumstance should arise, he thought he should be able to give a full explanation of all that had passed respecting the negotiations with other powers by the commencement of the next session of Parliament.

The address was then agreed to unanimously*. **MARRIAGE CEREMONY.** The Marquis of

* It has since been stated, that *Spain* has agreed to the abolition of the Trade, commencing with the year 1820.

Lansdowne presented a petition of the Associated Unitarians of Kent and Sussex, praying to be relieved from the operation of the Marriage Act. (See page 1780.) It was laid upon the table.

IRISH GRAND JURY PRESENTMENT BILL.] The Earl of *Liverpool* moved the third reading of this bill.

The Earl of *Donoughmore* opposed the measure, first, because it increased the patronage of Government, while it deprived grand juries of the power of appointing their own officers; and, secondly, because no alteration of the present system would be necessary, if proper care were taken by the sheriffs to return respectable juries. He moved as an amendment, that the bill be read a third time this day three months.

The Earl of *Limerick* supported the bill. Great abuses had been committed by grand juries, and as this bill went to deprive them of the power of imposing burdens on the country for private purposes, it would be productive of more real benefit to Ireland than the much desired advantage of opening to the peasant the opportunity of becoming a Lord Chancellor.

The Earl of *Caledon* thought the noble lord should have pointed out the particular grand juries which had been guilty of abuses. In the province of Ulster, with which he was acquainted, no such charge could apply.

The Earl of *Limerick* explained. He did not mean to contradict the account which the noble lord gave of the north of Ireland; but he repeated that great abuses with respect to grand juries had prevailed in different parts of Ireland.

The Earl of *Blessington* totally differed from the noble lord, as to the imputation on grand juries. He thought the bill unnecessary.

The Marquis of *Lansdowne* supported the bill. He was fully convinced, that the power which grand juries possessed in Ireland required the control which this measure provided.

The amendment was then negatived without a division, and the bill was read a third time, and passed.

HOUSE OF COMMONS.

Thursday, July 10.

LYME REGIS HARBOUR.] The Chancellor of the Exchequer moved, that the order of the day be read for an address in aid of the repair of Lyme Regis Harbour. (See page 1781.)

Mr. *Gordon* said, that it was unfair to bring on the discussion of this question at so early a time (a few minutes after four), when some members were absent who, it was known, would oppose the grant, for instance, the member for Rochester (Mr. *Calcraft*). It was not generally understood that public business would begin before half-past four o'clock.

The Chancellor of the Exchequer said, that as there was no other business before the House, he should move the address.

Mr. *Gordon* then moved, that the House be counted.

The House was accordingly counted, and there being but 31 members present, they adjourned.

HOUSE OF LORDS.

Friday, July 11.

ROYAL ASSENT.] The Royal Assent was given by Commission to the Frivolous Arrests Bill; the Extents in Aid Bill; the Irish Saving Banks Bill; the Employment of the Poor Amendment Bill; the Frame-Breaking Prevention Bill; the Irish Lunatic Asylums Bill; the Irish Grand Jury Presentments Bill; the Alnage Abolition (Ireland) Bill; and the Cottage Exemption (Scotland) Bill.

MADHOUSES.] The Marquis of *Lansdowne* rose to call the attention of the House to a bill which lay on their table for the regulation of madhouses. His object was to move, that the bill be read a second time this day three months; for, independent of the late period of the session at which it came before them, there were other objections to it, which could hardly have been got over. He thought the appointment of a commission to superintend madhouses, would be a very proper regulation; but there were other minute matters to which he and others would have objected, and the bill was altogether too complicated to be amended. There might be strong objections to the registration of the names of persons confined; and, perhaps, the most effectual regulations that could be adopted by the Legislature would be to provide that proper security should be required as to the persons keeping houses of this description, and as to the situation, size, and accommodations of such houses, and to appoint a commission to superintend these establishments, and to report from time to time to the Secretary of State. That some legislative regulations ought to be adopted, he was decidedly convinced, and few could doubt who had read the valuable Reports which had been published by the Committee of the other House on this subject. He trusted, therefore, that their lordships' attention would be called to the matter at an early period of the next session. He concluded by moving, that the bill be read a second time this day three months.

Earl *Bathurst* entirely concurred with the noble marquis as to the present bill, and as to other matters connected with the subject which he had mentioned. The Reports did the Committee great credit, and certainly some legislative regulation was called for. He trusted the noble marquis himself would give his attention to the subject; none being better qualified than he was to form a just judgment as to the regulations that might be most beneficial.

The Earl of *Lauderdale* observed, that the publication of the Reports had done much to remedy the evil; because, when these matters were known, few would persevere in p

revolting to the common feelings of mankind: but if a bill should be brought up from the Commons, or otherwise introduced into this House next session, he trusted that the object would be to simplify its regulations, and direct them against the principal evil; for the Legislature would do no good by attempting to make these minor matters the subject of parliamentary enactment. He should have liked this bill much better, if it had proposed to enact the appointment of one commission instead of four: and as to the registration of the names, it would be highly desirable in one view that it should be known who were confined in these Houses; but on the other hand, there were great objections to the plan; and, upon the whole, he agreed that this bill, independent of the objection on account of the late period of the session, was not, for other reasons, such as ought to pass.

The bill was ordered to be read a second time this day three months.

HOUSE OF COMMONS.

Friday, July 11.

COLONIAL ACTS.] The Colonial Acts, which were presented on the 6th of June (see page 1336.) were ordered to be returned to the Secretary of State's Office, for the Colonial Department.

WATCH-MAKERS COMMITTEE.] The Committee appointed to inquire into the petitions of Watch-makers was presented, laid on the table, and ordered to be printed.

BANKRUPT LAWS COMMITTEE.] This Committee presented their Report.—Ordered to lie on the table, and to be printed.

NEW WRIT FOR THE CHANCELLOR OF THE EXCHEQUER.] Mr. *Lushington* moved for a New Writ, for the Borough of Harwich, in the room of the Right Hon. *Nicholas Vansittart*, appointed Chancellor of the Exchequer of Ireland.

NEW WRIT FOR MR. PONSONBY.] Mr. *Lamb rose*, to move for a new writ, for the county of Wicklow, in the room of the Right hon. *George Ponsonby* deceased. In making this motion, the hon. member said, he could not content himself with passing it over in the ordinary manner: this would not be doing justice to the character of him whom they had lost, nor could he reconcile it to the respect, the regard and the affection, which he had always entertained for him. Some tribute was due to the memory of the dead, and it was not less required to satisfy the feelings of the living. On the present occasion, this tribute would be willingly paid, not merely by those connected by the ties of blood and friendship, but by the members—by all the members (*Hear, hear, from the Treasury benches*.) of that House, and by the community at large, who knew Mr. Ponsonby only as a public man, from the share which he had taken in the discussions of that House. Never on any former occasion—and many such mournful occasions had occurred of late—never had there been displayed more unequivocal symptoms of heartfelt sorrow and sincere regret. (*Hear, hear.*) It was

not his intention to enter into a history of Mr. Ponsonby's public life, or to detail the incidents of his early years. Greatly was he distinguished in the Irish Parliament; and so pre-eminently distinguished at the Irish Bar, that when he was called to the office of Lord Chancellor in that country in 1806, at a time when party feelings ran high, and when appointments were canvassed with the greatest asperity, not a single murmur of disapprobation was raised against the choice which selected him to fill the highest judicial situation. The important duties of that office he discharged with unquestionable ability and integrity. When he retired from it, he was placed in a situation in that House, which it would be improper to designate more distinctly, but which all would understand. That station he filled during times of great difficulty and embarrassment, times which had exhibited almost all the aspects which human affairs could assume, and it would be admitted by his political enemies, as well as his political friends, that he conducted himself with prudence, temperance, liberality, and discretion. (*Hear.*) To an ardent love of liberty, and an anxious zeal to defend and maintain it, he joined the utmost simplicity of character, which communicated itself to his eloquence, and this, combined with the conviction entertained in the House and the country, of the sincerity of his professions, and the soundness of his understanding, obtained for him that confidence which had often been denied to more studied and ambitious oratory. So great was the importance of the numerous questions which had been agitated in that House during the last ten years, that the various biasses, the difference of feelings, of habits, of pursuits of different members, must have led them, on some important occasions, to disagree with a man whom they loved and respected; but, all who thus disagreed with him, loved and respected him still. Those who had an opportunity of observing how he prepared himself for such questions, could bear testimony to the anxious care and perfect sincerity with which his opinions were formed.—These few observations he offered, not with the vain hope of doing justice to the talents and the conduct of Mr. Ponsonby, but to gratify his own feelings, and to afford the House an opportunity of expressing their respect and regret for a man at once so eminent and so estimable. (*Hear.*) He was an honour to the family from which he sprung, and to the country that gave him birth, fruitful as that country was in men of distinguished talents, as well civil as military. He was justly and deeply lamented, and although they had lost him not in the most difficult times—although it could not be said of him "*alienissimo Reipublice tempore extinctus*"*—yet it was at a time

* "*Vir egregius, (Q. Hortensius) conjunctissimus mecum consiliorum omnium societate, alienissimo Reipublice tempore extinctus, et auctoritatis et prudentiæ suæ triste nobis desiderium reliquit.*" (*Cic. de Clar. Orat. 2. c. 1.*)

when the country might have derived essential advantages from his understanding, his moderation, and his prudence. That they had seen him so lately in that House (*hear, hear,*) apparently in perfect stability of health, and likely long, from his time of life, to enjoy vigour of mind and body, must greatly increase the sense of sorrow and regret. That they had themselves seen him struck by that fatal malady which laid him at once on the couch from which he never rose, must give a keenness to their recollection of his merits, and their sorrow for his loss. (*Hear, hear.*) To them it furnished a most awful lesson, and they would take the best means of profiting by it, if they cherished in their memory and imitated the integrity of his conduct, the purity of his mind, and the innocence of his heart.—(*Hear, hear, hear.*) The hon. member concluded with moving for the writ.

Lord Castlereagh said, he did not less feelingly lament the loss which the House and the country had sustained, than those with whom the right hon. gentleman had agreed in political opinions; and he equally felt the force and truth of the observations which had been so eloquently applied to the subject. A wound so deep as was occasioned by the death of one so distinguished in public life, a wound so suddenly inflicted, and so fresh in the recollection of the House, could not but be felt most strongly. No occasion was more gratifying than one in which the warmest testimony must be borne to the honour, integrity, and worth of men who differed in political opinion—and he hoped those differences were for the public good—by persons of opposite sentiments. He had been opposed to Mr. Ponsonby in politics, both in this country and in Ireland; and he could say, with the utmost sincerity, that the conduct of that eminent man had been always governed by the highest sense of honour and integrity, and a most anxious desire to promote the public good. (*Hear, hear.*)

Sir M. W. Ridley said, he felt it his duty to join in the testimony which had been given to the public merits of that distinguished character, whose loss was so universally deplored. His family had rendered great and splendid services to their country; and, in future times, the bravery of colonel Ponsonby in the field of battle, and the honest, upright, and independent conduct of the right hon. George Ponsonby, in that House, would be read with universal admiration and gratitude. (*Hear.*)

The writ was then ordered.

LYME REGIS HARBOUR.] The Chancellor of the Exchequer moved an address to the Prince Regent, that he would be pleased to direct, that such repairs might be executed upon the Cobb at Lyme, as would not occasion an expense exceeding 10,000*l.*

Mr. Gordon objected to the mode of obtaining money to such an amount by address to the Crown.

Mr. Lushington stated five cases in point, as

to the mode; and insisted on the importance of the repairs now required.

Mr. Calcraft observed, that he had been misunderstood by the hon. member (Mr. Gordon), who had represented him as disposed to give any opposition to the measure. (See page 1825.) He complained only of the delay, and of the mode adopted.

Mr. Croker explained the circumstances that occasioned the delay. The address was then agreed to.

SUSPENSION OF THE HABEAS CORPUS.] Sir F. Burdett presented a petition of John Knight, who had been kept in solitary confinement in Reading gaol for more than 17 weeks, and was now removed to another prison. The hon. baronet observed, that some years since petitions used to be presented by foreigners, praying to be naturalized; this petitioner prayed to be unnaturalized, or to be brought to trial. It was pretty evident that there was no intention to bring him at all to trial. He hoped that some one of his Majesty's Ministers would declare their intention to discharge him, if no trial was intended. It was disgraceful to this country, or to any civilized country, but most of all to this country, where the principles of liberty had been established by a free Constitution, that men could be confined in solitary cells for any length of time without ever knowing the reason. The petition was then read: it prayed to be brought to trial, or to be transported out of the country. It was ordered to lie on the table.

MASQUERADES.] General Thornton gave notice, that he would next session bring in a bill respecting masquerades.

Mr. Blake wished to know what was to be the nature of the bill.

The Speaker said that it was not regular to call for any such explanation till the hon. member brought on his motion.

STATE OF THE NATION.] Mr. Brougham rose, to call the attention of the House to the present situation of the country. He said, if no public principles had been violated during the session, and if at its close they were to leave the liberties of the people on their ancient foundation, and the power of the Crown within its constitutional limits, he would not have trespassed on their indulgence; but when the expectations of the country had been so great at the beginning of the session, when the disappointment in its course was so signal and so afflicting, and above all, when the rights and liberties—when the personal freedom of every man in the nation, was put in the power of Ministers, he could not allow them to separate before he had endeavoured to prevail on them to exercise the wholesome but difficult duty of self-examination, and to carry to the foot of the throne an humble address, praying that the extraordinary powers which they had given should not be abused. The distresses every where felt at the beginning of the session, months indeed before the beginning of the

sion, all must well remember. In the midst of such sufferings, some symptoms might be traced of great discontent, of an anxious desire of change: here and there some disturbances were created by persons, inconsiderable in character and influence, and even in point of numbers—by such persons, who either from defect of intellect, or desire of converting general distress to purposes of plunder, a few breaches of the public peace were committed. All those symptoms might be traced before the beginning of the session; but there was one symptom, universally manifested, and without example in any former period of our history—it was an anxious, universal expectation of redress and relief. This hope was every where entertained, but was most deeply cherished where the distress was greatest. (*Hear, hear.*) How did the House answer those expectations? They began, not by relieving the people, but by restraining them. Before they asked them their complaints or their wishes, they took away their liberties. When at last they inquired into the distresses, and found that many means of relieving them were practicable, when Ministers themselves agreed that our system of commerce and trade required revision, they immediately passed on to the other orders of the day. In no period of history, in no nation or country, was an instance known of a people, so universally, so strongly, so unconquerably, and in such overwhelming distress and suffering, attached to their natural protectors and guardians, and so confident of attention to their grievances, and of relief from their sufferings. If when the people met to petition Parliament for a redress of their grievances, if when they were evincing their attachment to the constitution, by expressing their confidence in the good disposition and wisdom of the legislature, a demagogue had stood up and predicted what happened, saying, “Look not to Parliament for assistance in your misery, or even a favourable consideration of your sufferings; go not there, the attempt is useless, they will not hear your petitions; they will not discuss the means of answering; they will neglect your representations, and pass to the order of the day,” the House would have heard of it as a symptom of disaffection, and a menace of rebellion. (*Hear, hear.*) Much had been said of the absurd projects of the reformers, and of the folly of looking at Universal Suffrage and Annual Parliaments as a remedy for existing distress; and the historian, in looking back upon this period, would have to describe many instances of that disposition which suffering generates, to rely credulously on the most improbable means of relief; but he would likewise have to record, that in resisting applications of the people for a redress of grievances, Parliament had committed remarkable departures from the constitution. For universal suffrage and annual parliaments, however inconsistent they were, in the opinion of many, with the nature of our political fabric, could not be

more contrary to it than the mode in which the representations and interests of the people had been treated was to the spirit of our constitution. Innumerable petitions were presented, and their allegations ought to have been inquired into. They were, however, neglected, and no measures were adopted but those of coercion and punishment. As nothing had been done by the House, as no examination into grievances took place, and no plan of improvement was adopted, it might be proper to inquire what amelioration had ensued, independent of parliamentary aid; and what the course of events had accomplished, after Ministers had refused to direct it to any beneficial result. He was ready to admit, that in looking at our affairs in this way, the prospect was somewhat brightened. The effects of the late scanty harvest were not so severely felt, and were in some degree removed: an increase had taken place in the value of land; and the price of the funds had risen; our trade, too, had somewhat improved, and hopes were entertained of a continued amelioration. In stating, however, that our commerce was improving, he was bound to say, that there was something rather alarming in the accounts of the last two quarters. He alluded to the scanty supply of the last harvest, and the consequent revival of the importation of grain under the provisions of the corn bill. The opening of our ports for corn had thus operated as a practical remedy for the depreciation of our general commerce, without being an evidence of its growing prosperity. Corn was the only commodity which, under certain circumstances, could be imported duty free: and the demand for it in the season of scarcity was the only cause, it was to be feared, of the additional stimulus given to our export trade or our manufacturing industry. To shew this he need only remind the House, that the customs had in the last quarters fallen off instead of improving; which accorded very well with the fact, that there might be an additional import of corn, but was perfectly inconsistent with any improvement in our general commerce or import. Another symptom of our improving condition was stated to be the rise in the funds; an effect which might be attributed to one of two causes—the one permanent and beneficial, the other temporary, and rather a sign of distress than a proof of amelioration. The former consisted in the reduction of our national expenditure, and the diminution of our public burdens (for which his Majesty’s Ministers, who opposed every measure of retrenchment, and refused to adopt any recommendation of economy till it was forced upon them, could claim no credit), by which the savings of individuals were increased, and not being required for the supply of their immediate wants, were invested in the funds; thus creating a demand for stock and raising its price. The latter consisted in the want of employment for capital, in the stagnation of trade, and the want of any

other mode of deriving interest for money in the possession of capitalists. This would entirely disappear with the revival of commerce; which, when it took place, would lower the funds, by inducing people to invest their money in more beneficial employment. That there was no unequivocal improvement in the situation of the country, or in the general condition of the people, notwithstanding these alleged symptoms of returning prosperity, might be proved from the experience that every man had of what must be the state of our manufacturers, when an able and skilful weaver could not earn more, by his greatest exertion, than six or seven shillings a week; and from the knowledge of the general distress under which our agricultural population laboured. (*Hear, hear.*) But even admitting that there had been some improvement, was that a reason why we should relax in our efforts to hasten the return of general prosperity. Were we to refrain from taking steps to ameliorate our condition, because it was not just so bad as it was four months ago? Because we had sunk to a point of distress beyond which we could not go, and were now rising out of its depths, were we to be told that no efforts were to be made for our further extrication? (*Hear, hear.*) This, he knew, was always the answer of Ministers to any suggestions or recommendations of improvement—that we were already rising from our difficulties, and that matters would right themselves. If we could be proved not to be so bad as we were six calendar months ago, they were satisfied, and desired to stand still. This principle of conduct he entirely disapproved of and denounced. So long as we could improve our affairs, so long as there was one beneficial arrangement unexecuted, it was criminal to be idle, it was a gross dereliction of duty to stand still with our arms folded across, and to trust without exertion to the issue of events. (*Hear, hear, hear.*) It became the House, therefore, to review what was proposed to be done, and what was actually performed. In this review, sufficient subjects of condemnation would occur, without requiring from Ministers more than they could have executed, or from Parliament more than it could have accomplished. No man charged Ministers with the consequence of a bad harvest; no man attributed blame to them for those sufferings and evils that must always more or less attend that revulsion of society, and that dislocation of the relations of manufacturing industry, which are occasioned in a transition from war to peace, however liable they were to charge from the long continuance or wasteful expenditure of that war; but sufficient subjects for censure still remained. They were told, that on the return of peace our system required review; that the world was placed in new circumstances; that our relations with the rest of Europe had changed; that the progress of events required an alteration of our policy; that the great interests of our com-

merce, and the body of our commercial regulations, demanded examination; and that the state of our finances, so deranged, should be brought fully under the view of the legislature, to know completely how we stood, and what improvements could be adopted. Now what was done in these circumstances, or what answer was given to these recommendations? When he brought forward the subject of our trade and manufactures, a right hon. gentleman (Mr. Robinson,) who was at the head of the Board of Trade, and from his situation was bound to have entered on the inquiry, had admitted every thing that he stated, and had candidly confessed the errors of our commercial policy. In his memorable declaration in the House—memorable for the candour with which it was uttered, memorable for the liberality of the principles which it sanctioned, and which he shewed he so well understood; but still more memorable for the striking admission with which it was coupled—he allowed that he saw the great errors and pernicious tendency of the narrow and absurd system on which the trade of the country was conducted; but that hostile representations and conflicting interests stood in the way of new arrangements, or any beneficial improvements. To what he had advanced the right hon. gentleman answered—“We admit your principles to be incontrovertible—we confess our present commercial regulations are impolitic, and that a change would be desirable; but when we propose any improvement for the general advantage, in come the shipping interests, in come the conflicting commercial and manufacturing interests, beset the Board of Trade, and oppose each other before us; and what can we do?” The merchants employed in the iron trade, those employed in the wood trade, the miners, the manufacturers, the shipping interest, had all different objects, all prayed for the continuance or enactment of restrictive regulations, and no satisfactory adjustment could be made of their conflicting claims: what, therefore, could be done? The right hon. gentleman confessed the inability of government to control these opposing individuals; and with this confession of imbecility, was contented to adhere to a pernicious and erroneous system, with the full view of its impolicy and absurdity. Nay, even the statute imposing a duty on the transit of foreign linen, than which he might say a more absurd regulation did not exist on the statute-book of any country that had a book, was allowed to continue, because, though it confessedly cramped the commerce of the country, and injured the general prosperity, the right hon. gentleman dreaded that its repeal would set the north of Ireland in a flame. (*Hear, hear.*) Now, when the House saw this miserable weakness, when they heard an admission of just principles, but a confession that, from conflicting interests, they could not be carried into effect; when a Minister at the head of the department of trade, with an interesting

candour and touching simplicity, allowed that the country was proceeding in an impolitic course; but that when he tried to effect any improvement he encountered an opposition which he could not overpower, was it proper to pass to the other orders of the day? (*Hear, hear, hear.*) Was it becoming to allow the plea, that what you say is right—what you recommend would benefit the country; but, because the petty and partial interests of those engaged in the iron, the copper, the wood, and the linen trade, oppose us, we cannot enter into a review of commercial regulations, or listen to any suggestions of beneficial change? The House should have said, we allow your claim of imbecility, but it ought not to prejudice the welfare of the country—we will back your efforts for improvement, and enable you to overcome those conflicting claims which you confess your incapacity to adjust. (*Hear, hear.*) But instead of this, the House passed to the order of the day (*cries of hear*); and now, though we had arrived at the third year of peace, and should have long ago inquired into the commercial policy of the country, no examination had yet taken place, nor had any thing been yet done. With regard to our financial system we were in a different situation. On this subject there was no admission similar to that of the right hon. president of the Board of Trade. The right hon. gentleman (the Chancellor of the Exchequer), whom he did not now see in his place, did make some opposition to himself (Mr. B.) and his friends. They pressed upon his attention, that in peace exorbitant duties could not be raised; and by reducing the taxes on articles which peace afforded such facilities of smuggling, he would increase the revenue. The right hon. gentleman was, however, of a different opinion, and would do nothing except they would allow his favourite measure of an income tax. (*Cries of hear.*) He therefore proceeded with his temporary and wavering expedients, now issuing Exchequer bills, now Treasury bills; now compounding with the Bank for a loan without interest, now taking one with interest; varying from year to year according to circumstances, watching the progress of events, doing nothing, and hoping that by the chapter of accidents every thing would come round to his wishes without any exertion. His system was to have no system, his plan of finance was to proceed entirely without plan (*hear, hear*), waiting till circumstances might change, or till the House, seeing the derangement of our financial affairs, would agree to the revival of the income-tax, of which he and the noble lord were nightly singing the dirge (*hear, and a laugh*)—an oppressive tax which had, he trusted, been condemned to perpetual extinction, and which the country would never be so destitute of spirit as to allow to be proposed, nor Parliament so abandoned to all sense of shame or duty as to enact. (*Cries of hear.*) If our commerce was in a bad state,

our finances were calculated to excite greater alarm: The finance committee even could not venture a calculation, but were obliged to resort to an average. He had formerly stated what he would now repeat, that though our commerce might improve, it could never again reach that pitch of prosperity which it lately attained. This might easily be proved. There was at present an incapacity among the nations of the Continent to pay for our commodities, from the exhaustion of a ruinous and protracted war; and, unhappily for us, there existed a growing ability to supply themselves. Our great extent of machinery, our immense accumulation of capital, and our superior manufacturing skill, might ensure us great advantages in the market, but the people of the Continent were making rapid advances. Cotton-mills had been erected in the neighbourhood of Vienna, which manufactured twist of the best quality; and at Mulhausen, in Switzerland, a similar establishment was erected. Speaking on this subject, he could not but refer to the policy lately recommended in some petitions, of prohibiting the exportation of cotton-yarn. This appeared to him to be a delusion that had been fallen into by a large body who were suffering under the want of employment. A petition had been sent on the subject to the Prince Regent, and one was to have been offered to the House, signed by 200,000 individuals. He proposed to the petitioners to delay sending it up, as he hoped delay and discussion might dispel their prejudices: and to induce them to do so, held out to them the hope that, if circumstances did not change, their case might next session be inquired into by a parliamentary committee. He wished to hear every thing that could be said; but he deemed it his duty to mention, that he thought the more the subject was inquired into the greater would the impolicy of the prohibition appear; and that, instead of relieving the class who petitioned for it, it would impede general commerce, ruin the cotton spinners, injure the importers of cotton-wool, and, by rendering the yarn dearer to the weaver, involve him in the general calamity. (*Hear, hear.*) It was necessary to attend to the situation of this class of persons, the cotton-spinners, as among them, as well as among the other classes collected in great bodies, there was no permanent connexion between manufacturer and employer, and among them disaffection chiefly existed.—The next subject to which the hon. gentleman adverted, was our relation with the South American colonies, and here he found equal subject of complaint against his Majesty's government. He would not now enter fully into the subject. The impolicy of our conduct was sufficiently obvious—our want of system, plan, or object. In some places we had commercial agents, in others none. In one of the States we had a consul, who received his commission from Ferdinand, but who had not produced his credentials till the State to which he was accredited

had declared itself independent, or had, as it was called in some quarters, revolted. Over the whole of South America there was a complaint of a want of communication, or of concert and understanding. The governors of our colonies acted in the same way as our government at home, or executed impolitic instructions received from this country. The governor of Trinidad openly opposed the cause of the independents, and took part against them with the mother country: opening letters addressed to them; refusing to admit into the island those who had been opposed to the royal arms; imposing contributions, sometimes to the amount of 200 dollars, on those who sought admission; and obstructing all communication between Trinidad and the Spanish Main, as much as was in his power. Since he last spoke in the House on this subject, he had heard that the intercourse between that island and the neighbouring continent had been so completely interrupted, that mules had risen forty dollars in price, and that the price of a pound of food, which was formerly five-pence, had risen to six shillings. Such a difference of price, amounting to a thousand per cent. in districts so contiguous, shewed the obstructions offered to all communication or commercial intercourse. If the policy of Government in this quarter was marked by illiberality, injustice, and absurdity, it had been equally so on the continent of Europe, and we were now reaping the bitter fruits of the noble lord's negotiations. He would not enter into any reasoning on the subject; he would state one fact which would be worth a thousand arguments. What he alluded to happened in the port of Genoa, disclosing a scene of as great tyranny and injustice on the one hand, as great oppression on the other, and as great imbecility in a third party as any act that had ever been heard of within the walls of the House. (*Hear, hear.*) It was well known, that though the King of Sardinia was one of the legitimate Sovereigns for whom we established the present order of things, yet that we found him possessed of small territory and of very limited power, and by expanding his narrow dominions, and giving him new subjects, we made him a creature of our own. Our exertions brought him from a barren island, restored him to his continental dominions, and endowed him with Genoa. This city was declared as free, because we gave it him, and because Congress declared it free. This petty dependent monarch, imitating the conduct of a greater illegitimate one, prevailed, by the arguments to which the latter was accustomed to appeal, upon the Chamber of Commerce of that port, to contribute money to him for building a large frigate. The Chamber, to raise the money, assessed their own members, and the English, together with the French and Piedmontese merchants, who hate and envy the English, and wish to make the place too warm for them, in order to dislodge them. The English mer-

chants remonstrated, but their remonstrances were not attended to. They applied to Mr. Hill, the British minister at the Court of Turin. Finding that this application was unsuccessful, they applied to the British consul, who made a representation to the Sardinian minister. The reply from him was, that the assessment was not at all an affair of government, but an arrangement made by the Chamber of Commerce, with which he could not interfere, and against which Government could grant no redress. The merchants made a representation to the Chamber, and resisted payment. This only produced a measure of oppression. A soldier was sent to the house of every English merchant, with orders to remain there till the mandate for raising the contribution was complied with, at the pay of three francs a day, to be levied on the person in whose house he remained. The merchants complained to the consul and the ambassador: the latter of whom disapproved of the proceeding; but added, there was no help for it, that he had done his utmost, and that the only course the merchants had was to submit. The whole of these proceedings were submitted to the noble lord, who must have been displeased at the ungracious return made for our exertions by a Sovereign who owed to him the means of oppressing British subjects. But what did he do?—did he afford that protection which the merchants had a right to expect, and speak to the Court of Sardinia with that energy which became the minister of Great Britain? No: he applied to the king's advocate, to know if it was lawful for the King of Sardinia to act as he had done; and even submitted to him a case which did not comprehend a full view of the circumstances. The tax was stated to be a general tax: and, as such, the imposition of it did not authorize going to war, or make it a duty for the British government to interfere. On this legal opinion the noble lord acted. Good God! was it becoming in a British minister, in such a case, to allow an injustice to be committed on a technical opinion; to make no remonstrance to a Sovereign who was under such obligations to us, when he oppressed our countrymen, merely because the king's advocate, on a partial representation of the case, said, that it was no ground for declaring war? (*Hear.*) When he (Mr. B.) read these papers, they excited his greatest astonishment; and, as an Englishman, made him blush for the degradation of the English character. If English merchants were to be thus treated, if they received no protection from the English government when oppressed by petty States, they might say with truth, we are a great naval power, a great and enlightened nation; but for all practical purposes we are an insignificant people, and cannot protect ourselves against the smallest aggression, or even send a memorial to the petty court of Sardinia. (*Cries of hear, hear, hear.*) This

could not be expected to be a solitary instance of oppression, and accordingly it was followed by others. The first was a tariff on cloth, which gave so great advantages to the French manufacturers over us, that no British cloth could be imported into Genoa, as he had heard from a merchant of Yorkshire, whom he met at Milan. There was another tax imposed, called *annonaria*; and another was a duty on goods imported into Genoa for the purpose of exportation, similar to our transit duty on foreign linen. Would not this tame submission invite oppression from other Powers? Could Austria and Russia, those great States, be expected to shew us any regard, or grant us any commercial advantages, when we allowed ourselves to be insulted and trampled on by a creature of our own, the little King of Sardinia? (*Cries of hear.*) We had mistaken our proper policy, and descended from our legitimate rank. We were placed as arbiters of Europe, and could have ruled its destinies by throwing our weight into the scale if we chose; but we had surrendered that proud pre-eminence to become a fifth-rate military power—neither our safest nor our most dignified attitude, neither adding to our credit nor our security. (*Hear, hear.*) The noble lord boasted of his treaties; but if one attended to the state of Europe, there were evident symptoms of their instability. The state of arms in which the different Powers remained; the Holy Alliance, which seemed more of a political than a religious description; and the circumstance, that it originated with the two powers who bordered on Turkey, and had their views fixed on its dismemberment, together with the misunderstanding between Spain and Portugal, might lead to some interruption of the general peace at no distant date. He was perfectly ready to admit that there were matters on which it became us to make a different use of our influence, and he could not avoid referring, in this part of his speech, to the note of the Allied Powers respecting the situation of Lucien Buonaparte, which so deeply affected the honour and dignity of this country: what he had to lament was, not the mere refusal of passports for himself, but the refusal of them for his son; for, as in the case of Dyott's disavowal, we had changed his petition into an enactment against him. He regretted also to see, not only the name of Sir C. Stuart, but that of the Duke of Wellington, to this document; regarding it, as he feared he must, to be an indication, that the Minister for civil affairs was bound to take his instructions from the military commander. In one part of this note, it was stated, that Lucien would be more dangerous in America than in Europe. Although it was somewhat difficult to conceive the grounds of this proposition, yet supposing it to be literally true, what was the real danger to be apprehended from him in either part of the world? He was a person, who, as far as he understood, was a great admirer of French poetry, and who, when not

engaged in either reading or writing it, amused himself with digging up the remains of antiquity in the neighbourhood of Tusculum. When in this country, his whole deportment—and it had been vigilantly observed—was of the most peaceable and inoffensive nature. Was this spirit of persecution adopted in order that the new system of Europe might rival in all respects the treaty of Westphalia? The conclusion of this extraordinary note was, that another abode was necessary to be provided for him in the Roman States. Was it worthy, he would ask, of a great country? Was it worthy of whatever might yet remain of the ancient liberality of Britain, to be occupied, in conjunction with the other great powers of Europe, in devising a residence to which, when selected, the individual in question must be removed by force? (*Hear, hear.*) If it had happened in our times, and to the astonishment of an enlightened generation, that a monk, in spite of all the cry and prejudices of the popery doctrine, should be drawn from the recesses of a convent, and from amidst his beads and rosaries, to be erected into a temporal sovereign, was the world to understand that he was still to remain the instrument of those who had pretended to leave him independent? Was he to be represented to be so incapable of exercising the functions of sovereignty, that he had no control over the proceedings of an individual residing within his territories, and therefore other nations must interfere to prescribe the spot to which he ought to be confined, before their apprehensions could be allayed? He believed the whole intelligence with respect to the intrigues of Lucien in Naples was derived from certain diplomatic agents, who thought themselves obliged to be doing something like their fellow-labourers at home; and to whom red bags and large seals were the very luxuries of existence. Turning, however, from this waste of our legitimate influence abroad, he felt it his duty to advert to another subject of complaint, which was no less than the mismanagement of the patronage belonging to the Foreign department. It was painful to him to bring forward such a charge; and the more painful, as it necessarily affected some persons nearly and intimately connected with the noble lord at the head of that department. Whilst he expressed a hope, however, that a new system of appointments would take place in the conduct of our diplomacy, he was actuated by no personal feeling of hostility or disrespect. No man could entertain the smallest objection to any military distinction or appointment that might be conferred on Lord Cathcart or Lord Stewart; but other persons than those who were only known to the country as soldiers, and whose education had been purely military, were required to execute the high and difficult trusts of the missions to Petersburg and Vienna. He considered that it was sufficient for him to touch generally upon this subject, in order to shew that there had

been an abuse of this very delicate branch of the public patronage. He had long abstained from alluding to it openly, and it was with sincere reluctance he now stated, that there was but one opinion at Vienna and elsewhere, as to the fitness of Lord Stewart to execute the functions of Minister at that Court. If the noble lord, instead of inquiring in his own person, would delegate another to make the inquiry for him, for many truths might be told to a third party which could not be communicated to principals, he would venture to predict that the result would be a similar representation. He was confident that he had never uttered, nor even heard, a single sentence which reflected on the high personal honour and professional merits of the two noble lords whom he had named, but their education itself afforded a presumption of their inadequacy; and whilst their appointments were a matter of regret, the whole blame of them rested with the noble lord opposite, who conducted the foreign relations of the country. It was observable, also, in the consideration of this subject, that a military person, Colonel Stirling, had been appointed British consul at Genoa, although the nomination of Reynolds and Manners to similar offices called for much deeper reprobation. Having commented at such length on these various topics of foreign policy, it remained for him to say a few words on what appeared to him to be the greatest evil of all, he meant the present lamentable posture of the Constitution. (*Hear, hear.*) No man who wished well to the interests and happiness of this country, could turn his eyes back to the commencement of this session, and recollect, without a bitter pang, the hopes which it was then natural and reasonable to indulge in. All who had contemplated the improvement and extension of education, the removal of so many disputed questions, the abatement of party zeal, and the consequent union of sentiment which had grown up in the public mind, must have been grievously disappointed to find a new strength acquired to the cause of bigotry and misgovernment. (*Hear, hear.*) The anti-Catholic had begun to raise his tone, and he thought he could descry the hands from the handwork of some noble lords, both on the floor and on the table, from which he was induced to suspect a repetition of an old and well-known intrigue, not very favourable to some of the present Ministers, and still less favourable to the accession of others, whose principles must for ever prevent a connexion with the authors and promoters of a no popery cry: but in whatever quarter such designs might be entertained, their existence, or the dread of their existence, was enough to damp the hopes of every friend to the liberties and prosperity of the empire. The Catholic was, in his view of the public interests, the all-important question; it was not, as sometimes represented, a mere question as to individuals, but it was whether Ireland should be well or ill governed. Until

it should be carried, the same principle of distinction which reigned in the West Indies between the planter and the negro must operate in Ireland to the extent of preventing the Catholic and the Protestant from regarding each other as brothers and fellow-subjects. Until this question should be carried in favour of the cause of justice and of liberal policy, our financial resources would derive no augmentation from that quarter, nor would tranquillity be maintained by any other means than by an overwhelming military force. To this disappointment was to be added the melancholy fact, that in this part of the empire we had seen (for the first time since the revolution, in a period of foreign and internal peace), with hardly domestic dissension enough to scare a child, the liberties of the country abandoned, not for a limited time, but *durante bene placito*, to the Government. (*Hear.*) Such a proceeding, fearful under all circumstances, was a matter of peculiar jealousy and alarm, when it was considered to whom this power was intrusted, and by what hands it was to be exercised. With regard to the noble lord opposite, it could not be forgotten with what scenes his administration in Ireland had formerly been attended. He presumed that the noble lord had been ignorant of them at the time of their occurrence, but the circumstances were on record: it was not now a fact that could be controverted, that men had been flogged with a merciless spirit, which was not satiated till their bones appeared to the face of day. (*Hear, hear.*) It was not to be denied, that one man who had been thus lacerated had been rubbed over with gunpowder, in order to be a second time mangled, till his bowels burst through his wounds, and was then abandoned without medical aid. When this man afterwards brought his action against the individual who had inflicted the punishment, it was equally true that that individual petitioned the Irish parliament for a bill of indemnity, on the avowed principle of his having employed torture in order to extort truth. He alluded now to the case of Wright *versus* Fitzgerald, in which the Attorney-general had supported the application, and the petitioner had been afterwards made a baronet. If all this took place, and the noble lord remained in ignorance of it, although in his immediate vicinity, how was he, sitting in London, to prevent similar barbarities in Cornwall and in Yorkshire? If the Government was substantially the same as it was at that period, what greater security was there against the abuse of such unlimited authority? He knew not how the sagacity of Lord Sidmouth was to operate more effectually than that of his colleagues or predecessors, to prevent an innocent man from being dragged from his family, and immured in a loathsome dungeon; on the information of such persons as Oliver and Reynolds. All that now remained however, for the House to do, after having vested such powers in the executive government, was to address the

Crown, and to press upon its attention the necessity during the recess of Parliament of at least exercising them with caution, forbearance, and moderation. The hon. and learned gentleman concluded by moving,

"That an humble address be presented to his Royal Highness the Prince Regent, humbly to represent to his Royal Highness, that his Majesty's faithful subjects, the Commons of the united kingdom in Parliament assembled, beg leave to approach his Royal Highness with sentiments of attachment to his illustrious family, and to the sacred principles of civil and religious liberty which seated them upon the throne of these realms :

"That arrived at the close of a session, the commencement of which had filled our constituents with the sanguine expectations that some of their grievances would be redressed, we deem it incumbent on us to express our deep concern that the measures of his Royal Highness's advisers, have neither been calculated to fulfil the hopes, to alleviate the sufferings, nor to recover the affections of the people :

"That it is with deep concern that we observe in every part of his Royal Highness's dominions nearly the same pressure of distress, which at the beginning of the session was lamented as unparalleled in the history of the country ; and that although we are disposed to hope that some portion of the evil may be temporary, we should trifle with his Royal Highness did we not declare our fixed opinion, that the changes which have happened in the world will prove permanently ruinous to a great part of our foreign commerce, if they are not counteracted by corresponding alterations in our commercial policy, and by the extension of our intercourse with countries removed from the influence of our rivals ; but that we have heard with surprise and regret, from his Royal Highness's advisers, an avowal of principles, which remove to a hopeless distance all expectations of seeing so salutary a system adopted : that we find that they dare not oppose themselves to the conflict of the mercantile interests, by which they represent themselves to be surrounded ; that to the menaces and importunities of individuals they sacrifice their own declared opinions ; and that, instead of anxiously seeking for the means of restoring the healthy state of British commerce, they remain passive spectators of its progressive decline, and abandon their duty towards the whole empire, in order to escape the interested clamours of a few :

"That equally great has been our disappointment at finding that no measures have been adopted for lessening the enormous weight of the taxes, grievous even in prosperous times, but at a period like the present, hardly to be endured : that, when we consider how heavily those burdens press on the trade of the country, diminishing at once our home consumption and

our power of competition in foreign markets, and reflect that, in a season of general distress, the operation of the Poor Laws inevitably throws an unequal share of the load upon the land, we are at a loss to conceive more powerful reasons for reducing the excessive amount of taxation ; the more especially because experience has proved the revenue itself to have been injured by that excess : that after the return of peace we had hoped, that a new and permanent arrangement of our financial system would have been attempted on sound and liberal principles, alike favourable to the resources of the state, and to the private wealth of the people, in which alone the foundations of public revenue can be surely laid ; but that here again we are disappointed ; that his Royal Highness's advisers, with the evidence before their eyes of trade sinking under the pressure of taxes, and the income of the state constantly declining, as the difficulties of the people increase and their industry decays, seem resolved to defer the settlement of the Finances, as if they waited for some opportunity of restoring the Income Tax, which we trusted that our vote of that session had for ever destroyed : nor is it amongst the least of the grievances whereof we complain, that, while the deficiency of the revenue is acknowledged, no effectual steps are taken to reduce the public expenditure, which is kept upon the footing of former wars in order to support unprecedented military establishments, equally strange to the habits, ruinous to the wealth, and fatal to the liberties of the country :

"That, while the measures of his Royal Highness's advisers at home are calculated to afford no relief either to the labouring finances of the state, or the insupportable sufferings of our countrymen, we regret to observe, that a course of policy has been pursued towards foreign states, at once injurious to the prosperity, and degrading to the character of the nation : on the one hand we see, with humiliation, that all the blood and treasure so lavishly bestowed, and all the triumphs of our arms, have failed to secure to us the most ordinary share of influence with the very powers which owe their existence to our efforts, while, on the other, we perceive with shame and disgust the authority of the British name prostituted to sanction every abuse of power ; every invasion of national independence ; every incroachment upon popular rights ; and that lately we have witnessed, nearly at the same time, the humbling sight of British merchants oppressed, without the hopes of redress, by a petty tyrant whom our influence had raised to power, and an authorized British Minister joining in the bootless persecution of an unoffending individual, for the purpose of courting more powerful sovereigns :

"That it is a further consequence of the same false principles, and the same imbecility, which mark the administration of our foreign affairs, that laying down no certain line of con-

duct respecting the intercourse with South America, but swayed by the groundless prejudices against colonial rights, which have survived the first American war, his Royal Highness's advisers have succeeded in disconcerting the commercial plans of our own countrymen, and in exciting the universal distrust of the independent party, while they have failed in giving satisfaction to the Spanish and Portuguese Governments: nor can we refrain from lamenting, that, after the unparalleled sacrifices made to preserve the existence of those dynasties, it should be found impossible to obtain from them a renunciation of the execrable traffic in human flesh, carried on by their authority, to an extent beyond all former example, and very far surpassing, in its repugnance to the law of nations, the French aggressions against themselves, which we interfered to repel:

"That when indeed we recollect the prodigious efforts made by this country during the late contest, and contemplate the intolerable burdens which they have entailed upon all classes of his Royal Highness's subjects, however gratifying may be the reflection, that the triumphs of our arms exalted the character of the British nation, it is truly painful to mark the truth which every day's experience forces upon our belief, that the fruit of those costly victories hath been thrown away by the incapacity of his Royal Highness's confidential advisers: even the arrangement of the continent, which they claimed as their own, and boasted would be permanent, offers no prospect of stability to counterbalance the narrowness of the principles on which it was founded, and the profligacy of the means by which it was effected: for, besides the weakness naturally inherent in every such transaction, and the universal discontent of the people, whose interests have been sacrificed to it, we observe the greater continental powers rather extending their armaments than returning to peaceable pursuits; the inferior sovereigns striving to follow their example; and leagues of a mysterious nature, with unexplained views, taking place of the ancient and known relations between friendly states, while Great Britain, instead of trusting for her influence to the weight of her high character, the popularity of pure and liberal principle, the knowledge of her commanding resources, and above all the incalculable effect of her entire disinterestedness, has been involved in all the intrigues of foreign courts, has submitted to take her rank among them as a second-rate military power, and adopted a system of constant intermeddling, beneath her dignity, as it is destructive of her authority; and that we observe with astonishment and regret, that in order still more effectually to insure the failure of such schemes, their execution has in many instances been entrusted to incapable hands, according to the novel and reprehensible plan, which seems to be followed, of bestowing the higher patronage of the Foreign Department upon persons recom-

mended by family connection or by military rank, and rewarding with its inferior posts the basest species of political service:

"But that when we turn from surveying the effects of mismanagement upon our national wealth and our influence abroad, to contemplate the blows which have been sustained by the civil and religious liberties of his Royal Highness's faithful subjects, we are filled with a concern so much the deeper, by how much those interests are inestimably dearer to a free people: that to serve the unworthy purposes of a court intrigue, for diminishing the influence of some distinguished men, and widening the difference that unhappily divides others from his Royal Highness's confidence, we have seen the attempt, already partially successful, to revive the senseless clamours of a misguided multitude against his Royal Highness's Roman Catholic subjects, and to embody, as the principle of the Government, those bigotted doctrines, which, after weakening the strength of the Empire in war, occasion the necessity for a standing army, that exhausts its resources and undermines its liberties in peace: nor is it one class of his Royal Highness's subjects alone who have to lament the injury to their constitutional rights which this fatal session has brought about: that the measures so disastrous to public liberty, which his Royal Highness's advisers have prevailed upon Parliament to sanction, are all the answer that has been given to the petitions of the people; all the return made for their unalterable attachment to the Constitution; all the means taken to justify or fulfil their anxious expectations: that on the eve of a prorogation, which will leave, for the first time since the revolution, the most precious of their rights at the absolute disposal of those advisers, we deem it our duty, alike towards his suffering but faithful subjects, and towards his Royal Highness, solemnly to desire that so vast and perilous a trust be no wise abused: that when we consider into whose keeping the personal freedom of each individual in the kingdom is delivered, and reflect that among the confidential servants of his Royal Highness, are to be found both those who exercised the powers of Government in Ireland during the darkest period of her history, those whose general incapacity has been recorded by their colleagues, and those whom recent proceedings have stamped as inadequate to contend with the wiles of their own agents, we may well be alarmed at the prospect of the approaching recess; but we deem it a sacred duty not to separate without expressing our earnest expectation, that his Royal Highness will discountenance, by all means, the employment of persons pretending to be spies, and in reality contrivers of sedition for the sake of gain; the encouragement of whose unworthy artifices must end in the destruction of innocent individuals, endanger the public tranquillity, and irretrievably alienate the affections of his faithful subjects: and that we pledge ourselves to insti-

tute a rigorous inquiry at the beginning of the next session into every thing that concerns the execution of the new laws during the prorogation of Parliament."

Lord Castlereagh began with observing, that after the speech delivered by the hon. and learned gentleman, and the address which he had thought proper to submit to the consideration of the House, he felt himself entitled to trespass for some time on their indulgence. If the object of the hon. and learned gentleman indeed had been deliberation, and not inflammation, his speech would have been unnecessary; for one part of it consisted of statements which formed a proper ground of inquiry, and another of assertions, which, if true, ought long since to have led to an impeachment. But the hon. and learned gentleman had not stated either to be his object on this occasion; and he could not but think it singular, that he should have occupied himself the whole session in preparing an extended pamphlet, in the shape of a speech, and embracing a considerable quantity of libellous matter which he had reserved, not much to the credit of his generosity or candour, to be directed against him and his friends on the last day of the session. (*Hear, hear.*) It was only the day before that he had been given to understand that the intention of the hon. and learned gentleman had been merely to place his proposed address upon record, without going into any elaborate review of the foreign and domestic situation of the country. He disdained to accept the assurances of the hon. and learned gentleman's liberality towards either him, or those who were dear to him, although he relied confidently on the liberality of the House. It was his wish, not only to protect himself, but Parliament from that system of running it down of which they had that night witnessed so conspicuous an instance. A more opprobrious or unjust reflection could not be thrown on the character of Parliament, than to declare that it had been inensible to the distresses of the people. Every man with whom public duty was the basis of conduct, must admit, that the attention of Parliament had been directed to this subject with a diligence unexampled; with the most lively sympathy; and had led not only to the most useful investigations, but to measures of the greatest practical utility. It was true, that Parliament had been called together at a moment of general suffering; and without referring here to the direct steps taken for alleviating it, he must contend, that those measures which were reprobated as an invasion of liberty had afforded substantial relief in protecting the honest and the industrious against those who sought to make a pretended reform the instrument and means of disturbing the public peace. (*Hear, hear.*) These were the proceedings which had sustained the confidence of the country, and enabled the man who loved it to labour for the support of his family without dreading

the dagger of the assassin. Parliament, he repeated, would have acted the part of a driveller, if it had listened at such a time to the hon. and learned gentleman's projects of reform. The difference between his views on this subject, and those of the hon. and learned gentleman, proceeded probably from the different grounds on which they were formed. He considered the honourable and learned gentleman as desirous of introducing changes into the practice of the constitution of a revolutionary nature. His own principle, on the contrary, was, that it would be dangerous to yield to any but gradual improvement, arising from, and dictated by, experience. The hon. and learned gentleman contemplated as desirable, or at least favoured, the progress of alterations which he was satisfied would subvert instead of maintaining or improving the constitution. The salutary operation of the policy pursued by Parliament was manifested not only in the increasing value of the funds, which in the course of the session had arisen from 62 to 79, but in that of every other description of property. There never, in fact, was a session during which the wisdom embodied in Parliament had been more successfully applied in devising the means of practical relief to evils of great magnitude and extent; or at the close of which more triumphant evidence of it was disclosed. (*Hear, hear.*) Nothing but a perverted mind, or an uncandid spirit towards Parliament, could induce any one to regard their proceedings as indicative of any hostility to the liberties of the people. But had the hon. and learned gentleman, who, at a former period of the session, had read to the House another elaborate pamphlet on the miserable state of the country, ever started one rational idea, or submitted a single plan, for the diminution of the public burdens? No; but his constant complaint was, that nothing had been done; and that the establishment was not lowered. This assertion was repeated, notwithstanding the labours of the Finance Committee, to whom Government considered themselves as under great obligations; and although the establishment had been reduced from 20 to 18,000,000*l.* a reduction larger than had been anticipated by the most rigid criticism. Was this a proof that nothing had been done? Or was the proof to be found in the Report presented from the Committee appointed to examine the best means of improving the state of the poor-laws, an inquiry so difficult and so extensive? If it had been found impossible to prepare and digest a better system in so short a time, the issue of Exchequer bills, for the purpose of giving employment to the poor, shewed that Parliament had exerted itself to supply immediate relief to the distress of the lower classes. The hon. and learned gentleman appeared to have assumed the disguise of a dissertation on our commercial policy, for the purpose of making an exclusive attack upon his public character. He did not believe that his object was inquiry, because if it was,

he must give him credit for the ability to carry it into execution. He had taken the opportunity of animadverting on the proceedings of Congress, and of the Allied Powers, subsequently; and it was no matter of surprise, considering the anxiety with which some persons had watched over the fate and fortunes of a certain family, that those who had achieved their overthrow should be the objects of suspicion and obloquy to them. But with reference to our commercial policy, he must deny that his right hon. friend (Mr. Robinson) had ever supported the abstract principle of a system of exclusion. All he had maintained was, that we could not adopt such liberal principles as it was desirable that the world should act on generally, whilst the system of protection and counter-protection was maintained in other countries; that a more enlarged policy must be progressive and mutual, and could not be adopted *per saltum*, as the hon. and learned gentleman appeared to think. Had he, however, proposed an inquiry into any particular branch of the system, he would undertake to say that it would not have been refused. He now came, certainly labouring under great disadvantages, to notice in detail those charges which were personal to himself or to those who were dear to him; and he must declare that he saw nothing in the hon. and learned gentleman's mode of treating this subject which called upon him to view it in the light of grace, or courtesy, or liberality. His description of the alleged cruelties which had been practised during the administration in Ireland, of which he had been a member, ought long since to have been made the foundation of an impeachment, if they were believed to be true, and not have been reserved to be brought forward in a strain of black, malignant, and libellous insinuation on the last day of a session. (*Hear, hear.*)

Mr. Brougham spoke to order, and submitted, that these were expressions which were not consistent with the decorum and dignity of their proceedings. He considered that the noble lord was exceeding the usual license of parliamentary language.

Lord Castlereagh insisted that the hon. and learned gentleman had employed insinuations which he was bound to expose and to repel.

Mr. Bennet spoke to order, and contended, that nothing had fallen from his hon. and learned friend which could justify the noble lord's asperity of observation.

Mr. Canning apprehended, that there was no doubt that the word libellous was strictly applicable to whatever was said in Parliament which, in the case of its being printed, would constitute a libel.

Mr. Brougham admitted that his reflections on the noble lord's conduct called for explanation from him, and even excused some warmth in the conduct of his defence.

Lord Castlereagh resumed. He would not shrink from asserting that the expressions of

the hon. and learned gentleman, applied on the last day of the session to transactions which took place 30 years ago, were unjust to individuals, prejudicial to the public service, and calculated to lend countenance to the machinations of traitors. He must protest against another abuse of the privilege of speech in the hon. and learned gentleman's observations with regard to Genoa, nor could ministers be responsible for our foreign relations under such a perversion of the purposes of that House. He would maintain, in opposition to the hon. and learned gentleman, that nothing was more strongly to be deprecated than the policy which he recommended, of the greater powers making use of their influence to force commercial regulations on weaker states. It would be an equally unjust and unsound principle of commercial intercourse for this country to aim at the establishment of a distinct cast of British merchants in foreign states, enjoying particular exemptions, instead of those reciprocal advantages which were essential to the rights and interests of every people. He would zealously maintain the privileges of our merchants, in conformity with subsisting treaties; but he never would adopt the hollow, despotic, and illiberal policy—a policy directly contrary to every principle of national law—of extorting concessions of mercantile advantage by means of political superiority. If there was anything on which he could undertake to justify himself, to the House and to the country, it was with respect to the policy which had been pursued towards Spain and South America. His Majesty's ministers had nothing to reproach themselves with on that subject. If the hon. and learned gentleman meant that the country had not the same commerce with South America that it ever had, he denied the statements in which the hon. and learned gentleman had indulged himself. He firmly believed that the country had nothing left to desire with that portion of the world. Did the hon. and learned gentleman mean to say, that he would have been able to effect any course of policy by which South America would have been more friendly to the interests of Great Britain? On the contrary, he was afraid that much injury had been done, not only by the hon. and learned gentleman, but by others, from the speeches which had been made in that House. The hon. and learned gentleman, with the peculiar feelings which he displayed on several occasions, had stated, that all personal liberty had been invaded; but he (Lord C.) could only say, that those individuals who consulted the best interests of the nation essentially differed from him. In his opinion, the hon. and learned gentleman was a very bad guardian of the liberties of Europe. The Duke of Wellington had acted precisely as the treaties intended he should act. He never heard any impeachment of the conduct of that great captain; and he regretted no less than he was surprised, to hear the hon.

and learned gentleman say, that we were trying to manage our affairs rather by military than by civil operations. He begged leave to say, that all those who regarded the welfare and tranquillity of Europe had acted with nothing more than a becoming precaution; they had merely entertained those ordinary jealousies which existing circumstances so imperiously demanded. The hon. and learned gentleman had talked a great deal of that individual (Lucien Buonaparte) who had devoted himself so much to literary pursuits; but it did so happen that that individual, had been the instrument of placing Buonaparte in power at an early period, and had enabled him to attain that supreme authority which he afterwards exercised to the destruction of the peace and welfare of all other parts of the world. He believed, that his intention afterwards was to enable that great destroyer of all public and private happiness to obtain complete dominion. If, therefore, we had suffered those individuals to traverse the world at their pleasure, we should not have availed ourselves of all those benefits to which our entry into Paris so justly entitled us. It was a fixed principle of our alliance with the other powers, that we should not suffer them to go abroad without keeping our eyes upon them, in order that Europe might observe their machinations. This was a policy which none who regarded the tranquillity of the world could venture to blame. If the hon. and learned gentleman supposed that the particular individual to whom he had alluded did nothing more than make verses in Italy, he was greatly mistaken. He had gone on, in confederacy with others, to assist and promote the views of those who were resident in America. He (Lord C.) was not at all ashamed to say, that he should at all times adhere to that policy. With respect to the present situation of Europe, and the continuance of the peace which so happily existed, he thought that the House might look to the speech from the throne on that subject. The system of Europe was that of a very extensive armament: and how could it be useful or politic for her to confide in slumbers, and not to expect to be awakened some morning by circumstances which had so often invaded her peace? If any one could protect the world against the danger of being disturbed by reformists and revolutionists, they would be entitled to demand those reductions which the most sanguine admirers of economy could require. He assured the hon. and learned gentleman, that he wished to leave the conduct of other powers entirely to their own judgment; but he believed that it was an advantageous circumstance for the liberties of Europe, that a British corps was mixed with the troops of the other nations.—With respect to the appointment of Lord Cathcart and Lord Stewart, he contended, that the circumstances of the war had rendered it necessary to employ general officers in the character of diplomatists; if Government had sent out civilians from this coun-

try, still nine tenths of the official transactions must have been conducted by military persons, and, therefore, the only result would have been an augmentation of influence, without any advantage to the public service. If Lord Cathcart and Lord Stewart had been appointed in a time of full peace, he felt that the comments of the hon. and learned gentleman would have applied with considerable weight. As to Lord Stewart, he trusted that he was not so blinded by his partiality to a brother whom he loved, as to overlook any deficiency, if it existed; but though not actually brought up in that line, it was but justice to assert his strong sense and powers of reason, and the considerable experience he had in those matters.—To come to another point, the character of Reynolds, he had never heard any thing which militated against him, except his having been engaged in a rebellion, for which he afterwards made sufficient atonement. He had never heard any thing against his moral character, except in as far as he had stated, which could render him unfit to be employed in a colony, where the salary was only 200*l.* a year. Mr. Reynolds gave all his information to Government before he (Lord C.) came into office. He gave it to Mr. Pelham anterior to that period, and he knew nothing of Mr. Reynolds till after he was held worthy of credit, not only by a jury, but by the Irish House of Commons: the hon. gentleman might think that he ought to be disgraced, but that was not the universal feeling of the world. Lord Chichester thought so well of him, that when the British army was in Portugal, he deemed him worthy of the office of Postmaster-General. Mr. Reynolds, therefore, was not considered by Lord Chichester as a base character—he was not so considered by the corporation of Dublin. The guild of merchants so little concurred in the outcries against him, that they voted the freedom to him, as a man who had rendered considerable services to his country. It was upon the truth of his evidence that no less than fifty-three traitors pleaded guilty, and implored the mercy of the crown; it was upon his information that that nest of traitors, that body of vipers, was brought to public justice. So far, then, Mr. Reynolds had assisted in the execution and administration of the laws; so far he had served his country. His present appointment was that of Consul at Iceland; and he sincerely believed that he sought it to obtain some repose, and close his life in peace.—With respect to Mr. Manners he knew nothing of him; but that he was recommended as a proper person to be employed under Government, and was therefore appointed to an office of 200*l.* a year at Massachusetts. He did not know that Mr. Manners had been engaged in any literary work whatever. He left the appointment to Mr. Hamilton, who found Mr. Manners a well educated man, and perfectly qualified for the situation. The hon. and learned gentleman had placed his objections

on the ground of seeing Mr. Manners brought before the Court of King's Bench in 1812. This was a transaction that occurred five years ago; at which time Mr. Manners was a student, and applied to be called to the bar. The benchers of Lincoln's-inn refused to admit him until the whole case had been examined, when a letter was written by the present Attorney-General to Mr. Manners. The letter stated, that the Attorney-General perfectly remembered the case of Mr. Finnerty v. Manners. (In mentioning this case, said the noble lord, I do hereby disclaim any personal feelings. On a recent occasion, I felt myself bound to call Mr. Finnerty to a court of justice, for what he said respecting me; but, I now declare, that nothing but a deep sense of the duty which I owed to the public could on any account have induced me to prosecute that action.) In that letter, the Attorney-General said, that Mr. Finnerty was libelled, but that the Chief Justice thought the action brought by Mr. Finnerty was most improper, and, therefore, the jury had given only six-pence damages. Mr. Manners was accordingly admitted by the Benchers, and therefore if he was fit to be a lawyer, he was fit to be a consul.—The only other appointment was that of a gentleman at Genoa. Now, he had known that individual for a great many years; and a more respectable person did not exist on the face of the earth. The House had then been told that the country could never be safe or happy, until the claims of the Roman Catholics were acceded to; he (Lord C.) wished to see that question settled; but he must observe, that if he were a Catholic he should feel very little obliged to the hon. gentleman for the angry feelings which he had now endeavoured to excite against the most zealous promoters of that cause. With respect to Ireland, he conceded that he was guilty of the inexpressible offence (as it would doubtless ever appear in the eyes of the hon. and learned gentleman) of having prevented the separation of that part of the empire, and of having assisted the efforts of the loyal population of Ireland against the conspiracy of rebels and traitors; but he was satisfied that none who were acquainted with his disposition could accuse him of cruelty; and if cruelties and atrocities were perpetrated at that period (a fact which he did not deny), the blood which had been spilt was on the head of those who had encouraged and sanctioned that guilty and unnatural rebellion. At that eventful period, the loyal were a persecuted party, and they struggled with such arms as nature and resentment gave them, to save themselves from attacks on their lives and property. It was not to be wondered that, in the exercise of self-defence and justly excited anger, they should be carried beyond the strict bounds of discretion or mercy, and that in the heat of the struggle Government had no power to repress their loyal indignation. But it was most invidious and unmanly at this distance of time, when every individual who had then conducted him-

self ill might so long since have been brought to punishment if he deserved it, to stand up as the advocate of those whom Government; if it chose, might have consigned long since to the lash of the law. How could any man who had sat silent during the last 20 years now rise up and expatiate on facts which, if true, ought to have been, and would have been, long since the subject of impeachment. It was unmanly thus to countenance that spirit of calumny out of doors which had long prevailed on this subject, though without any just foundation.—He felt he had been led into a subject too extensive for the House to follow him through, and complained that the hon. and learned gentleman had, on the last day of the session, brought forward this motion, almost without notice, for the sake of entering a protest, as he called it, to rescue his honourable name from the disgrace which he chose to attach to the proceedings of the House. (*Hear, hear.*)

Mr. Brougham explained. The prosecution to which he had alluded was not that of Finnerty against Manners, but of the King, on the prosecution of Hallet, against Manners. In the latter case, it appeared, that it was the constant habit of the defendant to attack individuals, and to proceed in his calumnies, unless bought off.

Sir F. Burdett said, he should not have risen, had it not been for some remarks which the noble lord had thought fit to make in the course of his speech. Whatever difference of opinion might exist on other subjects, and on the general conduct of Ministers, during the session, every one must agree, that the most important feature of the noble lord's speech, was the character he had thought fit to give of Reynolds, and his defence of the general employment of spies by Government. Now, if the noble lord had made a much less eloquent or impressive statement, he should not have been surprised at his being carried through all difficulties. There was a sort of sympathy between the Treasury Bench and majorities in that House, which was always sure to bring off a person speaking on that side, however he might be implicated. Indeed, he thought there must be something operative in the materials of the bench itself, which, however rude originally, seemed to have been so manufactured as to carry with them a most potent spell. If the bench could speak, it might explain the fact.

"Olim truncus eram ficulneus, inutile lignum:
Cum faber incertus scamnum faceret Priapum,
Maluit esse Deum."—

But he did not think it could proceed to say,

"Deus inde ego, furum aviumque
Maxima formido."

It was absurd to state that a silence of 20 years had been observed on the affairs of Ireland. The atrocities perpetrated in that country had been a constant theme of animadversion in the House; and he remembered, that at the very time they were taking place, it had been de-

clared by Parliament highly inconsistent with the letter and spirit of our constitution, to inflict torture for the purpose of arriving at confession. The noble lord was by no means correct in asserting that a silence of 20 years had been observed on this subject. But had there been a silence of 20 or 40 years, that could afford no bar to an accusation against the guilty. But the most remarkable thing that had fallen from the noble lord was his panegyric on the infamous Reynolds. One would suppose, from his language, that they were "all honourable men," Castle, Oliver, Reynolds, and all of them; though the noble lord, it seemed, knew nothing of Reynolds, but that he had brought his associates to justice. However, there was no need of declamation; a simple statement of facts was the strongest condemnation of this individual that could be urged. This Thomas Reynolds, late on the grand jury that found the bill against Watson, was, in the year 1798, an informer in Ireland against the very persons with whom he had conspired against the Government. He prosecuted several of his fellow delinquents, and on their trial the prisoners called many witnesses, who proved that Reynolds was a man of infamous character, and not to be credited on his oath. Mr. Valentine O'Connor, a merchant of great wealth and high character, deposed on the trial of Oliver Bond, that Reynolds was so bad a man he could not be credited on his oath, and this he had a good opportunity of knowing, as he was nearly connected with him by marriage. Major Witherington, and Captain Witherington, whose sister Reynolds married, stated, there was no doubt of his having administered poison to his mother-in-law; that he had robbed her private drawer of several hundred pounds, and that he had a skeleton key capable of opening any door; such as, in this country, is commonly termed a picklock. Thomas Warrin, who was a partner of Reynolds's mother, in a manufacturing concern, had detected Reynolds in robbing their warehouse several times, and affirmed, that he was not entitled to be credited on his oath. Reynolds himself, when asked by counsel whether these facts were true, did not attempt to dispute them, but put a bold face on the matter; and confessed he had made use of the produce of these thefts to support a woman whom he had in keeping. (Hear.) He was at that time a poor and distressed individual, but had since grown rich on the bounties and pension afforded by government. These circumstances had nothing to do with Reynolds's being engaged with the rebels, and shewed an innate ~~corruption~~ ^{corruption} entirely unconnected with political offences. That the noble lord should not have heard of these things at the time, was most surprising; but that, having since heard them, he should say Reynolds was a moral character, and a person ~~proper~~ ^{proper} to be encouraged by government, was a statement that he could not ~~illegally~~ ^{illegally} induce that House to adopt. Whatever the noble lord might insinuate as to unmanly or

invidious proceedings, he would not be able to persuade those who had been tortured, to be silent at any distance of time. But this Reynolds had not been brought into notice by others; he had not been dragged to the light by the hand of justice; his exposure was owing entirely to himself. He was living here in splendour, and chose to be put on the grand jury that found the bill against Watson. If there was any culpability, according to the noble lord's theory, in bringing him to notice, he had no one to thank but himself; though it was impossible that any one who knew his character should forbear animadverting on it. This was so infamous, that lawyers doubted whether a bill found by him would be good: for a grand jury ought to be *probi et legales homines*, and if any one of them did not answer that description, such a circumstance would vitiate the indictment. What he had stated it was impossible for any one to contradict; persons were ready to prove the whole at the bar of the House; and it was to be found reported in all the trials of that period. Were we, then, to be told by the noble lord, that Reynolds was to be held up as a moral character, and could any one avoid feeling disgust at the employment of such agents by government? When he traced a number of the persons who had lately been exciting disturbances to the offices of the Secretary of State, could we avoid feeling indignant at the means employed by ministers for effecting a suspension of the liberty of the subject? His hon. and learned friend had said, with great propriety, that instead of alleviating the distresses and calamities under which the country labours, ministers had—he could not say suspended, but—destroyed the liberties of the nation. He repeated, they had destroyed our liberties; for it would have been infinitely preferable that they should have erased from the statute-book the law which ensures those liberties; that they should at once have repealed the Habeas Corpus Act, rather than have procured the passing a law which gives them more arbitrary power than the most arbitrary government that ever existed. Again, he must revert to the means by which they had procured that law. Here the hon. baronet referred to the case of a printer, who was applied to for the purpose of striking off some inflammatory hand-bills, which he was ordered to direct to one Nichols, living in Bennett-street, Stamford-street, Blackfriars-road. The printer very prudently went to the office of the Secretary of State to give information of the circumstance, and while he was there a person came in, who seemed quite in authority and acquainted with all the officers. But what was his surprise some little time afterwards, at finding that this man was the very individual residing in Bennett-street. He (Sir F. B.) did not say that there was not a great portion of discontent in the country; he knew there was: but he could not conceive how the fact should be otherwise, under all the distress and pressure

of the times, and the great corruption of that House. He believed, however, there was no disposition to treason; but if there was, it was the work of Government alone; and when the noble lord was pleased to accuse him of encouraging traitors, he must say, that in reality it was the noble lord who encouraged traitors—traitors who ought forthwith to be brought to trial, though in the employment of the noble lord. The noble lord might say he knew nothing of Reynolds, or Mannors, who was the most detestable private libeller in the country; but he (Sir F.) said they were traitors, and that he had whole heaps of letters concerning the detestable conduct of the last-mentioned individual. (*Hear, hear.*) The noble lord might smile, but no person except the noble lord could smile at the vile and abject servitude of those who were removed from prison to prison, from one solitary dungeon to another, at the beck of the noble lord and his colleagues. The noble lord, indeed, might smile at the mention of such tortures, and after the scenes he had gone through in Ireland might think them lenient. After such transactions it was little to be wondered at, that the noble lord should be found transferring men like cattle from one despot to another, (for, notwithstanding all the noble lord might say, he would speak out, and would call despots despots), or taking credit to himself for a deliberate violation of the law of nations. But to return nearer home. Perhaps the noble lord would find an order for the spies he had employed; and as the torturer Fitzgerald had been made a baronet, a Grand Cross would perhaps be bestowed on Reynolds; for he had also been employed in an office of trust, and was at one time in the control of the post-office at Lisbon. If, however, the noble lord would continue to employ such agents, he would do well to keep them at least out of sight, and to avoid disgusting the world with panegyrics on characters so odious. All the best writers, ancient and modern, and among the latter, Mr. Burke and Montesquieu *, had laid it down, that the employment of spies was a never-failing characteristic of an arbitrary and vicious Government; and though the noble lord might be content, like the Roman emperor, to say of the people, "*Oderint dum metuant*," yet he might recollect, or reflection might teach him, that "*firmissimum imperium quo obedientes gaudent*," and that a government could have no real stability but in the affections of its subjects. If we were to have a standing army, if we were to have a military government (an apprehension which was now pretty fully realized, for nothing was to

be seen but soldiery in all directions), there was indeed the greatest apprehension that every thing was at the mercy of the Executive; and that was a situation which could not be endured by any who had a generous mind. To lose our liberty at the will of another, was a situation little better than death; but it was much worse to stand in hourly danger of solitary confinement at the caprice or malice of a Minister of State; to be cut off from all friends and acquaintance, and to leave them in utter ignorance of our fate. He had presented the petition that night of a man who had been 17 weeks in prison; who had been taken up, ironed, and conveyed to Lancaster gaol, for no other reason but because he had been promoting a petition for Reform in Parliament. If this were treason, let Ministers declare it so at once, and let us no longer be duped by the empty sound of allegiance to the King. To whomsoever Ministers thought that allegiance due, at least they ought explicitly to declare, and clearly shew, the rule by which, in future, we were to hold our lives and liberties. The most arbitrary tyrant that ever existed could not be guilty of the gross injustice of punishment for offences which had never been declared to be such.—Let Ministers then proclaim, that it should be high treason to promote Reform in Parliament, and we should know at once what we had to trust to.—The hon. baronet concluded, with observing, that his hon. and learned friend's motion would not have been brought forward on the last day of the session, unless Ministers had themselves thought fit to hasten the prorogation; and that he had repeatedly given them notice of his intention, so that the noble lord had no right to complain on that ground. There were, indeed, many motions yet undisposed of, and, in particular, one of his, (respecting Mr. Mallison's invention of a life-boat), which had been driven off from day to day, and which he was now prevented from bringing forward; so that there was great reason to complain that the session had been improperly hurried to a close. But his main object in rising that evening was, to contradict the assertions made in favour of the character of Reynolds, the informer.

The Attorney-General said, he was quite acquainted with Mr. Reynolds, but thought he had been unfairly dealt by. When Mr. Reynolds was a witness on the trials alluded to in Ireland, all the attacks now made on him were brought forward to induce the juries not to believe his testimony; but, after the fullest investigation of the circumstances of the case, his veracity was confirmed before three different juries, and on his evidence principally the persons tried were convicted of the offences of which they were accused. Afterwards, on his evidence at the bar of the House of Commons, bills of attainder were agreed to. Thus had Mr. Reynolds's character passed through a very fiery ordeal without injury; unless the verdict of juries were not to be attended to when they

* "Should I be asked whether there is any necessity for spies in monarchies, my answer would be, that the usual practice of good princes is not to employ them. The trade of a spy might perhaps be tolerable, were it practised by honest men; but the necessary infamy of the person, is sufficient to make us judge of the infamy of the thing." (*Spirit of Laws*.) For Mr. Burke's opinions on this subject, see p. 1406.

convicted, but only when they acquitted the persons charged before them. The great fault of Mr. Reynolds was, his having entered into the conspiracy, for which he afterwards made ample atonement. He (the Attorney-General) was one of those perverted beings who did not think that it was criminal in a man to come forward, and make an atonement for a previous offence. So far from thinking such conduct a crime, he was one of those wrong-headed persons who called it a virtue. As to the appointment of Mr. Reynolds on the grand jury, Government, or the law-officers, knew no more of it than the hon. and learned gentleman himself. He had been informed, that on Mr. Reynolds' being summoned on the grand jury, he was anxious to get rid of the burthen, and asserted, that he ought to be excused on the ground of his being appointed a consul to a foreign state; but this was refused by the summoning officer. Mr. Reynolds was no spy of Government. He was not at all employed in Ireland. But being a man originally engaged in a traitorous conspiracy, repenting his crime, and foreseeing the horrid consequences to which it would lead, he atoned by disclosing all that he knew on the subject. With respect to Castle, he denied that, during the transaction, which was the subject of the late trial, he was a spy employed by Government. Nay, he was a man of whose existence Government was utterly ignorant, until long after the transaction itself. It was not until a considerable time after the 2d of December, that a single individual, high or low, connected with Government, was aware that such a person as Castle existed. He had nothing to do with Castle's general character; but he had stated facts, and without wishing to comment on the verdict of the jury, he thought, and should think as long as he lived, that the law-officers of the Crown would not have been justified had they not put the persons on their trials who had recently been acquitted. Adverting to the case of Mr. Mannors, he repeated the statement which the noble lord had made on the subject of the trial of that gentleman for libel. Was it because a man wrote an angry answer to an attack made upon him, that, however erroneous he might be in doing so, his character was to suffer, unless it could be shewn that his moral feeling was impeached? If such attacks as those which had been made on Mr. Reynolds and Mr. Mannors were listened to, there was no man, however honourable, who had political enemies, that might not be so assailed by affidavits and similar statements. The hon. baronet had said, that the employment of spies and informers was a system of a tyrannical Government. This might be a very convenient doctrine for those who were so enemies to conspiracy and treason. It would be very convenient for persons who were engaged in any criminal plot, to establish that he who was a spy, a partisan, or an informer, ought never to be believed.

plete, impunity would be established for all kinds of guilt. He allowed that the testimony of such an individual ought to be received with great caution, but when confirmed by that of other witnesses, and by the circumstances of the case, to reject it would be to grant an indemnity to crime.

Lord Castlereagh, in explanation, observed, that both the libels for which Mr. Mannors had been prosecuted, had been before the Benchers when they considered his case; but that they had determined that there was nothing in them which impeached either his moral character or his conduct as a gentleman; and they had therefore ordered that he should be called to the bar.

Mr. Bennett said, that he could not listen to the declaration of the noble lord, that those who differed from him on this subject were abettors of treason and malignant calumniators, without repelling the accusation with all the scorn which it merited. As long as he had a seat in that House, he would exercise his right to inquire into the conduct of our Government.—With reference to the surrender of Genoa to Austria, and the transfer of Upper Saxony, he could not remember without indignation and shame the share which our Government had in those infamous transactions; and he was persuaded, that although the votes of that House might carry the noble lord through at present, future historians would represent those transactions as blots and stains on the administration of the noble lord, and on the character of the Parliament by which they had been sanctioned. The noble lord had said much about his own feelings, and, for himself, he had no doubt that the noble lord had a kind heart; but certainly if the Irish Government had not encouraged the horrible practices so often alluded to in the course of the evening, they had winked at them. When he looked, therefore, at the power given by the suspension of the Habeas Corpus, and considered to whom it was given, he was filled with alarm at the recollection of the cruelties that had taken place under a similar superintendence. The noble lord had certainly identified himself with some of the worst proceedings in Ireland, by his having consented to make Mr. Suckin Fitzgerald, a baronet. It was to prostitute the honour, thus to bestow it on a man against whom he could not find terms sufficiently forcible to express his indignation. He intimated several cases to prove the cruelties of which he had been guilty. One was of a school-master who had been flogged because a French note was found on him; although when that note came afterwards to be translated, it turned out to be merely the apology of a French teacher for non-attendance! He had in his hand two depositions to acts of a similar kind. One was the affidavit of John Clare, of Essex-street, Dublin, merchant-taylor, sworn on the 31st of October, 1810, and stating, that in the memorable year 1798 a number of floggings, half hangings, &c. took place at the Royal Ex-

change, immediately adjoining the Castle Gates, at the Lower Castle-yard, at the Barracks, at Essex Bridge, &c. all of which must have been known to the noble lord opposite. Among other things the deponent declared, that he had seen men pitched and tarred, and hunted through the streets, on whom torture was afterwards inflicted. Another affidavit was from Timothy Brophy, who deposed, that in 1798 he had been offered a commission to give information; but that, having no information to give, he had been tortured. He was stripped naked, tied hands and feet, and whipped to the amount of 100 lashes. His raw back was then rubbed with salt and gunpowder, and the whipping was renewed until he became insensible. They had heard a great deal about the excellent moral character of Reynolds. He was the last man in the world to wish to attack the character of individuals, or to drag them unnecessarily before the public. He would admit, too, that under the circumstances of the rebellion in Ireland, it was perhaps the bounden duty of the administration of that country to avail themselves of the evidence of such persons as Reynolds. But when speaking of the character of such a person, it was always to be remembered, that he had sworn a solemn oath to the United Irishmen—he had sworn a solemn oath to be true to them, and that he afterwards turned round and swore away the lives of those persons to whom he had thus sworn to be true. But it was said his character had been completely white-washed—that he was quite regenerated—that his conduct subsequent to that time had been most exemplary, and that all that he stated on the trials of the United Irishmen had been established by the most undoubted authorities. All that Reynolds stated at the trials of Oliver Bond and others might be perfectly true. But the circumstance of his being believed by juries at these trials did not necessarily establish his character. There were many instances of men having been believed by juries, who were not on that account considered less infamous characters. The evidence of Dugdale and others (in the Popish plot) was not only believed by juries, but even by the House of Peers. But were the characters of these persons attempted to be set up, because juries and the House of Peers believed their evidence? (*Hear, hear.*) Would any person attempt to set up Castle—would he be less the bully of a brothel—would he be less the person who was guilty of forging bank-notes, if his evidence had been believed by a jury, as it happened not to be believed? This man had been before employed by Government as a spy, though it had been stated that Government knew nothing of him till a considerable time after the transaction of the 2d of December. He could not, however, believe that the Secretary of State for the Home Department was ignorant of it. He happened to know that the noble lord at the head of the Home Department, and the Chief Justice of the

Court of King's Bench, knew of this. A letter was written to the Noble Secretary, informing him of this man having appeared as a spy. For transactions in which he was implicated he would have been convicted in a Court below; but he was brought up to the Court of King's Bench by a *certiorari* by Lord Ellenborough. As this was a Government spy, he was not to be punished, but rewarded—he was kept till another opportunity, that he might again be let loose on the public. He knew that the noble Secretary of State for the Home Department was acquainted with this by a letter from a magistrate; and therefore, when a right hon. gentleman said that Government knew nothing of him till a considerable period after the transactions respecting which he gave evidence, from the courtesy due from one member to another, he was bound to say, he believed that the right hon. gentleman knew nothing of the circumstance in question; but the noble lord (Sidmouth) knew about it from the correspondence with the magistrate; and Castle was known to Government as one of the most wicked and profligate characters ever let loose on the world. (*Hear, hear, hear.*) They could therefore no more disclaim their connection with this man, than they could with their new *protégé* Oliver. He was entitled to think, that the employment of spies and informers reflected discredit on the Government. When the affairs of a country went on smoothly, a Government was always very willing to take credit for the circumstance; and certainly on the other hand discredit was due to a Government, when a country was in such a disordered state as this now was. We now witnessed something which had never been heard of before. Men were let loose on the country of a most infamous description—men who lived by the existence of disorder, and whose interest it was to create disorder if they found none. With all the respect which he had for the noble lord at the head of the Home Department, he could never think of the circumstance of Oliver having been let loose on the country in the manner he was but with abhorrence. In his progress from Birmingham to Wolverhampton, for he himself knew that he was there, and to Nottinghamshire and Lancashire, he had been guilty of stimulating unfortunate wretches to acts for which their lives were forfeited. Whenever Oliver withdrew from the scene, a complete change took place. Had his Majesty's Government, in 1812, stimulated the people in the disturbed counties in the manner in which Oliver and men of that description had lately stimulated the people—had they sent delegates among them to inflame them, as men's minds were more disturbed than now, the results would have been very different. He would caution Government during the recess not to play the same game over again—not to stimulate the people to acts of violence, that these acts might serve as a justification to further encroachments

on the liberties of the country. (*Hear, hear, hear.*)

Lord *Castlereagh* thought, after what had passed, he might claim the indulgence of the House for a short time. He called on the hon. gentleman to state, whether it was not from Mr. *Finnerty* he had received the papers to which he had called the attention of the House? When he felt himself bound in vindication of his character to institute proceedings against Mr. *Finnerty*, he did not resort to a Government prosecution, but went before the grand jury himself, and they found the bill. With regard to the facts stated in these affidavits, it had been said that he smiled at their recital. He did indeed smile at their imputation; for though he felt it to be one most abhorrent to his nature, it was also one so remote from truth, that he could treat it only with contempt. The origin of the whole was this:—Mr. *Finnerty* had supposed that he had been the means of preventing him from going out with the *Walcheren* expedition. In consequence of that supposition, Mr. *Finnerty* wrote a libel, imputing to him a legal murder, by unduly procuring the conviction of a man named *Orr*. The libel was of a nature which he thought he could not pass over, and he therefore proceeded in the way he had stated. During the progress of the action, an officer of rank in his Majesty's service had called upon him from Mr. *Finnerty*, and stated that Mr. *Finnerty* was willing to make such acknowledgement of his error as would be satisfactory. He however thought it his duty to reject this application, and declared that the law should take its course. After this he heard nothing more on that subject from Mr. *Finnerty*. He learned, however, that very soon after, Mr. *Finnerty* went to Ireland, where he employed himself in collecting the affidavits which had just been read by the hon. gentleman, and which contained statements with respect to him altogether false and unfounded. In making this explanation it was not necessary for him to conceal who Mr. *Finnerty* was; the fact might not perhaps be known to some who heard him, but Mr. *Finnerty* had previously been a convicted libeller in Ireland, and had there suffered the punishment of the law along with two others for that offence. If, therefore, he had prevented such a person from going with the *Walcheren* expedition, he conceived he should have done nothing improper; but it was upon the erroneous supposition of his having done so, that Mr. *Finnerty* wrote the libel which he thought it was his duty to prosecute; and, because he would enter into no compromise with the libeller, the affidavits which the House had heard had been procured for the purpose of being read in court. When Mr. *Finnerty* was brought up for judgment, he proceeded to read the affidavits, and having read two of them, was stopped. One of the two which were read, stated that the (Lord *Castlereagh*) had transported an innocent man to Botany-bay. Now, let the House consider, in what situation a pub-

lic man was placed, if he was liable to have affidavits thus brought forward against him, affidavits filled with false assertions, and got up perhaps by perjury. He might have remained still ignorant of the unfounded charges thus brought against him, had he not received two letters from Ireland on the subject of the accusation, respecting the sending a man to Botany-bay. One letter was from Lord *Bantry*, and the other from Captain *Sutherland*, in quite the opposite side of the island. These officers expressed their surprise that he should be charged with sending the individual in question to Botany-bay, as they had themselves sat on the Court-martial by which he was tried, convicted, and sentenced. Another of the affidavits which had been read, charged him with being present at one of those punishments, on the atrocity of which the hon. gentleman had said so much. If there had been any punishment of the kind which the hon. gentleman had described, he would agree with him in calling it torture, but there had been none such in Ireland. He abhorred torture for the purpose of extorting truth as much as the hon. gentleman did, but such a practice had never prevailed in Ireland. The punishments had been punishments for offences committed, and had been the means of saving the country from much bloodshed; but while he vindicated the Irish government against the charge of inflicting torture, he must at the same time say, that he had not been present at any of the punishments in question. He had never in the course of his life seen any man flogged, except a soldier in his own militia regiment.

Mr. *H. Addington* said, the hon. gentleman opposite had erroneously supposed that Lord *Sidmouth* had formerly known the character of *Castle*. He had been assured by his noble relation that he never knew that person until the month of January last, which was precisely the time referred to by the hon. and learned gentleman (the Attorney-General) as the period when communications took place between *Castle* and his Majesty's Government. With regard to the extract from a pamphlet which the hon. baronet had read, though without mentioning its title, he could assure him that it contained a mis-statement. There might once have been a Mr. *Nicholls* at the office of the Secretary of State for the Home Department, but there was no such person employed there now. But he had risen principally with a view of doing justice to a much injured individual—he meant Mr. *Oliver*. (*Hear, hear.*) Within this fortnight, two magistrates of the county of York, who had received an unfavourable impression as to the conduct of Mr. *Oliver* in the country, had requested that he might undergo an examination at the office for the Home Department. One of these magistrates came from Yorkshire on purpose, and the other was a much-respected member of that House, whose absence he regretted, as that gentleman would have corroborated

rated the statement he had to make. These magistrates took the examination: the individual who brought the charge was confronted with Mr. Oliver, and the result was, that both magistrates declared themselves completely satisfied that the charge was false; that there was not indeed the smallest foundation for supposing that he had provoked the insurrection in the country: and that there had been nothing blameable either in the language or conduct of the person thus accused. It was his duty to make this statement, because the facts could only be made known to the House through him. Mr. Oliver had taken no part in any plots. He came to the Home-office in the beginning of April, and offered information which he considered beneficial to the country, but which he had not obtained by being implicated in any conspiracy. He asked no reward, and never received a shilling from Government, except what served to defray his travelling expenses. Information had been transmitted to the Home-office, that the insurrection which had been attempted was to break out on the 9th or 10th of June. All the magistrates in the disturbed districts, who had written on the subject, agreed in fixing upon the same date. The duty required of Mr. Oliver was to go to the country to ascertain whether this report was correct, and to transmit to the Home-office what information he might collect. This, it was supposed, would save time to the magistrates; and the information, it was thought, would be more speedily collected than by relying solely on the separate communications of the magistrates. He carried letters of recommendation to five or six magistrates, and was ordered to return by the 5th of June, as by that time it was necessary that the executive government should be prepared with precautions against the imminent danger which threatened the peace of the country. Mr. Oliver, however, stayed by accident a day or two beyond the limited time; and he had himself written a letter to hasten his return. When Mr. Oliver came to the office and offered to give evidence, he declared he did so in the hope of saving the country; and he was fully persuaded of his sincerity.

Mr. *Barham* doubted much whether the country, or even that House, would concur in the judgment of acquittal which the secret tribunal to which the right hon. gentleman referred had pronounced on the spy Oliver. Those who had not the advantage of having been present at the examination, must decide on the facts already within their knowledge. For his part, he should declare, that his judgment could not be on the favourable side, when he recollected what he had heard from a departed right hon. friend of his, whose memory had been so justly eulogised that night. Mr. *Ponsonby* had told him, that he believed, in his conscience, that the insurrection would not have taken place had it not been for Oliver. He had been so struck with this observation, that he asked

his right hon. friend to repeat what he had stated, and he did repeat it.

Lord *Cochrane* declared, that since the commencement of the session Parliament had been employed, not in redressing the grievances of the people, but in repressing the expression of their sentiments. None of the allegations of the petitions on the table had been inquired into; but when green bags were introduced by the noble lord opposite, they were, without delay, referred to committees, and reports made to the House, without any opportunity being afforded to shew the falsity of the allegations in the evidence.

Mr. *W. Smith* could not help expressing his satisfaction at hearing the condemnation of torture to extract evidence which had been pronounced by the noble lord (Castlereagh). With respect to Sir Thomas Judkin Fitzgerald, who had been alluded to, he knew not whether he was dead or alive, but he held in his hand a pamphlet which purported to be a report of his trial. This report contained the defence of Fitzgerald by himself, in which he professed sentiments most opposite to those which the noble lord had expressed; for he declared to a jury, that on a variety of occasions he had ordered to be flogged persons who afterwards proved to be innocent, in a most unmerciful manner, for the purpose of extracting truth. If this was not true, why had it not been contradicted? Why had the pamphlet in question never been prosecuted? Was it not true that the man who had stated in a court of justice that he had made use of torture in a number of instances, for the sake of obtaining truth—who exulted and gloried in having done this, had afterwards been made a baronet. (*Hear, hear, hear.*) If this was true, how could the government disconnect themselves from him?—Would not the fair inference in such a case be, that government not only wished the infliction of this torture, but that they had rewarded this individual for doing that which they were ashamed to do themselves, but which must always remain a terrible stain in the administration of the Irish government? (*Hear, hear, hear.*) He had heard such things mentioned as having taken place, on the most respectable authority, authority which he could no more doubt, than he could doubt the horrible nature of them. They ought to be held up as a beacon to all future times. They could not be forgotten any more than the rebellion could be forgotten—and they would be perpetually brought forward till Government took shame to themselves—(*hear, hear*)—until they made an apology to the country for having permitted or connived at these abominable practices. He was at all events glad to hear them disclaimed by the noble lord; and they ought to be held out to all future governments, as a lesson that these things might never take place again. (*Hear, hear, hear.*)

Mr. *Canning* said, he was unwilling to pro-

long the debate; but after that night's revival of charges, time after time brought forward; and as often denied and disclaimed—charges calculated to make an unfair impression, because now introduced with a pretence of candour—he could not consent that the question should go to that division which would consign it to the contempt of the House and of the country, without making a few observations. Every man who was at all acquainted with the hon. member who spoke last, must be surprised at his assertion of ignorance, whether the defendant in the cause to which he had referred were alive or dead; since his usual habit was to select objects of attack from the absent or the deceased. (*Hear, hear.*) Fortunately for that hon. member, the individual whom he had last accused was no more, and a reply from him was impossible; but however convenient this species of hostility might be, it would at least be fairer and more generous in future to confine his animadversions to the living, if not to the present. He had entirely mistaken the plea put in by the noble lord (Castlereagh); who, far from objecting to inquiry, had assiduously courted it; but he required, and had a right to require, that it should be distinctly brought forward: that he should be fairly, and with due notice, put upon his trial; and that his conduct in Ireland should not be mixed up with matters wholly irrelevant—with discussions upon foreign politics and cotton twist. (*Hear, and laughter.*) The great complaint of the noble lord was, that accusations which, if true, would not only render him unfit for his high station, but call for the vindictive animadversion of Parliament, were not produced after regular notice, or in the middle of an active session, when debate and refutation were possible (to say nothing of the period of 20 years which had elapsed since the transactions), but were accidentally thrust forward for the very purpose that they might not be answered and disproved. And from what sources did they emanate? Had the hon. gentleman ventured to reply to the demand, from whence he procured his affidavits—whether from a pardoned traitor, or a pilloried libeller? Those sources might be perfectly pure; but conforming to the received opinions of mankind, it might have been as well to state that they were such as to ordinary minds appeared suspicious, though to the mind of the hon. member they might be peculiarly acceptable—to him, whatever calumnies he could promulgate on the authority of a traitor who had been pardoned, or a libeller who had had the advantage of standing in the pillory, were no doubt peculiarly gratifying. (*Hear.*) He ought, however, to have disclosed the channel through which he had procured them, in compassion to the poor, weak, miserable understandings of those who, not up to the times, still thought, as of old, that sources less exceptionable might have been discovered. Was this a period, he would ask, to go back to the history of Ireland—to rake up the dissensions that had

once unhappily there prevailed? No doubt atrocities might be found, precedents of public treason and private violence might be dragged forward, to equal, if not to exceed the crimes of the present day; but every man who had the happiness and tranquillity of his country at heart would rather wish, that transactions so long past, and so deeply lamented, should be buried in oblivion, or at least only be introduced with the solemnity of a judicial inquiry. What was the situation of his noble friend compared with that of his unnamed accusers? Men who had shared in repeated pardons, and hid their degraded heads under a general amnesty, now advanced to revile the individual to whom they owed their despicable lives: a pardoned traitor, a forgotten incendiary, a wretch who escaped the gallows, and screened himself in humble safety only by the clemency of his noble friend, was now to be produced as the chief witness for his conviction. If the legislature had consented to bury in darkness the crimes of rebellion, was it too much to expect that rebels, after 20 years, should forgive the crime of having been forgiven? (*Continued cheers.*) Personal delicacy had restrained the noble lord, more particularly with respect to one individual, from stating his instrumentality, on the change of the Government from Lord Camden to Lord Cornwallis, in screening a libeller from the remnant of his merited punishment, and that to-night the House had witnessed the reward of his exertions. The occasion was not less remarkable. Would any man but the hon. member have supposed, that the motion of which notice had been given could be converted into a vehicle for personal slander—accusations not merely against the Government, but against an individual who, had he not fortunately been able, from recollection, to repel them, would have been consigned to the misconstruction of five months, to the obloquy of a whole recess, during which he might have been exposed to the hatred, contempt, and abhorrence of his countrymen? who, had preparation been necessary, could have been prepared with an answer to these calumnies, revived by the last speaker with such aggravated acrimony? All things seemed to concur in condemning such a discussion—if no considerations of justice to the noble lord could weigh with the other side, was the conduct of Government of so little importance as to be debated collaterally, or were the matters so obvious as to require no previous notice? He admitted that a retrospect of the affairs of Ireland afforded a warning lesson, but not such as the hon. member had endeavoured to inculcate. Did it not shew how wearily the slightest indication of an approach to that state when man should be armed against man in civil contest, ought to be watched, and how promptly Government ought

period
ion, it might have been useful as an induce-

ment to Parliament to adopt measures more adequate to the suffocation of rebellion in its infancy. The address that night proposed was principally occupied with the great preparations of the session to check incipient rebellion; but it was not a little singular, and probably not a little disappointing to the noble lord and the hon. baronet opposite, (Lord Cochrane and Sir F. Burdett) that one most important topic was omitted. Surely they must of all men deeply deplore that no allusion was made to the numerous petitions they had the honour, if an honour it were, of presenting to Parliament in favour of reform. If the Address were to be recorded as a counterpart to the speech from the throne about to be delivered, at least it ought to be an impartial record: it was a proceeding quite new, and care ought to be taken, if it were allowed, that the precedent was a fair one, for never would unhappy deluded historians be more misled than he who should take the hon. gentleman's voluminous, ill-asserted, ill-composed, and worse written epitome of the important business of the session, as a true representation of what had been done by the House. All mention of the countless petitions for reform seemed carefully shunned. If he (Mr. C.) were called upon to say with what the Session opened, and with what the House was occupied, week after week, day after day, and all day long, without respite or intermission, he should answer—petitions for reform in Parliament; hundreds at a time had been poured through the doorway, and of all of them it might be truly said,

—Facies non omnibus una,

“Nec diversa tamen: qualem deoet esse sororum.”

Exactly alike they most assuredly were not, but there was such a resemblance, as well became sentient puppets in the country, put in motion by the skilful master of the show in town; pulsations in the extremities, answering with the utmost regularity (by the intervention of the mail coaches), to the beatings of the old heart in the centre. (*Hear, hear.*) Yet all these seem to have been forgotten by the hon. member, when he took his Pisgah sight of the session and its business, gazing at his land of promise; and God forbid that, as he viewed it, it should be a land of performance. Standing on his more lofty eminence, he had overlooked the mountain of petitions which he and his friends had procured and presented, and he had offered nothing as a consolation to the grief and bitter disappointment of the noble lord and the hon. baronet. Would the House consent to adopt an address so defective; a portrait in which the nose was left out? (*Hear, hear, hear.*) The most important feature of the session was forgotten: an oblivion was thrown over the petitions, as if the framer of the address had been ashamed of their presence. How otherwise could this melancholy deficiency be accounted for? It was a mystery which even the sagacity of the hon. chief magistrate of the city of London could not

solve. (*Laughter.*) If he recollected rightly, Pope had these two lines:

“Authors lose half the praise, they would have got,
“Did but their readers know how much they blot.”

and they would well apply to the address upon the table: it was, indeed, a patched and piebald composition, such as had seldom before been seen. Judging from the erasures, the alterations, the blots and the blurs, it seemed to have been the work, not merely of many heads, but hands; and it formed a singular illustration of the hon. mover's notions of political economy, that the division of labour is the true principle of multiplied employment. Having the old major at his elbow, it was singular that he should have divided the labour so unequally and unfairly, assigning to his ancient friend the manufacture of 500, or perhaps 500,000 petitions for parliamentary reform, while he himself, and all the rest of his able coadjutors, had employed themselves upon an address, which at last was but a miserable specimen of composition and penmanship. In framing an address against Ministers, the principal object was to agree upon some point of crimination: but it was an old observation made by one of the former leaders against Ministers, that opposition should never venture to go from negative to affirmative. It would have been well if this rule had been observed with regard to the address before the House: the numerous penners of it should not have launched into affirmations, because they implied the existence of ideas. When they came to the subject of parliamentary reform, it was necessary for them to turn a sentence, so that all should be satisfied, and various and discordant must have been the opinions hazarded. First, the hon. baronet, who went straight forwards for Annual Parliaments and Universal Suffrage—in short, just such as they existed in the time of Hugo the Great, conqueror of the Picts, who, while he built his wall with one hand, dealt out Universal Suffrage with the other—a true reformer of the good old school. (*Hear, and laughter.*) The hon. baronet, however, was well read in history, and coming down to more modern times, he found that there were some *anti-Hugonians*, and Universal Suffrage became a matter of doubt, and he hesitated in deciding, whether the much calumniated curfew was or was not the signal for a general election. Then came it to the turn of the more moderate reformers, to give their opinion upon the sentence: they held Annual Parliaments, annual disturbances, and Universal Suffrage, general disorganization; and after them followed the hon. mover himself, to whom might be applied what was said of a conqueror of old—“That he never led any nation to battle, whom he had not previously reduced to humiliation in the field.” The hon. mover's ranks were therefore filled, as the House now plainly saw, by those whose doctrines he had often scouted with more con-

tempt and ridicule; than it would be prudent for any other man to employ. The three classes of reformers, those who went to extremes, those who did not favour doctrines quite so extravagant; and those who thought that voting ought to be commensurate with taxation, were all obliged to give way to his authority; he refused to admit the sentence which each party had blotted to his fancy, and that subject which had been the daily food of the session, was entirely omitted. If, therefore, he (Mr. C.) had no other objection to the address, it would be sufficient for him to find that it excluded what he considered the proudest and most magnanimous proceeding of the House, namely, that whatever dangers might impend, whatever menaces might be employed, the House had stood firmly by the Constitution, and had rejected petitions, which had for object its destruction. (*Hear.*) Notwithstanding many discouragements, he entertained a sanguine hope, that the country had now seen the worst, and that improvements, partly moral and partly physical, had already commenced. While he admitted that some part of the distresses of the country might originate in accidental causes, he could not shut his eyes to the conviction, to which they had been long open; that the greater part of our calamities had arisen from circumstances over which man had no control; and though the designing had employed these difficulties, not to produce disaffection, (for that he never would allow,) but to excite despondency, yet that feeling was gradually subsiding; a bad harvest in one year had multiplied our difficulties; but the fair promise of the present warranted a sanguine hope that many of those difficulties would be removed. In this respect, therefore, the address was defective, and he could not vote in its favour, unless the happy prospect before us were at least mentioned. It had not been always easy to discriminate between the cries of distress, the genuine voice of the people, and the clamours of rebellion; but the principal demands had been, retrenchment in the expenditure, abolition of sinecures, and the new modelling of the Poor Laws. A fourth topic, to which, by artifices, undue importance had been given, was Parliamentary Reform; and as it was not stated as a grievance in the address, as it was not hinted at from beginning to end, it was but fair to conclude, that in the hon. mover's opinion, the House had given that question all due consideration. The progress that had been made on the great subject of the Poor Laws, on which representations had been sent from all parts of the country, was most satisfactory, and yet it had received no due attention in the proposed address. As to retrenchments in the various departments of the State, however low and close they might be pared, still some would be found to contend that it would have been right to have cut nearer; but he appealed to the House whether, even before the inquiries of the Committee, Ministers

had not shewn every disposition to diminish the expenditure; and after the great question had been entered into in its details, they had evinced their perfect readiness to comply with whatever could reasonably be demanded. With regard to sinecures, had nothing been done to satisfy the claims of the people; and yet where was any mention made of them in the proposed address to the throne? If it were to be adopted, what would the future historian say, after vainly turning over statutes and indexes, when he should find, that in the year 1817, a sagacious seer had lived, who, in his retrospect at the end of the session, had omitted even to state that sinecures had been abolished? When he (Mr. C.) in former years, 1810 and 1811, voted in favour of the bill of an hon. member, (Mr. Bankes,) he thought than in the cry of the people there was more of clamour than of substance, but he had yielded to it, because he held it expedient to get rid of this blot upon the political establishment; but it never would have received his support, had not some power been given to the Crown of remunerating faithful services. He well remembered with what acclamations of thankfulness his vote was then received. The bill was considered the most important measure that ever passed the House; it was the theme of declamation in every moving rostrum; it was proclaimed with trumpet sound; and old women went mad with imagining that if sinecures were once abolished, the sky would rain manna upon them. How striking was the contrast now: sinecures were abolished, even upon better terms than in the bill of 1813, yet the abolition was considered a matter of trifling importance; it was nothing—the giant dwindled into a pygmy, like some of the marvellous fables of that work which, so infantine still was his mind, he considered second only to the classics—"the Arabian Nights' Entertainments." The rise of the funds had been urged as an ill omen. He contended it was the reverse. The hon. baronet had referred to an ancient poet for the signs of the times; he would quote a poet of our own time—

"Good men look sad, while ruffians dance and sing."

This was the case in January. What was it in July, and what was the cause of the contrast? He was ready to declare in the face of his constituents, that it was those measures which were essential to our security, and contributed to the salvation of the Constitution.

Mr. Brougham rose to reply. He began by stating, that had it not been for the right hon. gentleman's speech, he should not have availed himself at that late hour of the claim to a reply, which the usual courtesy of the House gave him; but have left the arguments urged by the noble lord in his defence, without much anxiety for the result, to the decision of those who had honoured him by attending to his statements. Now, however, he felt it due to those who supported the address, to himself,

and to the question, to rescue it from the misapprehensions of the right hon. gentleman, who, of course, could not be supposed capable of misrepresentation; and he really must say, that had he no other reason for again offering himself to the attention of the House, he should feel called to do so, in order to express his gratitude for the amusement he had received from the very lively and witty speech they had just heard. The hon. and gallant general (General Phipps) by his cheering seemed to think it quite impossible that any one should be entertained or pleased by what was delivered against his own side of the question. He could assure him, that if he had heard as many speeches delivered against himself here and elsewhere, often heavy and dull enough, as some members had, he would feel that it was very possible to be diverted, at so late an hour and in so exhausted a condition, with any thing so ingenious, witty, and humorous, as the speech they had just heard, without much considering what quarter it came from, or against whom it was pointed. The right hon. gentleman had charged the address principally with omissions, and above all with leaving out the subject of Parliamentary Reform. Now, for his part, he could hardly regret this, as it had afforded the right hon. gentleman an occasion for letting off his long meditated speech on that question, which for some odd reason or other he had not chosen to deliver in the debate on the worthy baronet's motion upon the subject,—and he must say the right hon. gentleman himself was rather ungrateful in making such invectives against an omission which he had turned to so much account; to be sure, had it been otherwise, he did not at all know that he would not have contrived to bring in the speech which he had ready for use. That was his way of debating. He had honoured him (Mr. B.) by comparing him to a commander, and had given a very distorted account of his operations; and, it was said, that chiefs accustomed to be opposed, got to know one another's tactics very precisely. Now, he could not have the presumption to say it of himself, but the little legion—the band on that side, who were generally opposed to the right hon. gentleman, as one leader is to another, had learnt pretty accurately his course of tactics. It was this—he took care to have magazines well stored with ready-made, cut and dry speeches, prepared for future occasions, and adapted as replies to the topics he supposed might be used. Indeed, he had not left them to guess this, for he had once let his secret out in plain terms. He had said, that in most debates, one could, by thinking on the subject beforehand, anticipate the arguments that would be used on the opposite side; accordingly this was the hon. gentleman's method. He deemed it more convenient, better suited to the importance of the subjects, and becoming the dignity of the place, to weigh well what his adversaries were to say, and be ready with an elaborate—answer might not be

always the fit word—but harangue or merriment, perhaps, than trust to the moment. It was impossible to deny that this plan had great advantages; but it had, he was afraid, its inconveniences also. While the expected topics were used, for which the replies were ready got up, all went well. But if, as would now and then crossly happen, they never were used at all, then came in the difficulty how to get in all the fine things prepared with so much labour to meet them. That all this work should be thrown away—all the hours of day and midnight oil consumed in vain was too hard, and in common humanity could not be expected—so that the passages got up must at all events be introduced, and if the expected topics did not come on the other side, they must be supposed to have come. Accordingly this was exactly the right hon. gentleman's way—he fancied his adversary had used the arguments he himself was prepared to meet—he put them in his mouth, and answered them; or he supposed something to be left out which was not, and he amused himself and the House with being very droll upon the omission. Both these ways of discussing the question he had resorted to on the present occasion. It happened that the refusal of the petitions of the people by the Parliament was stated distinctly, though generally, in the address. He should like to know, what would have been said had it specially complained of an act of the House of Commons in particular? Would not the right hon. gentleman have been the first to ridicule so strange a solecism as the House going up with an address to the throne complaining of what it had done itself? Because this absurdity was avoided in the only practicable way of stating the point, the right hon. gentleman had come out with all his collection of matter, extremely droll and laughable no doubt—well adapted to the lateness of the hour, whether it might be suitable or not to the gravity of the subject, and more conducive to merriment, certainly, than to instruction: he had entertained them with Hugo the Pict—and the wall—and the Saxons—and mail coaches—and Cataline (who, oddly enough, proved to be what he called the old Major)—and old women gaping for mamma—and scenes, and trumpets, and moveable rostrums—a very strange allusion from such a quarter, for the right hon. gentleman must really be the most ungrateful of men so to treat those convenient vehicles of itinerant oratory, to which he was more indebted than any individual in the country, Cataline himself not excepted. —The right hon. gentleman next complained, that the labours of the finance committee and the sinecure bills, were not mentioned in the address. The reason was plain—when coupled with the system of compensation, the abolition of sinecures was a measure of very different complexion from their simple abolition. Many persons thought this measure, as it now stood, worse than the old system. The most prevalent opinion was, that it did as much harm

as good—while only a select few, with the member for Corfe Castle (Mr. Banks) at their head, deemed the change an improvement, and even they did not think it a very great one. Those, however, who with him (Mr. B.), and he believed with the majority, he was sure with the right hon. gentleman (Mr. Canning), held it to be a matter of almost entire indifference, could not be expected to testify much gratitude for it; and as it appeared to them neither one thing nor another, it seemed better to say nothing at all about it. The right hon. gentleman, who viewed it precisely in this light, somewhat strangely complained because it was not highly praised or pointedly censured. The noble lord had entered on a great variety of topics, conducive, as he supposed, to his own vindication. He was confident that the House, by attending to his (Mr. B.'s) opening speech, would find almost all those topics answered by anticipation. But, however unwilling to detain them at that late hour, there were one or two charges launched at him by the noble lord, which he felt it necessary to repel. He had been accused of harbouring dangerous designs—of befriending reforms of a violent complexion—nay, of supporting, or at least countenancing, opinions of a revolutionary tendency. He could not help thinking this charge somewhat hard on the present occasion; and he felt that there was no pleasing any two of the Ministers he stood opposed to. The right hon. gentleman (Mr. Canning) had made it the burthen of his whole speech, or song (he hardly knew which to call it), that he said nothing at all of reform. The noble lord inveighed at him still more loudly, or at least as loudly (for to be more loud was impossible), as one whose speech countenanced the wildest of the reformers. So, again, when he had carefully explained, even at the risk of fatiguing the House by going out of his way, the absurdity of the delusions prevailing among hundreds of thousands in the country, respecting the exportation of yarns, with the express intention of allaying the ferment he perceived to be arising out of those mistakes, all the thanks he got for his pains from the right hon. gentleman was a broad sneer, that he had made a speech about foreign politics and cotton twist. Really he fared as ill between the two colleagues, as if he were one of the Cabinet. He could hardly have been more roughly handled by those ministerial oracles, if he had been any of their own fellow ministers. They had fallen upon him and plucked him almost as much as they were wont to do some third man among them, or as the one of these two used to belabour the other. Nevertheless he should persist in doing his duty, and, in spite of the right hon. gentleman's merriment, he should still hold the subject even of cotton twist, as an extremely grave one. He heartily wished they might not all find, before a few months passed over their heads, that it was any thing rather than matter of ridicule.

To be sure, were he at that hour to go again into it, the hon. gentleman would be convinced it was neither light nor amusing; but he was anxious once more to avow his opinion, that the desire so generally entertained in the manufacturing districts, to prevent the exportation, was a delusion—was, what the right hon. gentleman would, after his manner, term a mere twist. He was anxious to state this, because he had been applied to by the unfortunate and highly meritorious persons who laboured under this mistake, and for whose great distresses he felt deeply; and because, whatever little weight his authority might derive from their confidence, he felt it his duty to throw into the opposite scale. This he did, in order to prevent the rising ferment, at the risk of forfeiting, at the certain cost of weakening their favour, and injuring that darling popularity he was accused of seeking. And for this he was rewarded by the noble lord with the epithet of revolutionary—by the right hon. gentleman with broad laughter at his foreign politics and cotton twist. Such things did not discourage him; on the contrary, he would now add, with similar views of anxiety for the internal peace of the country, what he had before accidentally omitted, that he conceived the recent proceedings, both of the master hosiers and workmen in Leicestershire, were, in his opinion, extremely unwise. (Here Mr. B. entered into some further details relative to this subject.) Reverting to the noble lord's charge of violent innovation, he must say that he felt no sort of resentment at it—he ascribed it to the manifest agitation, or perhaps he ought to call it animation of feelings under which the noble lord had delivered his speech, and which had naturally led him somewhat beyond what he might have seriously intended to state. But in justice to himself, he must appeal to the House, whether either that night, or on any one other occasion, he had ever brought forward a single measure, or uttered a word, that betrayed a leaning towards plans of a sweeping, rash, or violent reform. On the contrary, it was his conscientious opinion, and by that he shaped, and while he lived should ever shape his course—that in effecting improvements in our political institutions, we ought to proceed warily and even slowly—with gradual steps and a cautious hand, seeing how much easier it always was to pull down and destroy, than to build up and to restore. These were his principles—to these he had steadily adhered, and he defied any man to shew him one exception. To be sure, he belonged not to the class of reformers in which these Ministers were to be found; he was not for sitting a passive and idle spectator of the ravages of time upon the Constitution, and expecting that time would repair what time alone had destroyed—in other words, doing nothing and trusting to blind chance. But a rash, hasty, wholesale system of change, was utterly abhorrent to his views. Then the noble lord, accused him of partiality towards the Bonaparte family,

because he objected to the mean and pitiful conduct of the government in stooping to annoy a private individual of that house, who could do harm to nobody. The noble lord was as much mistaken here as in his allegation that he (Mr. B.) could not forgive those who put Bonaparté down.—He thought of these charges he had some right to complain—for it did so happen, that he had been the only member, certainly the very first, who seconded the bill for enabling government to keep Bonaparté in safe custody. He had always regarded the ambition and tyranny of that person as inconsistent with the liberties of Europe. He had uniformly recommended the most vigorous measures against his power. He had blamed the Government, not for opposing him, but for opposing him inefficiently—for dividing their attacks—for splitting their forces—for carrying on the war, as they waged it during many years, in a feeble manner, and upon narrow views, the failure of which was certain. These had ever been his sentiments, however feebly he might have supported them, but he had uniformly maintained them both in that House and out of doors. The noble lord and right hon. gentleman had both expressed great indignation at such a motion as the present being brought forward so late in the session. But was it any thing very new? Did not every year of war terminate regularly with a debate on the State of the Nation, as certainly as a vote of credit was proposed? Now to him it appeared, that the country was at present more in a state to render that discussion necessary, than at any period of the war. He rejoiced that he had brought forward the subject; all the anger which it had excited on the opposite side only confirmed him in this feeling; and he trusted that the same question would always be brought forward as regularly as the session closed in each succeeding year. If abler persons refrained from doing so, his feeble services should always be at the command of the country in this way. The noble lord was equally annoyed at what he termed being taken by surprise upon the Irish questions. Had he (Mr. B.) not given notice of an Address upon the State of public affairs? Then were Ireland and Irish affairs no part of public affairs? How could a State of the Nation be mentioned without giving the noble lord this notice? But his right hon. supporter inveighed against the use of the affidavits read by his hon. friend (Mr. Bennet), and demanded with the air of one going to dispose at once of those documents, whether he had not received them from Mr. Finnerty, who had been prosecuted by the noble lord? But what could it signify whose hands gave in the affidavits? The question was, who signed and swore them? Now they were the testimony of eye-witnesses and of sufferers—of persons who had seen, and persons who had undergone the torture. But the noble lord called them extra-judicial. They were no such thing: they were sworn before Judges in Ireland,

and when tendered in the Court of King's Bench here, were not at all objected to, for any irregularity in the *Jurats*, but only because a new and very doubtful rule excluded matter of justification in a question of mitigation of punishment. Much had been said of the appointments of Messrs. Reynolds and Manners. Of the former he willingly left the merits upon the very facts urged by the noble lord. Of the latter, he must repeat that his objections remained undiminished; and he had felt it his duty to the public to state them openly. It was admitted that Mr. Manners had been for some years the editor of a most infamous publication. He (Mr. B.) was the last man to censure, as unworthy of promotion, those who were guilty of excess in political discussion. Political libels might be blameable, but they belonged to a very different class from private slander. He said nothing against the principles espoused by the work in question, nor even against the discussions of a political nature which it might contain. But he had happened to see two numbers of it some years ago (and friends whose accuracy he could trust, who had seen more of it, assured him all was of a piece), and he ventured to say, that those publications abounded in private defamation of the most base, scandalous, and disgusting nature. He needed only to mention the details of what passed in the recesses of a noble family's bed-chamber, that family being of an opposite side in politics to the party favoured by the work. He still thought that the appointment of a man who had been imprisoned as the editor of such a publication, for another private libel contained in it, did very little credit to the government. The right hon. gentleman (Mr. H. Addington) had mistaken the drift of the attacks made upon the Home Department, upon himself and his noble relative. He set all down to the score of their great vigour and efficiency in the public service. "Good luck," said he, "see what it is to be an able and successful Minister in difficult times—you are run down by the disaffected." Now, this was not quite the ground of complaint, but when the due exercise of the new laws depended on the intellect of that kindred pair, it was natural to exclaim, *O miseram hominum conditionem*, where each individual holds his liberty upon so frail a tenure as the eminent sagacity of the right hon. gentleman, and the no less eminent sagacity of his noble relation, in discerning the tricks of their own Oliver.

Sir F. Burdett stated, that he was authorized to deny, that Mr. Finnerty had either directly or indirectly offered to enter into any compromise with the noble lord, in order to prevent his being brought up for judgment in 1810.

The Address was then negatived without a division.

HABEAS CORPUS ACT.] Mr. Bennet presented a petition of Thomas John Evans the younger, now confined in Horsemonger-lane prison. The petitioner entered into a full justification

of himself, and complained of having been ill-treated with respect to accommodations, as well in the Cold Bath-fields prison as in that of Horse-monger-lane.

Mr. H. Addington did not object to the petition being received, but he wished to state, that from undoubted authority he knew many of the allegations contained in the petition to be false, and the rest were gross exaggerations. He wished to know by whom the present petition had been put into the hon. member's hands, and whether he had any good reason for supposing that it was actually signed by the petitioner. His reason for asking the first question was, that he understood a Mr. Harmer had obtained the petition irregularly; and he put the second interrogation, because he had been informed by authority, the accuracy of which could not be disputed, that the petition which had previously been presented from the elder Evans had not been signed by him.

Mr. Bennet replied, that he received the present petition that evening from, he believed, a clerk of Mr. Harmer; and that, with respect to the signature, he could give no information.

Mr. Boswell thought himself called upon by the allusion which had been made to him, to say a few words. He had visited the elder Evans in prison, and had ascertained from his own mouth that neither of the two petitions which had been presented from him to Parliament were signed by himself. Mr. Evans being requested at the same time, wrote the following note: "T. Evans, by desire, informs, that Mr. Harmer drew his petitions from memorials by T. E. but that Mr. Harmer did not bring it him for inspection after he had engrossed it." (*Hear.*) Mr. Evans was also asked whether, in his rough copies of the petition, he had used the words "gloomy dungeon," and he replied that he had not, but had used the expression of "strong room" only.

Mr. Bennet said, that he held in his hand the rough draughts of the petitions presented from the elder Evans, and it appeared by them that the words "gloomy dungeon" were used by him; and farther, that, with the exception of a few grammatical corrections, the manuscript was, *in totidem verbis*, similar to the rough copy.

Lord Castlereagh commented on the irregularity of the act of the solicitor in signing the petitions for the petitioner.

The petition was then read, and laid upon the table.

[**EXTENTS IN AID COMMITTEE.**] This Committee presented their Report, which was ordered to lie on the table, and to be printed.

HOUSE OF LORDS.

Saturday, July 12.

[**MR. SPEAKER'S SPEECH TO THE PRINCE REGENT.**] This day being appointed for closing the session, the Prince Regent came down to the House, at two o'clock, with the usual state,

Mr. Speaker's Speech to the Prince Regent. [1880

and took his seat upon the throne. Sir Thomas Tyrwhitt, the Gentleman Usher of the Black Rod, was sent to command the attendance of the House of Commons.

Shortly afterwards Mr. Speaker, accompanied by a great number of members, came to the bar. Mr. Speaker then delivered the following Speech:—

"*May it please your Royal Highness,*

"In obedience to your Royal Highness's commands, we, his Majesty's faithful Commons of the United Kingdom of Great Britain and Ireland, attend your Royal Highness with our last bill of Supply at the close of a laborious session.

"Among the numerous subjects of deep public importance to which our consideration has been called, there are none that have more anxiously occupied our attention than those which relate to the Finances and internal State of the Country.

"In conformity with your Royal Highness's recommendation at the commencement of the session, we took such steps as seemed best calculated to ensure a full and serious investigation into the public income and expenditure. That investigation has been continued throughout the Session. From that investigation much has been done, much unquestionably remains to be done; but we trust we are justified in the conviction, that measuring our expenditure by what the real interests of the Empire may require, no apprehension need be entertained as to the stability of our resources.

"Deeply sensible of what we owe to your Royal Highness for having directed the estimates to be laid before us at the commencement of the Session, with every reduction in the establishments that sound policy would allow, we have had the satisfaction to find that the supplies might be provided without the imposition of any additional burdens upon the people; and we have the proud gratification to think, that notwithstanding the gigantic and unparalleled exertions which this country has been called upon to make, and the difficulties and pressure which must necessarily be the consequence of such exertions, at no period of its history has the public credit stood more sound, steady, and unshaken than at present.

"In considering, Sir, the internal state of the country, it has been painful to us to contemplate the attempts which have been made to take advantage of the distresses of a portion of the people, to convert them to wicked and mischievous purposes. His Majesty's faithful Commons, whilst they have been anxiously engaged in such measures as might check the further progress of these attempts, have not been unmindful of such other measures as might afford relief to the pressure of that distress. With this view we have turned our attention to the encouragement of the Fisheries, to the means of providing employment for the poor, and most diligently (although the limits of the Session would not

allow of the completion of a measure), most diligently to a full and minute inquiry into the state and effect of the Poor Laws, a question in which the wealth, the industry, and the morality of the nation are so deeply implicated.

"Whilst we have deemed it our first duty to deliberate with unremitted solicitude upon these subjects of paramount importance, to these alone our deliberations have not been confined.

"Feeling how intimately connected the best interests of the country are with every thing that is of interest or concern to our Ecclesiastical Establishment, we hope that much of advantage will be derived to the public, and much of convenience to the Clergy, from the revision and consolidation of the laws affecting spiritual persons.

"To Ireland also, our earnest attention has been directed, in providing for the more deliberate investigation of presentments to be made by the Grand Juries, a measure of the most general influence over the whole of that part of the United Kingdom—a measure which we confidently hope will prove as salutary in practice, as it is unquestionably sound in principle.

"These, Sir, are the leading matters which have engrossed the labours of his Majesty's faithful Commons; and if this Session has not been marked with that brilliancy and splendour which has characterized former Sessions, yet we have the conscious satisfaction to reflect, that having had great duties to perform, to the performance of those duties we have applied a most faithful and indefatigable attention.

"Sir, the bill which it is my duty humbly to present to your Royal Highness is intitled, 'An Act for applying certain monies therein mentioned for the service of the year one thousand eight hundred and seventeen, and for further appropriating the supplies granted in this Session of Parliament,' to which, with all humility, we pray his Majesty's Royal Assent."

The *Speaker* then delivered the Appropriation Bill to Mr. Cowper, the Clerk Assistant of the Parliaments, who was in waiting within the bar to receive it; and to this bill, together with the Irish Election Laws Bill, and the English Savings Banks Bill, the Royal Assent was given, which was notified in the usual form.

THE PRINCE REGENT'S SPEECH.] The *Prince Regent* then read the following Speech:—

"My Lords and Gentlemen,

"I cannot close this Session of Parliament without renewing my expressions of deep regret at the continuance of his Majesty's lamented indisposition.

"The diligence with which you have applied yourselves to the consideration of the different objects which I recommended to your attention at the commencement of the Session, demands my warmest acknowledgments; and I have no doubt that the favourable change which is happily taking place in our internal situation, is to be mainly ascribed to the salutary measures which you have adopted for preserving the

public tranquillity, and to your steady adherence to those principles by which the Constitution, resources, and credit of the country, have been hitherto preserved and maintained.

"Notwithstanding the arts and industry which have been too successfully exerted in some parts of the country to alienate the affections of his Majesty's subjects, and to stimulate them to acts of violence and insurrection, I have had the satisfaction of receiving the most decisive proofs of the loyalty and public spirit of the great body of the people; and the patience with which they have sustained the most severe temporary distress cannot be too highly commended.

"I am fully sensible of the confidence which you have manifested towards me by the extraordinary powers which you have placed in my hands; the necessity which has called for them is to me matter of deep regret; and you may rely on my making a temperate but effectual use of them, for the protection and security of his Majesty's loyal subjects.

"Gentlemen of the House of Commons,

"I thank you for the supplies which you have granted to me; and for the laborious investigation, which, at my recommendation, you have made into the state of the income and expenditure of the country.

"It has given me sincere pleasure to find that you have been enabled to provide for every branch of the public service without any addition to the burthens of the people.

"The state of public credit affords a decisive proof of the wisdom and expediency, under all the present circumstances of those financial arrangements which you have adopted.

I have every reason to believe that the deficiency in the revenue is, in a great degree, to be ascribed to the unfavourable state of the last season, and I look forward with sanguine expectations to its gradual improvement.

"My Lords and Gentlemen,

"The measures which were in progress at the commencement of the Session, for the issue of a new silver coinage, have been carried into execution in a manner which has given universal satisfaction; and to complete the system which has been sanctioned by Parliament, a gold coinage of a new denomination has been provided for the convenience of the public.

"I continue to receive from foreign powers the strongest assurances of their friendly disposition towards this country, and of their desire to preserve the general tranquillity.

"The prospect of an abundant harvest throughout a considerable part of the Continent is in the highest degree satisfactory. This happy dispensation of Providence cannot fail to mitigate, if not wholly to remove, that pressure under which so many of the nations of Europe have been suffering in the course of the last year; and I trust that we may look forward in consequence to an improvement in the commercial relations of this and of all other countries.

"I cannot allow you to separate without;

commending to you, that upon your return to your several counties, you should use your utmost endeavours to defeat all attempts to corrupt and mislead the lower classes of the community, and that you should lose no opportunity of inculcating amongst them that spirit of concord and obedience to the laws, which is not less essential to their happiness as individuals, than it is indispensable to the general welfare and prosperity of the kingdom."

The Lord Chancellor then, by His Royal Highness's command, prorogued the Parliament to Monday, the 25th of August next.

The Prince Regent quitted the House, and the Commons retired from the bar.

HOUSE OF COMMONS.

Saturday, July 12.

The Speaker took the chair at two o'clock, and soon after the Usher of the Black Rod appeared and commanded the attendance of the House in the House of Peers, to hear the Speech from the Throne.

On their return, the Speaker took his seat at the table, and, as usual, read a copy of the Speech delivered by the Prince Regent (for which see the Lords).

The Members then separated.

APPENDIX.

APPENDIX.

AN ACCOUNT of the PUBLIC INCOME and EXPENDITURE of the United Kingdom for the Year ended the 5th of January, 1817; and of the probable INCOME and EXPENDITURE for the years ending the 5th of January 1818 and 1819, respectively; taken from the Fourth Report of the Select Committee on Finance.

In stating the Public Income, your Committee propose to confine their view to the net produce received at the Exchequer; leaving out of their present consideration the previous payments out of the Gross Receipt, for Drawbacks, Bounties, and other Allowances and Expenses, as well as for the charge of collecting and managing the Revenue; the whole of which, although not immediately essential to the object of this Report, forms, however, a very important subject of attention and inquiry, inasmuch as it embraces an Expenditure out of the gross Revenue of Great Britain and Ireland, which in the year 1816 amounted to no less than 11,117,009/ *. Every diminution that can be made, by a careful revision of these payments, and by a vigilant and economical management, will be a substantial addition to the Income of the Country.

1st.—PUBLIC INCOME AND EXPENDITURE, For the Year ended 5th January, 1817.

In order to exhibit a clear view of this extensive subject, and one which may be easily referable to the Accounts before the House, Your Committee have judged that the most eligible course would be to present it in two distinct Statements, both for Great Britain and for Ireland: the first shewing the whole of the Public Revenue and Resources actually received at each of the Exchequers within the year ended 5th January, 1817, together with the issues therefrom; whether such receipts and issues may have belonged to the service of that year, or have formed part of the ways and means and charges of the former or of preceding years: and the other, being intended to shew the Income and Expenditure (ordinary and extraordinary) properly appertaining to the year 1816 only.

In these statements your Committee will omit from their view of the Income of the year, in Great Britain, all sums received at the Exchequer, in consequence of any increase of Debt in the year 1816; and they will likewise exclude from this part of their account the remittances from Ireland for defraying the interest, &c. of the Loans for the service of that country, charged upon the Consolidated Fund of Great Britain, which will appear in their Statement of the Income and Expenditure of Ireland.

* GREAT BRITAIN:

	£.
Drawbacks, Bounties, &c.	5,025,430
Management	3,772,034
Payments for other national objects	733,148
	<u>9,530,612</u>

IRELAND:

	£.
Drawbacks, Bounties, &c.	369,476
Management	1,014,372
Payments for other national objects	202,549
	<u>1,586,397</u>

Total 11,117,009

ii PARLIAMENTARY PAPERS.—PUBLIC INCOME AND EXPENDITURE.

PUBLIC INCOME RECEIVED AT THE EXCHEQUER OF GREAT BRITAIN, IN 1816.

CONSOLIDATED FUND:

The Duties, Taxes, and other branches of Income, permanently forming a part of this Fund, paid into the Exchequer, amounted to	£. 37,399,350
In addition to which, there was carried to this Fund the sum of 1,310,202 <i>l.</i> out of the general produce of the War Taxes, to defray the interest, &c. of Loans charged thereon to the 5th of July, 1816; from which period certain War Duties of Customs were made permanent, and their specific produce appropriated for defraying the charges in question	£1,310,202
Also the Arrears of Property Tax to the 5th of January, 1817, not specially appropriated	374,006
	<u>1,684,208</u>
Making the total Income of this Fund	39,083,558

ANNUAL DUTIES

Charged with the Payment of Exchequer Bills:

The amount of these Duties applied in the discharge of Exchequer Bills, within this period, was	2,931,343
These Annual Duties commence on the 25th of March in each year, and the surplus thereof, after defraying 3,000,000 <i>l.</i> of Exchequer Bills charged upon them, is carried to and forms a part of the Consolidated Fund. This surplus amounted, in the last year, to 2,206,056 <i>l.</i> *, and is always considerable; the duties granted for the discharge of these bills being more than adequate to that object.	

WAR TAXES which terminated within the Year, and Duties of Excise continued to the 5th of July, 1821:

It appears that the total Amount of these Duties paid into the Exchequer in the last year, including 1,207,934 <i>l.</i> on account of the War Duty on Malt, which expired on the 5th of July, 1816, was	£17,030,032
From which being deducted the amount carried to the Consolidated Fund out of those Duties, as above stated	1,684,208
Would leave	15,345,824

RECEIPTS not comprised under the foregoing Heads:

These Receipts, including the sum of 1,184,009 <i>l.</i> paid by Ireland on account of her proportion of the joint Expenditure for the year 1815, and also including the sum of 5,939,809 <i>l.</i> paid in on account of the Loan for that year, amounted to	7,915,451
Making a total Receipt of	<u>£63,176,176</u>

EXPENDITURE FROM THE EXCHEQUER OF GREAT BRITAIN, IN 1816.

CONSOLIDATED FUND:

The total Amount of the Interest, Management, &c. of the Public Unredeemed Debt, was	£. 29,539,610
The Sinking Fund, and the Dividends payable to the Commissioners for the Reduction of the National Debt, on account of the Stock redeemed by them, including the sum of 1,612,220 <i>l.</i> the amount of the Sinking Fund of the debt of Ireland funded in Great Britain, was	12,987,636
	<u>42,527,246</u>
* Sugar	£550,528
Tobacco	157,740
Malt	1,443,272
Pensions, &c.	58,516
	<u>2,206,056</u>

PARLIAMENTARY PAPERS.—PUBLIC INCOME AND EXPENDITURE. iii

Brought forward	£42,527,246
From which being deducted the charge of Interest, Sinking Fund, and Management for the Debt of Ireland funded in Great Britain, which, as before observed, will more properly come under consideration with the Income and Expenditure of that part of the United Kingdom, in the year 1816	4,558,538
Charge of the Debt of Great Britain	£37,968,688
On account of his Majesty's Civil List	1,028,000
Pensions by special Acts of Parliament, Salaries, and all other Allowances and Payments	696,742
Making the total Charge upon the Consolidated Fund	£39,693,430

PAYMENTS from the Exchequer for PUBLIC SERVICES :

Interest of Unfunded Debt in Exchequer Bills	£2,025,000	
Interest of Debentures per Act 53 Geo. 3. cap. 41	19,685	2,044,685
To the Paymaster General, out of sums granted for the Army;—for aids to Sundry Foreign Powers;—and out of the Vote of Credit 1815		12,050,223
To the Treasurer of the Navy, out of money granted by Parliament for the Navy, and out of Vote of Credit		9,516,325
(Of which 7,557,235 <i>l.</i> was applied for current service, and 1,959,090 <i>l.</i> to the discharge of Navy Debt, which was thereby reduced in the course of the year 1816, from 3,694,821 <i>l.</i> , at which it stood on the 5th January 1816, to 1,735,731 <i>l.</i> , its amount on the 5th January 1817*.)		
To the Treasurer of the Ordnance, out of Money granted for that Department		2,569,610
And there was also issued for sundry Miscellaneous Services, including the sum of 1,267,732 <i>l.</i> †, applied as the Sinking Fund upon unprovided Exchequer Bills, and in paying off Debentures issued per Act 53 Geo. 3. and 5 per Cent. Stock created in 1797, and also including a payment to the Bank in respect of Dividends claimed to the amount of 206,175 <i>l.</i>		4,505,895
Making the total Issues		£70,380,268

proceed, and which forms the more immediate object of their investigation, they do not deem it necessary, in this place, to advert minutely to the result of this Account; more especially as your Committee conceive, that, from the extent and importance of the subject, it will be more satisfactory to the House that the state of the Public funded and unfunded Debt should be brought fully under its consideration in a separate Report, to which your Committee will consequently direct their attention as soon as possible. They therefore confine themselves to an observation arising out of a comparison of the total Sums issued and received, which, as it exhibits an access of 5,204,092*l.*‡ of Issues beyond the Receipts, would at first sight indicate an increase of Debt, whereby the difference must have been provided for; but this Sum being deducted from that proportion of the foregoing Issues which have been applied in the discharge of Debt, amounting in the whole to 14,602,238*l.*§, it will appear that there was a diminution of Debt on the 5th January 1817, as compared with the 5th January 1816, of 9,398,146*l.*;—the only circumstance which may in a degree affect the precise accuracy of this result, being the increase or diminution which may have taken place in the Balances at the Exchequer, at the beginning or close of the year.

Having thus detailed the Income and Expenditure of the year 1816, according to the actual Receipts into the Exchequer and the actual Issues thereof, your Committee now proceed to bring under the view of the House a Statement of the Public Income and Expenditure of Great Britain, as applying more particularly to the last year; in which Statement they will include, in addition to the permanent Revenue received within the year, only those Ways and Means granted by Parliament, which have been, or are

* Annual Finance Accounts.		§ Total Sinking Fund on the	
Unfunded Debt.		Funded Debt issued to the	
Anno 1815	page 240.	Commissioners	12,987,636
Anno 1816	page 241.	Deduct on account of the Debt	
† Unprovided Exchequer Bills	£.	of Ireland	1,612,220
and Debentures	262,500		11,375,416
5 per cents. 1797, paid off	217,832		
Debentures paid off	787,400		
	<u>1,267,732</u>	Sinking Fund on Exchequer	
		Bills	262,500
‡ Issues	70,380,268	5 per Cent. 1797, paid off	217,832
Receipts	65,176,176	Debentures, 1813, paid off	787,400
		Navy Debt Reduced	1,959,090
	<u>5,204,092</u>		<u>14,602,238</u>

iv PARLIAMENTARY PAPERS.—PUBLIC INCOME AND EXPENDITURE.

likely to be, realized by the Receipt of actual Revenue or Income, leaving out of this view all Receipts arising from any increase of funded or unfunded Debt: and in exhibiting the Expenditure of the year, they will state; 1st, the charge upon the Consolidated Fund to the 5th of January, 1817; and 2d, the whole of the Sums constituting the Grants of Parliament for the services of the year, and which although not satisfied and paid previously to the 5th of January last, may be considered as forming a part of the Expenditure of the year, in respect of which the Grants were made.

INCOME OF GREAT BRITAIN.

1°. CONSOLIDATED FUND:

The Income of this Fund in the year, ending 5th January, 1817, arising from the sources before stated, amounted to £ 39,083,558

2°. WAYS and MEANS granted by Parliament for the Supply of the Year:

Annual Duties upon Malt, Sugar, &c.	£ 3,000,000	
Excise Duties continued to the 5th July, 1821	3,500,000	
Profits of Lotteries, after reserving $\frac{1}{4}$ the proportion for Ireland	168,459	
Old Naval Stores, after reserving $\frac{1}{4}$ the proportion for Ireland	599,916	£
		7,268,375
Unclaimed Dividends (after abating 206,175 <i>l.</i> repaid to the Bank in respect of Dividends afterwards claimed) Interest on Land Tax redeemed by Money, and unclaimed Money in the hands of the Tellers of the Exchequer	£ 239,871	
The Surplus of the Supply of the year 1815, granted as part of the Ways and Means for the year 1816, was 5,663,755 <i>l.</i> * of which however, 959,090 <i>l.</i> was applied to the reduction of the Navy Debt, leaving applicable to defray the Supply voted for 1816, only	4,704,665	
		4,944,536
Total Ways and Means for the Supply of the year		12,212,911
And the Total Income, Ordinary and Extraordinary, exclusive of Income arising from any Loan funded, or from any addition to the Unfunded Debt, was		51,296,469

EXPENDITURE OF GREAT BRITAIN.

CONSOLIDATED FUND:

Charge upon the Consolidated Fund for the year, ended 5th January, 1817 £ 39,693,430

SUPPLY FOR THE SERVICE OF THE YEAR 1816:

The Total Amount of Supply granted, and of Expenses incurred on the joint Account of Great Britain and Ireland, for the year 1816, was 26,342,422 <i>l.</i> , of which 15-17ths, the proportion of Great Britain, was	£ 23,243,314
The Supply granted, or Expenses defrayed on the separate Account of Great Britain, including 1,265,232 <i>l.</i> †, applied to the reduction of Debt, was	3,921,150
Making the Total Supply	27,164,464
And the Total Expenditure for the year 1816, on account of Great Britain	66,857,894

Your Committee think it necessary, in this place, to refer to the result which, as far as relates to the diminution of Debt, was adverted to in a former part of this Report, upon a comparison of the actual Receipts and Issues at the Exchequer of Great Britain, within the year 1816; whereas upon the first view of the present Statement of the Income and Expenditure properly belonging to the year, it appears, that after deducting from the excess of the Expenditure beyond the Income, the sum included in that Expenditure for the reduction of funded and unfunded Debt, there still remains the sum of 2,920,777*l.* †, being an increase of Debt upon the whole, incurred for the service of Great Britain in the year, ended 5th Jan. 1817.

* Vide Disposition of Grants, Finance Accounts 1816, N°. VIII. p. 248.

† Unprovided Exchequer Bills	£ 260,000
Five per cent. 1797, paid off	217,832
Debentures, 1813, paid off	787,400
	£ 1,265,232

† Expenditure	£ 66,857,894
Income	51,296,469
	£ 15,561,425
Sinking Fund of Great Britain	11,375,416
Grant for Unprovided Exchequer Bills	260,000
5 per cent. 1797, paid off	217,832
Debentures, 1813	787,400
	£ 12,640,648
Increase of Debt	2,920,777
	£ 15,561,425

PARLIAMENTARY PAPERS.—PUBLIC INCOME AND EXPENDITURE. ▼

This apparent disagreement between the two results will, however, be removed, when it is considered that the first of these statements comprehends the receipt and application of various large sums, principally arising from the collection within the year 1816, of the War Taxes, which had been granted as a part of the provision for former years, and which were applied in the course of that year, to satisfy anticipations which had been made on the credit of those Taxes, or in discharge of other outstanding demands. Your Committee think it proper, likewise, to point out to the attention of the House, that as the Income and Expenditure, which they have stated as belonging more properly to the last year, also comprises many charges, as well as some resources, which arose out of the transactions of a former period, and will therefore not recur, the Balance of the Income and Expenditure so exhibited, could not, with propriety, be assumed as the criterion of the probable balance of future years; even independently of the peculiar circumstances affecting the Revenue of 1816.

INCOME OF IRELAND FOR 1816.

The net amount received into the Exchequer, from the Customs, Excise, Stamp Duties, and every other branch of Revenue and Income, was	£. 4,561,353
There was also paid into the Exchequer of Ireland, or remaining to be remitted on account of the Loan contracted for in England, in the year 1815	2,622,640
Making a total Receipt of	<u>7,183,993</u>

EXPENDITURE:

The Charge upon the Consolidated Fund, in respect of the Public Funded Debt of Ireland, in Ireland and Great Britain, including 2,438,124 <i>l.</i> , payable to the Commissioners for the reduction of the said Debt, was	£.6,446,826
For the Civil List and other permanent Parliamentary Charges	539,138
Making the total of Permanent Charges	<u>£. 6,985,964</u>
The Expenditure on account of the Services of the last or of former years, actually paid within the above period, was	3,075,561
	<u>10,061,525</u>
And there was remitted to England, and paid into the Exchequer, towards making good the proportion of Ireland of $\frac{2}{17}$ of the joint Expenditure	1,184,009
Making the total Issues	<u>11,245,534</u>

In following the course which Your Committee have taken, in stating the Income and Expenditure of *Great Britain*, they now propose to submit to the House an Account of the Income of *Ireland*, as more particularly applicable to the year 1816; although the account, when presented in this shape, will differ but little from the account of the actual Receipts and Payments from the Exchequer of Ireland within the year.

INCOME:

The total Revenue and Income of Ireland was, in the year ended the 6th of January 1817, as above stated	£. 4,561,353
---------------------------------------------------------------------------------------------------------	-----------------

EXPENDITURE:

The total permanent Charge upon the Consolidated Fund of Ireland, for the year ended 5th of January 1817, was, as before stated	6,985,964
The total amount of the Supply granted, and of the Expenses incurred on the joint account of Great Britain and Ireland for the year 1816, was 26,342,423 <i>l.</i> , of which $\frac{2}{17}$, the proportion of Ireland, was	3,099,108
The Supply granted or Expense defrayed, on the separate account of Ireland, was	193,978
Making the total Supply	<u>3,293,086</u>
And the total Expenditure for the year 1816, on account of Ireland	<u>10,279,050</u>

The results of these Statements, are, that the total Revenue and Income of Ireland for the year 1816, amounted to 4,561,353*l.*;—that the charges of her Debt, and other payments of a permanent nature, amounted to 6,985,964*l.*; that the supply for that year to be defrayed by Ireland, as above stated, was 3,293,086*l.*; making a total Expenditure of 10,279,050*l.*, of which the sum of 2,438,124*l.* was issued to the Commissioners for the Reduction of the National Debt of Ireland.

vi PARLIAMENTARY PAPERS.—PUBLIC INCOME AND EXPENDITURE.

The Exchequer of the two Countries having, from the 5th of January last, become united, and being now administered by one authority, Your Committee propose to take a view of the combined Receipt and Expenditure of the United Kingdom as more particularly applicable to the year ended 5th of January 1817, in order that the result of the actual Income and Expenditure of the two Countries thus united, may be before the House in one view, and may be compared with the Estimate of the probable future Income and Expenditure of the United Kingdom, in the years ending 5th of January 1818 and 5th of January 1819 respectively.

INCOME:

The total Income of Great Britain, applicable to the permanent Charges of that year, and to the Supplies granted for that period, was, as before stated	51,296,469
And of Ireland	4,561,353
Making a total Income of	55,857,822

EXPENDITURE:

The total Charge upon the Consolidated Fund in England was	£39,693,430
The Charge of the Debt of Ireland, and other payments of a permanent nature, was	6,985,964
Making the total permanent Charge of the United Kingdom	46,689,394
The total Supply of the two Countries, including the separate Charges of each, which have, from the 5th of January last, become joint charges, was	30,457,550
Making a total Expenditure	£77,146,944

Of which 15,078,772l. was on account of the reduction of Debt existing before the 5th of January 1816*.

ESTIMATED INCOME AND EXPENDITURE,

For the Years 1817 and 1818.

With a view to ascertain, so far as the subject admits, the measure of the deficiency produced in the receipts of the year 1816, your Committee called for an account from the principal departments of the Revenue, so framed as to exhibit the total produce in each of the last five years, of those duties only which have been in full collection throughout the whole of that period; whereby your Committee are enabled to present at one view a statement of the comparative productiveness of each branch of the Revenue, and of the whole together, in the year 1816, and for the four several years which preceded it.

The result of this comparison will shew, that the Revenue in the year 1816 was considerably less productive than in the year 1815; and that it was likewise deficient, though in a smaller degree, when compared with the average of the three years which preceded the year 1815. It will further be observed, that the receipt of the year 1815 was an extraordinary large one, and that the excess in that year in Great Britain so nearly counterbalances the deficiency in the year 1816, that the mean of those two years corresponds very closely with the average of the three preceding years:—a circumstance which your Committee point out to the attention of the House, as leading them to the foundation which they propose to assume for their Estimate of the probable produce of future years.

The following is the general Abstract of this comparison, deduced from the several Accounts.

GREAT BRITAIN:

YEARS . .	1812:	1813:	1814:	1815:	1816.
CUSTOMS . . .	9,109,723	8,743,841	8,859,830	9,390,434	7,742,415
EXCISE . . .	20,267,438	21,061,293	21,873,263	22,491,964	20,501,021
STAMPS . . .	5,075,670	5,340,712	5,598,574	5,499,352	5,464,976
ASSESSED and other TAXES }	6,618,232	6,714,688	6,817,104	6,568,119	6,404,717
POST-OFFICE .	1,222,000	1,203,000	1,262,000	1,325,810	1,189,830
£	42,293,043	43,063,534	44,410,773	45,275,579	41,302,959
Average of 1812, 1813, and 1814				Average of 1815 and 1816	
£43,255,796.				£43,289,269.	

* Great Britain 12,640,648
Ireland 2,438,124

£15,078,772

PARLIAMENTARY PAPERS.—PUBLIC INCOME AND EXPENDITURE. vii

IRELAND:

YEARS	1812:	1813:	1814:	1815:	1816.
	£	£	£	£	£
CUSTOMS	2,089,629	2,121,523	1,667,270	1,608,439	1,156,918
EXCISE and TAXES	1,491,408	1,365,140	1,540,228	1,495,627	1,160,901
STAMPS	446,336	477,503	457,754	508,291	498,291
POST-OFFICE . . .	86,000	96,000	89,000	79,500	78,000
(Irish currency)	4,113,373	4,060,166	3,754,252	3,691,857	2,894,110
	Average of 1812, 1813, and 1814			Average of 1815 and 1816	
	£3,975,930.			£3,292,983.	
AVERAGE OF THE THREE YEARS PRECEDING 1815:					
Great Britain					£ 43,255,796
Ireland	(3,975,930 Irish) . . .				3,670,090
					46,925,886
PRODUCE OF THE YEAR 1815:					
Great Britain					£45,275,579
Ireland	3,691,857 Irish				3,407,868
					48,683,447
Being more than the Average of the three former years					1,757,561
PRODUCE OF THE YEAR 1816:					
Great Britain					£41,302,959
Ireland	2,894,110 Irish				2,671,487
					43,974,446
Less than the Average of the three preceding years					2,951,440
Less than the year 1815					4,659,001
AVERAGE OF THE YEARS 1815 and 1816:					
Great Britain					£43,289,269
Ireland	3,292,983 Irish				3,039,677
					46,328,946
Corresponding nearly with the Average of the three years preceding.					

Your Committee being fully impressed with the belief, that the unfavourable returns of the Revenue in the year 1816, are essentially referable to the general distresses of the Country, are necessarily led to the conclusion, that according as these distresses may be removed by the recovery of trade and agriculture, from the shock occasioned by the sudden change in the money value of commodities, and in proportion as the industry of the labouring classes may receive relief from more extended or more productive employment, coupled with the blessing of a more favourable season than the last;—in the same proportion and degree may it be confidently expected, that the public Revenue of the Country will return to its average rate of productiveness.

They wish, however, to be clearly understood as not stating a confident opinion that the estimate thus framed, will be realized within the present year. For although they see, on the one hand, reason to expect that the receipts of the Exchequer may (when the change which they anticipate takes place) be swelled, in the first instance, somewhat beyond the actual increase of the consumption, by the replenishment in the hands of dealers, of the average stocks of their respective trades, which stocks your Committee have reason to believe have been greatly reduced; yet, considering how much of the year must elapse before the relief to be expected from the ensuing harvest can be felt, together with other circumstances which may operate to delay the expected improvement, they deem it safer to present a less sanguine view, and to assume, as will appear in the detailed statement which follows, that even with the aid of the arrears of the property-tax, to the amount of 2,800,000*l.*, the receipts of the present and the next year may not exceed the limits of their estimate.

Your Committee, proceeding upon this foundation, have therefore called for accounts from each branch of the Revenue, “of the total net produce paid into the Exchequer in the years 1815 and 1816, of the Taxes and Duties existing on the 5th January, 1817, shewing the average of the last two years; together with an addition by estimate, for the amount of any duties which may not have been in full operation during the whole of the two years,” the result of which is as follows:

viii PARLIAMENTARY PAPERS.—PUBLIC INCOME AND EXPENDITURE.

AN ESTIMATE OF THE FUTURE PRODUCE OF THE PUBLIC INCOME,

Distinguished under its several Heads, according to the Average Produce of the Years 1815 and 1816.

GREAT BRITAIN. IRELAND.

	£.	£.	
CUSTOMS L. 1.	9,340,657	1,725,939	
EXCISE L. 2 & 3.	22,591,364	2,864,898	
ASSESSED TAXES, &c., L. 5.	7,186,864		
STAMPS L. 4.	6,132,080	518,803	
POST-OFFICE L. 6.	1,485,500	78,750	
* SMALL BRANCHES of the REVENUE, and Miscellaneous Payments received at the Exchequer	245,000	200,000	
* Assumed to be nearly the same as in 1816.			
	46,931,465	5,388,390	Irish Currency.
		4,973,899	British.
		46,931,465	
TOTAL for the United Kingdom.		51,905,364	
To which must be added the probable produce of the Lottery, and the Sale of Naval Stores		600,000	
Making the Total probable Net Revenue applicable to the permanent Expenditure, or to the Service of the Year for the United Kingdom		<u>£52,505,364</u>	

In this statement your Committee have not inserted, for the reason above-mentioned, the sums remaining to be received upon the Assessments of the Property Tax, which will, however, come in aid of the Consolidated Fund in the present and the next year, or be otherwise applicable, according to the disposal of Parliament. The amount computed to have been outstanding under this head, on the 5th January, 1817, was 2,800,000.

Having thus estimated the probable Income, your Committee proceed to state the probable Expenditure in the years 1817 and 1818, which they propose to divide under the following heads :

PERMANENT CHARGES.

	1817.	1818.
	£.	£.
Interest and Management of the Public Debt of the United Kingdom, unredeemed	29,403,464	28,751,093
Sinking Fund, and Interest on Debt redeemed payable to the Commissioners for the redemption of the National Debt	14,134,443	14,724,614
Total charge for Account of the Funded Debt	43,537,907	43,475,707
Civil List of the United Kingdom	1,235,692	1,235,692
Pensions by special Acts of Parliament, Allowances, Expenses of the Mint, Courts of Justice, and other Miscellaneous Charges upon the Consolidated Fund	779,657	779,657
Interest upon Treasury Bills in Ireland charged upon the Consolidated Fund	265,831	23,654
Russian Loan in Holland	121,965	121,965
Making the whole of the Annual Charge upon the Consolidated Fund	<u>£45,940,452</u>	<u>45,636,675</u>

With these Charges upon the Consolidated Fund should be classed, as your Committee conceive, the Interest and Sinking Fund annually voted to defray the Charge of the Unfunded Debt. Having accordingly called for an estimate of the same, they find it to be for the present year, 1,900,000*l.* for the Interest, and 1,330,000*l.* for the Sinking Fund, making together 2,330,000*l.*, which Sum they therefore take as the probable amount in each of the two years because any diminution under this head, except so far as may be derived from a reduction of Interest, would occasion a nearly corresponding addition to the charge of the Funded Debt.

The next part of the Expenditure which your Committee have to consider, is the Supply annually granted for the Public Service, under the Heads of Army, Navy, Ordnance, and Miscellaneous Charges :—with respect to which your Committee have proceeded upon the Estimates for those several Services which are now before the House for the present year ;—and with respect to such Supplies as are not yet voted and do not usually come before the House by previous estimates, upon the information which they have received from the Chancellor of the Exchequer, one of the Members of your Committee. But as it is obvious that some of the expenses comprised in the estimates for the year 1817, will not recur in future

PARLIAMENTARY PAPERS.—PUBLIC INCOME AND EXPENDITURE. 12

years, and that others will gradually diminish (independently of any reductions which your Committee trust it may be found consistent with the Public Interest to make in the establishments which form the principal subjects of these Estimates) your Committee have called upon the several Departments to distinguish the Expenses which will terminate in the present year; and they now present their Estimate of the annual Supplies for the years 1817 and 1818, accordingly, as follows:

ARMY
NAVY
ORDNANCE
MISCELLANEOUS

1817.	1818:
9,080,000	8,500,000
7,646,000*	6,000,000
1,221,300	1,150,000
1,700,000	1,700,000
19,647,300	17,350,000
45,940,432	45,636,675
2,230,000	2,230,000
67,817,752	65,216,675

Add PERMANENT CHARGES
CHARGE of Unfunded Debt.

Your Committee are aware that there are Expenses not included in the Estimates for the present year, which must occur, if not in the next, some of them certainly, and others probably, in future years;—such as the charge of embodying and training the Regular Militia, in the Army Estimates; and the Grants for augmenting small Livings, and for building Churches, which have been postponed in the Miscellaneous Services of the present year: But they are induced to hope that reductions under other heads of our Establishments, equivalent to these Expenses, will be effected by the vigilant economy of the Government; and they therefore make no allowance for them in these statements.

It now only remains for them to compare the Income with the Expenditure, and to state the result.

The probable average Income in the years 1817 and 1818, according to the foregoing Estimate, is 52,505,364*l.*, which being deducted from the estimated totals of the Expenditure in each of those years, it would appear that there would remain to be provided by extraordinary resources, to make good the difference between the total Income and Expenditure, in the year 1817, 15,312,388*l.*;† and in the year 1818, 12,711,311*l.* independently of any addition to the annual charge, by reason of new debt which may be created in either of those years.

To this statement, your Committee have to add, that in the former of these years, the sums to be applied (forming part of the above general Expenditure) for the reduction of debt, is 14,515,473*l.*;‡ and, that in the latter, it may be estimated to be 15,104,111*l.*: §—by which it will appear, that in the latter year, the debt to be redeemed would exceed the debt to be probably incurred, by the sum of 2,392,808*l.*||

In addition to this surplus of Income applicable towards the diminution of the debt, your Committee feel warranted by the improved and apparently improving state of the Public Credit, and consequent increased value of the Public Securities, in directing the attention of the House to the probability of a reduction, at no distant period, of the interest on a part of the Funded Debt;—the result of which, besides the incidental encouragement which every description of productive industry and commercial enterprise could not fail to find, in the facility of borrowing upon advantageous terms, would be a very considerable saving in the permanent charge of the National Debt.

Your Committee do not think it necessary to submit any prospective calculations upon this subject; but if, by the continued blessings of Peace, and a system of persevering Economy, the Public Credit of the Country, aided by the uninterrupted operation of the Sinking Fund, should attain to the point at which it stood in 1792, your Committee observe with satisfaction, that a diminution of charge might be effected by the reduction of Interest alone, which would be an annual saving of between two and three Million sterling. Looking forward to this event, as the resource which promises the greatest and most substantial relief to our Finances, and feeling that in its attainment the Country would find at once the evidence of existing ease and the pledge of growing prosperity, Your Committee cannot better conclude this Report, than by expressing their anxious hope that nothing will arise either in the state of our foreign relations, or in the

* This Sum includes 1,200,000*l.* for reduction of Navy and Transport Debt, and 460,000*l.*, due to the East India Company, for Remp furnished to the Navy.

† Expenditure in 1817 . . . 67,817,752
Income 52,505,364

15,312,388

Expenditure in 1818 . . . 65,216,675
Income 52,505,364

12,711,311

‡ 1817: . . . \$ 1818
13,592,080 . . . 14,130,57
663,393 . . . 643,54
333,000 . . . 330,00

£ 14,515,473 15,104,11

|| Sinking Fund, 1818 15,104,11
12,711,31

£ 2,392,80

x **PARLIAMENTARY PAPERS.—IMPORTS AND EXPORTS.**

administration of the domestic concerns of the Empire, to call for exertions which tend to retard or disappoint the prospect of this most desirable Improvement. —5th June, 1817.

DEBT OF GREAT BRITAIN AND IRELAND.

The following official account has been published of the Unredeemed Funded Debt of Great Britain and Ireland, as they now form one joint consolidated National Debt, Interest, and Sinking Fund.

The Unredeemed Debt of Great Britain and Ireland	797,601,176	8	3½
The Sinking Fund purchased from 1st February to 1st August	9,461,657	0	0
The Sinking Fund for the Debt payable in England was, on the 1st August, per annum	13,844,434	13	1½
The Annual Charge for the Debt, including the Sinking Fund, was	44,093,440	9	¼

SUM DUE FROM AUSTRIA.

The following is an account of the Sum due to Great Britain from Austria on account of Loans made to that Government in the years 1795 and 1797; together with the amount of Dividends upon them, which have been advanced by Great Britain, in consequence of the non-payment by Austria; and the amount of the Interest at 5l. per Cent. upon such Dividend:

Sum due on Account of Loan raised in the Year 1795	£4,600,000	0	0
Ditto, Ditto, 1797	1,620,000	0	0
Amount of Loans	6,220,000	0	0
Amount of Dividends which have been advanced by Great Britain on the above Loans, in consequence of the non-payment by Austria, to 5th Jan. 1817	£8,901,560	5	0
Amount of the Interest at 5l. per Cent. on such Dividends, to 5th Jan. 1817	4,241,313	0	0
	13,142,873	5	0
	£19,362,875	5	0

N. B. All the Charges on the first Loan were paid by the Emperor of Germany to the 1st day of May, 1797; from which period the Charges have been paid by Great Britain. S. R. LUSHINGTON.
Whitehall Treasury Chambers, 21st June, 1817.

IMPORTS AND EXPORTS.

An Account of the Official Value of all Imports into, and of all Exports from, Great Britain.

Years.	Official Value of Imports.	Official Value of Exports.			Declared Value of British and Irish Produce and Manufactures Exported.
		British and Irish Produce and Manufactures.	Foreign and Colonial Merchandize	Total Exports.	
1814 .	£36,559,789	£36,092,167	£20,499,317	£56,591,514	£47,851,453
1815 .	35,989,650	44,053,455	16,930,429	60,983,894	53,217,445
1816 .	30,106,818	36,714,534	14,545,933	51,260,467	42,942,951

The declared Value of Cotton Manufactures exported from Great Britain in the Year ending 5th January, 1815, was, 17,393,706*l.* In the Year ending 5th January, 1816—19,127,266*l.* In the Year ending 5th January, 1817—13,078,794*l.*

The declared Value of Cotton Yarn exported in the Year ending 5th January, 1815, was 2,907,276*l.* In the Year ending 5th January, 1816—1,781,077*l.* In the year ending 5th January, 1817—2,707,385*l.*

The total Quantity of Foreign Linen Yarn imported into Great Britain, in the Year ending 5th January, 1815, was 45,926 *cwt.* 2 *qrs.* 17 *lbs.* In 1816—41,196 *cwt.* 11 *lbs.* In 1817—9,691 *cwt.* 3 *qrs.* 7 *lbs.*

The Quantity of Irish Linens imported into England in the Year ending the 5th January, 1817, was 41,204,854 Yards; of which 32,603,032 Yards were retained for Home Consumption.

The declared Value of Woollen Manufactures exported from Great Britain, in the Year ending 5th January, 1815, was 7,569,507*l.* In the Year ending 5th January, 1816—10,193,334*l.* In the Year ending 5th January, 1817—8,404,481*l.*

The Quantity of Sheep and Lambs' Wool imported into Great Britain, in the Year ending the 5th January, 1817, was 8,117,864 *lbs.*

The Quantity of Raw Silk imported into Great Britain for the Year ending the 5th January, 1817, was—of Bengal, 764,663 *lb.*; official value, 280,376*l.* 8*s.* 8*d.*—of China, 88,987 *lb.*; official value, 32,628*l.* 11*s.* 4*d.*—of all other sorts, 92,142*lb.*; official value, 52,213*l.* 16*s.*—of thrown Silk, 192,130*lb.*; official value, 230,589*l.* 12*s.*

The Quantity of Raw Silk exported from Great Britain for the Year ending the 5th January, 1817, was—of Bengal, 268,897*lb.*; official value, 174,783*l.* 1*s.*—of China, 13,455 *lb.*; official value, 8,745*l.* 15*s.*—of all other sorts, 17,902 *lb.*; official value, 14,321*l.* 12*s.*—of thrown Silk, 51,567 *lb.*; official value, 77,359*l.* 10*s.*

The gross amount of Duties on Silk imported in the Year ending the 5th January, 1817, was—on Raw Silk, 198,587*l.* 14*s.* 4*d.*—on thrown Silk, 141,998*l.* 6*s.* 1*d.*

The total official Value of British manufactured Silk Goods, exported from Great Britain in the Year ending the 5th January, 1817, was 190,868*l.* 18*s.*

Cotton, Linen and Woollen Manufactures.

POLES.

Flax.	The Quantity of undressed Flax imported into Great Britain, in the Year ending the 5th January, 1817, was, in British Ships, 195 620 cwt. 1 qr. 16 lbs.—in Foreign Ships, 16,999 cwt. 8 lbs. Total 212,619 cwt. 1 qr. 24 lbs. The Quantity of dressed Flax imported was, in British Ships, none; in Foreign Ships, 13 lbs.*
Wines.	The Quantity of Cape Wine imported into Great Britain, in the Year ending the 5th January, 1815, was, 349 tuns, 3 h. 55 galls. In 1816—1,512 tuns, 1 h. 4 galls. In 1817—1,631 tuns, 2 h. 21 galls.
Spirits.	The number of Gallons of Spirits imported into England, in the Year ending the 5th April, 1815, was—from Scotland, 1,748,351.—From Ireland, 428,933.—From other places, 8,332,776.—Total, 10,510,060.—Exported from England, 3,454,768. Imported, in the Year ending the 5th April, 1816, from Scotland, 1,360,380.—From Ireland, 283,621.—From other places, 7,966,052.—Total, 9,610,053. Exported, 3,260,028. Imported, in the Year ending the 5th April, 1817—from Scotland, 1,262 539.—From Ireland, 20,069.—From other places, 5,240,436.—Total, 6,523,044.—Exported 2,733,007.

West Indies.	Official Value of the Trade between Great Britain and the West Indies.						
	Years.	Imports from the West Indies.	Exports to the West Indies.	Entered Inwards.		Cleared Outwards.	
				Ships.	Tons.	Ships.	Tons.
	1814	8,200,506	6,284,553	685	212,776	663	209,519
	1815	8,371,193	6,862,371	701	223,246	710	225,961
	1816	7,423,617	4,559,665	680	219,042	637	198,133

IRELAND.

The total official value of British Produce and Manufactures exported from Great Britain to Ireland in the year ending 5th January 1815, was	£.	s.	d.
In the year 1816,	4,265,831	2	8
And in the year 1817,	3,557,873	10	10
	3,025,527	1	9
The declared value of the said Exports was:—			
On the 5th of January, 1815,	£.	s.	d.
Ditto 1816,	4,412,015	11	1
Ditto 1817,	3,555,563	18	8
	2,623,016	12	10

* The following is the Report of the Select Committee on Flax. (See pages 1059, 1245 (Mr. Curwen's Speech) and 1252.) "Your Committee, have considered the Petition of Messrs. Hill and Bundy, on their improved method of preparing Flax and Hemp, in a dry state, from the stem, without undergoing the former process of water-steeping or dew-rotting.—Your Committee received satisfactory proof, that the preparing Flax and Hemp, in a dry state, for Spinning, answered most completely, and was likely to prove a great and valuable improvement both to the grower and manufacturer; the cost of preparing being less; avoiding the risk of steeping, which is considerable; a great saving also in time and material.—It was proved also to your Committee, that the strength and quality of Cloth manufactured from Flax thus prepared, are much superior to that produced from Flax which has been water-steeped or dew-rotted.—Your Committee are fully impressed with the great national advantages likely to result from this discovery, by which it would appear, that a saving in the proportion of ninety to thirty-three would be obtained on the annual growth of Flax in the Empire, computed at 120,000 Acres, affording an increase of employment to many thousands, and an augmentation of the national wealth to the amount of many millions, as will more fully appear by reference to the evidence in corroboration of the allegations set forth by the said Petitioners.—It appeared also in evidence before your Committee, that the Flax prepared by Messrs. Hill and Bundy's Machines, was superior to any dew-rotted Flax; and that large orders had already been given for Flax thus prepared by the house of Messrs. Benyon and Co. at Leeds, one of the most considerable manufacturers of Flax in the Kingdom.—Your Committee proceeded also to the consideration of the Petition of James Lee, but did not feel themselves competent to go into any examination of the allegations stating an infringement of Mr. Lee's Patent. As far as the evidence before the Committee was adduced, it did not seem to justify such an assumption. This, however, is a question for a Court of Law.—Evidence on the part of Mr. Lee was produced to your Committee, to shew Mr. Lee's Machines were in use in various Workhouses in different parts of the Kingdom; that Mr. Lee's manner of preparing Flax was without water-steeping or dew-rotting; and affords additional proof of the great advantages of the practice.—Your Committee must also call the attention of the House to the essential benefit that will be derived to the Cultivators of Flax, from the quantity of valuable Food for Cattle obtained from the new method of preparing Flax. It has been given in proof, that the Boon or outer Coat of Flax, contains one-sixth of the Gluten of Oats.

PARLIAMENTARY PAPERS.—BANK OF ENGLAND.

The following statement of the reduced demand in Ireland, in the last three years, for eleven principal Articles of British Manufacture, is referred to in the Debate on the Irish Finances, page 1112.

	1813.	1814.	1815.	1816.
	£	£	£	£
Blankets	18,800 . .	13,500 . .	6,360 . .	3,367
Carpets	22,400 . .	14,000 . .	7,800 . .	5,496
Cottons	201,000 . .	139,000 . .	137,000 . .	90,808
Woollens	2,057,000 . .	1,521,000 . .	837,000 . .	605,000
Earthen Ware	106,000 . .	88,000 . .	67,000 . .	56,000
Haberdashery	166,000 . .	143,000 . .	111,000 . .	79,000
Hats	94,000 . .	72,000 . .	45,000 . .	27,000
Hides tanned and untanned	216,000 . .	84,000 . .	66,000 . .	49,000
Hosiery	74,000 . .	50,000 . .	48,000 . .	33,000
Wrought Iron and Hardware	343,000 . .	296,000 . .	238,000 . .	173,000
Cotton Yarn and Twist	126,000 . .	71,000 . .	47,000 . .	40,759
	<u>3,424,200</u>	<u>2,491,500</u>	<u>1,610,160</u>	<u>1,162,430</u>

The official value is far below the real value, as in the article of Woollens, one kind is rated at 2s. 6d. per yard, the other at 14s.

BANK OF ENGLAND.

1694:—5th and 6th *William III.* c. 20. The Charter of the Bank of England was granted in pursuance and under the authority of this Act; redeemable upon the expiration of 12 months, notice to be given after the 1st of August 1705, and on payment by the Public to the Bank of the demands in this Act specified.

1697:—By the 8th and 9th *William III.* c. 20. The said Charter was extended or renewed, until the expiration of 12 months, notice to be given after the 1st of August 1710, and until payment by the Public to the Bank of the demands therein specified; being an extension or renewal for 5 years.

1708:—By the 7th *Ann.* c. 7. The said Charter was extended or renewed, until the expiration of 12 months, notice to be given after the 1st of August 1732, and until payment by the Public to the Bank of the demands therein specified; being an extension or renewal for 22 years.

1713:—By the 12th *Ann.* stat. 1. c. 11. The said Charter was extended or renewed, until the expiration of 12 months, notice to be given after the 1st of August 1742, and until payment by the Public to the Bank of the demands therein specified; being an extension or renewal of the said Charter for 10 years.

1742:—By the 15th *Geo. II.* c. 13. The said Charter was extended or renewed, until the expiration of 12 months, notice to be given after the 1st of August 1764, and until payment by the Public to the Bank of the demands in this Act specified; being an extension or renewal of the said Charter for 22 years.

1764:—By the 4th *Geo. III.* c. 25. The said Charter was extended or renewed, until the expiration of 12 months, notice to be given after the 1st of August 1786, and until payment by the Public to the Bank of the demands therein specified; being an extension or renewal of the said Charter for 22 years.

1781:—By the 21st *Geo. III.* c. 60. The said Charter was extended or renewed, until the expiration of 12 months, notice to be given after the 1st of August 1812, and until payment by the Public to the Bank of the demands therein specified; being an extension or renewal of the said Charter for 26 years.

1800:—By the 40th *Geo. III.* c. 28. The said Charter was extended or renewed, until the expiration of 12 months, notice to be given after the 1st of August 1833, and until payment by the Public to the Bank of the demands therein mentioned; being an extension or renewal of the said Charter for 21 years.

HIGHEST AGGREGATE AMOUNT

Of Bank Notes in circulation from 1st January, 1816, to 1st January 1817, both inclusive.

16th July 1816.

Bank Notes of £5 and upwards	18,354,470	14,067,840
Bank Post Bills	1,360,890	1,002,560
Bank Notes under £5	9,321,560	8,977,930
	<u>29,036,920</u>	<u>24,048,330</u>

LOWEST AGGREGATE AMOUNT

Of Bank Notes in circulation from 1st January, 1816, to 1st January 1817, both inclusive.

8th January 1816.

Bank Notes of £5 and upwards	18,354,470	14,067,840
Bank Post Bills	1,360,890	1,002,560
Bank Notes under £5	9,321,560	8,977,930
	<u>29,036,920</u>	<u>24,048,330</u>

HIGHEST AMOUNT

Of each separate kind of Notes, at any one time, from 1st of Jan. 1816, to 1st of Jan. 1817, both inclusive.

Bank Notes of 5l. and upwards, } 18,558,260	9th July, 1816
Bank Post Bills, 27th July 1816	1,461,760
Bank Notes under 5l., 27th July 1816	9,430,360

LOWEST AMOUNT

Of each separate kind of Notes, at any one time, from 1st of Jan. 1816, to 1st of Jan. 1817, both inclusive.

January 8th	14,067,840
— 2d	988,470
December 19th	8,242,370

PARLIAMENTARY PAPERS.—BANK OF ENGLAND.

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ALLOWANCES made by the Public to the Bank, or charged by the Bank against the Public—exclusive of the Charge for the Management of the Public Debt—for transacting any Public Service in the year 1816; describing the Nature of the Services, and the Amount charged thereon in the said Year, and including the sum of 5,898*l.* 3*s.* 5*d.* paid to the Bank under the denomination of Charges of Management. (Return made 10th February, 1817.)

CHARGE for receiving Contributions on two Lotteries for the Service of the Year 1815, at the rate of 1000 <i>l.</i> per contract	<i>£.</i>	<i>s.</i>	<i>d.</i>
Ditto, ditto on two Lotteries for the Service of the Year 1816, at ditto	1000	0	0
Ditto, ditto on the Profits arising from Property, Professions, Trades, and Offices, for the Service of the Year ending the 5th of April, 1816; at the rate of 1250 <i>l.</i> per Million	3874	16	10
CHARGES of Management, being part of an entire Yearly Fund of 100,000 <i>l.</i> enjoyed by the Governor and Company of the Bank of England, originally by the Act of the 5th and 6th of William and Mary, cap. 20, confirmed to the said Governor and Company by several subsequent Acts, and lastly by the Acts of the 39th and 40th Geo. III. cap. 28; as per Return made to the Honourable House of Commons on the 21st of June, 1816	4000	0	0
CHARGES of Management on 4,000,000 <i>l.</i> South Sea Stock, purchased by the Governor and Company of the Bank of England of the South Sea Company, and transferred by them to the said Governor and Company, in pursuance of the Act of the 8th Geo. III. cap. 21, and which Charges of Management were assigned by the said South Sea Company to the said Governor and Company, out of a Sum of 9397 <i>l.</i> 9 <i>s.</i> 6 <i>d.</i> per annum, then paid by the Public to the said South Sea Company, for Charges of Management on their Funds	1898	3	5
	11,773	0	3

AMOUNT paid, or payable to the Bank, as a Commission or Charge for the Management of the Public Debt, within one year, ending the 1st of May, 1817, including the Sum of 1898*l.* 3*s.* 5*d.* for the Charge of Management of Four Millions, now forming a part of the Capital of the Bank, lent to the Government; stating the respective Rates per Million payable to the Bank, as a Commission for the Management of the several portions of the Public Debt. (Return made July 1, 1817.)

CHARGE for Management of the unredeemed Public Debt for One Year, ending the 5th of April, 1817 (as it stood on the 5th of April, 1816; being the annual period at which the Accounts are made up, as directed by the Act 48 Geo. III. cap. 4.) viz. at the rate of 340 <i>l.</i> per Million on 600,000,000 <i>l.</i> , and at the rate of 300 <i>l.</i> per Million on 201,083,002 <i>l.</i> 14 <i>s.</i> 4 <i>d.</i>	<i>£.</i>	<i>s.</i>	<i>d.</i>
Ditto for ditto, ending ditto, at the rate of 340 <i>l.</i> per Million on 2,959,989 <i>l.</i> 3 <i>l.</i> per Cent. Annuities (as it stood on the 5th of April, 1816), transferred to the Commissioners for the Reduction of the National Debt, for the purchase of Life Annuities, per Act 48 Geo. III. cap. 142, and subsequent Acts	264,324	18	0
Ditto for ditto, ending ditto, at the rate of 300 <i>l.</i> per Million on 3,672,185 <i>l.</i> 3 <i>l.</i> per Cent. Annuities, being the unredeemed part of the Loan raised for the Service of the East India Company (as it stood on the 5th of April, 1816), per Act 52 Geo. III. cap. 135; received of the said East India Company	1006	7	11
Ditto for ditto, for Six Months, ending the 25th September, 1816, at the rate of 450 <i>l.</i> per Million, on 1,729,303 <i>l.</i> 12 <i>s.</i> 2 <i>d.</i> Irish 5 <i>l.</i> per Cent. Debentures, and 5 <i>l.</i> per Cent. Annuities	1101	13	1
Ditto for ditto, for Six Months, ending the 25th of March, 1817, at the rate of 450 <i>l.</i> per Million, on 1,724,486 <i>l.</i> 19 <i>s.</i> 6 <i>d.</i> Irish 5 <i>l.</i> per Cent. Debentures, and 5 <i>l.</i> per Cent. Annuities, received of Messrs. Puget, Bainbridge, and Co. on account of the Government of Ireland	389	1	10
Ditto for Management on 4,000,000 <i>l.</i> South Sea Stock, which allowance for Management (together with the above-mentioned 4,000,000 <i>l.</i> South Sea Stock) was purchased of the South Sea Company by the Governor and Company of the Bank of England, for 4,200,000 <i>l.</i> ; being at the rate of 474 <i>l.</i> 10 <i>s.</i> 10 <i>d.</i> per Million	388	0	2
	1,898	3	5
	£.269,108	4	5

NEW SILVER COIN.

The Consignments of the New Silver Coin from the Mint were—to England and Wales, (including Guernsey and Jersey), 1,790,505*l.* 2*s.* To Scotland, 433,800*l.* To the London Stations 160,400*l.* To the London Bankers, 72,000*l.* To the Bank of England, (including the old Coin previously sent for experiments), 415,755*l.*

The Expenses of the New Silver Coinage were, 5,277,625*l.* 11*s.* 1*d.* The produce, 4,776,633*l.* 10*s.* 5*d.* The Loss, therefore, was, 500,992*l.* 0*s.* 8*d.*

ARMY.

NAVY.

The effective strength of the British Army at home and abroad, exclusive of artillery, on the 25th April, 1817, was as follows:—

Officers	7,623
Serjeants	8,811
Trumpeters or drummers	3,561
Farriers	338
Rank and file	154,699

Total 155,032

The total of the artillery was 11,833

Making the grand total of the army 166,865

In the above statement the Cape of Good Hope regiment, the Ceylonese regiments, and black pioneers, are not included, as they are paid by the colonies in which they are serving. These troops consist of 201 officers, 239 serjeants, 86 drummers, and 3,854 rank and file*.

* The following is an extract of a letter addressed from the Horse Guards, some time since, to the Colonels of the Army, and which, although marked "*Confidential*," there can be no impropriety in giving to the public, recommending, as it does, a line of conduct so agreeable to humanity and judgment:—

"The Commander-in-Chief is confident that the Officers of the Army are universally actuated by a spirit of justice, and impressed with those sentiments of kindness and regard towards their men, which they on so many occasions have proved themselves to deserve; but his Royal Highness has reason to apprehend, that in many instances sufficient attention has not been paid to the prevention of crimes. The timely interference of the officer, his personal intercourse and acquaintance with his men, (which attentions are sure to be repaid by the soldier's confidence and attachment), and above all his personal example, are the only efficacious means of preventing military offences; and the Commander-in-Chief has no hesitation in declaring, that the maintenance of strict discipline *without severity of punishment*, and the support and encouragement of an ardent military spirit in a corps, without licentiousness, are the criteria by which his Royal Highness will be very much guided in forming an opinion of the talents, abilities, and merit of the officers to whom the command of the different regiments and corps of the army are confided. (Signed) H. CALVERT."

CLERGY.

The following is the substance of the Diocesan returns for the year 1815.

RESIDENT INCUMBENTS.

In the Parsonage-house	3,267
In or close to the parish	2,561
Alternately on one or other of his preferments	19

5,847

† Non-RESIDENT INCUMBENTS
Sinecures and Dignities not requiring residence

3,856

Vacancies

52

Sequestrations

164

Recent Institutions

40

Dilapidated Churches

87

Held by Bishops

32

No return

22

Miscellaneous, including insane, confined for debt, prisoners abroad, donatives, refusing to make return, impropriations, appropriations, &c.

279

Miscellaneous, including insane, confined for debt, prisoners abroad, donatives, refusing to make return, impropriations, appropriations, &c.

122

798

Total number of BENEFICES 10,501

Number of Ships and Vessels of War in Commission.

1st February, 1797 459, and 39 stationary ships.

1813 535, and 67 hired cutters, troopships, and stationary ships.

1815 403, and 33 troopships, and stationary ships.

1817 110, and 75 revenue cruisers, troop ships, and stationary ships.

According to the Irish Diocesan returns for the year 1813, there were

RESIDENT INCUMBENTS 735

Non-RESIDENT, by exemption 175

— by permission or licence, (including 25, for want of house or glebe) 131

— without statement of permission or licence, (including 65 for want of house or glebe) 187

Miscellaneous (including vacancies, no church, no Protestant, returns defective, appropriations, chaplains to garrisons) 49

542

Total number of BENEFICES 1,275

† The following is an abstract of a return made to the House of Commons, on the 13th June, 1817, of the number of Benefices on which there is no Clerical Residence on account of the want, or unfitness, of the Parsonage House: distinguishing those of the Annual Value of, and from, 10*l.* to 20*l.*; from 20*l.* to 30*l.*; from 30*l.* to 40*l.* &c. &c. to the amount of 150*l.*: also distinguishing those of the Annual Value of 150*l.* and upwards

10 <i>l.</i> & under 20 <i>l.</i>	20 <i>l.</i> & under 30 <i>l.</i>	30 <i>l.</i> & under 40 <i>l.</i>	40 <i>l.</i> & under 50 <i>l.</i>	50 <i>l.</i> & under 60 <i>l.</i>	60 <i>l.</i> & under 70 <i>l.</i>	70 <i>l.</i> & under 80 <i>l.</i>	80 <i>l.</i> & under 90 <i>l.</i>	90 <i>l.</i> & under 100 <i>l.</i>	100 <i>l.</i> & under 110 <i>l.</i>	110 <i>l.</i> & under 120 <i>l.</i>	120 <i>l.</i> & under 130 <i>l.</i>	130 <i>l.</i> & under 140 <i>l.</i>	140 <i>l.</i> & under 150 <i>l.</i>
10	23	63	85	82	94	77	85	91	93	79	107	91	72

1,057

150*l.* and upwards 793

Total 1,850

The REPORT of the NATIONAL VACCINE ESTABLISHMENT, for the Year 1816, addressed to Lord Viscount Sidmouth. (See pages 1350-1379.)

National Vaccine Establishment, Leicester Square, May 15, 1817.

MY LORD.—We have the honour to report to your lordship, that in the course of the last year, a considerable augmentation has occurred in the number of persons Vaccinated within the Bills of Mortality, by the Surgeons of this Establishment; the amount at the ordinary and extraordinary stations having been 7,771; and 44,376 charges of Vaccine Lymph have been distributed from these stations. We have also to report from the Statements of our extraordinary and corresponding Vaccinators, that 47,874 persons have been Vaccinated in various parts of the kingdom, 31,689 of whom are distinctly stated to have undergone Vaccination from January to December, 1816; of the remaining 16,185, a large proportion were Vaccinated during the year, but not all of them, as a few of our corresponding Vaccinators, in distant parts of the country, have made their reports to us for a succession of years collectively.

The Board has made a considerable addition to the number of extraordinary and corresponding Vaccinators in different parts of Great Britain and Ireland, and in the West Indies, by which means the benefits of Vaccination are extended under its immediate direction. A Diploma has been formed, by order of the Board, which we have conferred on all those gentlemen employed by us in Vaccination.

The great importance of affording to practitioners, at a distance from the Metropolis, the opportunity of an immediate and constant supply of Lymph, is strikingly apparent, from their inability to keep up such a regular succession of patients, as would at all times furnish them with it; and it is this Board principally which can supply the renewed demand.

In the case also of Small Pox breaking out in any particular district, it is of the utmost consequence that no time should be lost in procuring Vaccine Lymph, in order to stop the destructive ravages of that disease: to forward so desirable an object, the utmost facility is afforded by this Board.

As a proof of the progress of Vaccination in this country, the Board has to notice the establishment of a Royal Vaccine Institution in the counties of Bucks, Berks, and Somerset. Vaccination is also regularly practised at several Provincial Hospitals and Dispensaries.

We have the pleasure of again acknowledging the obligations we owe to several disinterested individuals, particularly to the Reverend Mr. Reid, of Leckhamstead, Bucks, who continues to support the cause with so much zeal, that there remains scarcely an individual in his neighbourhood, who has not undergone Vaccination.

In the Report made by the Board in the last Session, it was stated, that no instance of Small Pox had occurred at Aberystwith, or at Pawtry. We have the additional satisfaction to state, that at East Dereham that disease has not been known for many years. At Kingston in Surrey, and its neighbourhood, it has not made any progress for eleven years. We have a letter from Slaithwaite, near Huddersfield, stating that that neighbourhood has been kept entirely free from Small Pox for nine years past; and from Newtown, Llanavaddy, (Londonderry,) we have information, that it is rarely heard of in that part of the country.

It may not be unworthy of remark, that in the Second Weekly Bill of Mortality for September last, not a death is mentioned as having been occasioned by the Small Pox,—a circumstance which has not happened for two centuries: though we have even now to lament, that the number of deaths by that disease, within the Bills of Mortality during the last year, amounts to 653.

We feel it our duty to state that, in the town of Ulverston, during the spring of last year, various instances occurred of patients having had the Small Pox after they had been Vaccinated; for the most part, however, it was that mitigated form of the disease which marks the previous Vaccination: in all the cases it was mild, and in no instance fatal. The occurrence of these failures was confined to a very limited district; and as such events have since ceased, although great numbers of other individuals, previously Vaccinated, were exposed to the viruluous contagion, we are of opinion, that the failures were owing to the employment of Lymph in succession from a vesicle, which had not gone through its stages with perfect regularity; and that even the imperfect Vaccine Vesicle thus produced, has very generally the power of rendering the human frame susceptible of none but the mitigated form of Small Pox. A few cases of similar failures have been reported, and most of these in London have been visited by the Director of this Establishment, who states them to have arisen from imperfect Vaccination.

That failures very rarely occur when Vaccination is well conducted, the registers from our different stations abundantly prove. The Summary at present is, that since the foundation of this Establishment in the year 1809, there have been Vaccinated in our Stations within the Bills of Mortality, 34,369 persons. Of which number it has hitherto been intimated that only 400 had the Small Pox; forming one failure in 8,592 cases. It is not improbable that, in the same number of persons, an equal or greater proportion might have had the Small Pox twice; and it should not be forgotten that when 34,369 persons were inoculated with the Small Pox, as the proportion of deaths in good practice amounted, by different estimates, to one in two or three hundred, between 114 and 171 persons would have perished, and the effects of the diseases with which many others would have been afflicted, as the consequence of the previous disease would have been most calamitous.

The intelligence with which we have been furnished from Foreign Countries, affords a very pleasing picture of the continued advances made in Vaccination.

From the Report of the Central Committee at Paris, it appears that in 72 Departments, 251,116 persons have been Vaccinated in the preceding year, constituting more than one-third of the births.

By the favour of Count Fernan Nunez, Ambassador from H. M. Catholic Majesty, letters have been received from Dr. Francisco Xavier de Balmis, the Court Physician at Madrid. A succinct account is given of the expedition of this enterprising Physician, who was deputed by his Sovereign, and disseminated the blessings of Vaccination through the whole of South America, by means of Vaccine Lymph, supplied from

England. He then embarked on the Pacific Ocean, sailed to the Philippine Islands, and returned by Canton and Madeira, having circumnavigated the Globe for the most benevolent purpose. He is now occupied in restoring the practice throughout Spain, where, owing to the late political events, it had fallen into neglect.

H. M. Faithful Majesty at the Brazils, has been pleased to transmit thanks to Mr. Edwards, a corresponding member of this Establishment, for introducing Vaccination into Rio de Janeiro, and a Vaccine Institution is founded by his Majesty in that city.

The Baron Von Fahrenberg has transmitted a review of the progress of Vaccination in the Grand Duchy of Baden, with Lymph, supplied by this Board. From this communication we learn that Vaccination is now established by law throughout the territories of the Grand Duke.

Governor Raffles has communicated that he successfully introduced Vaccination into Java, and that no essential prejudice opposes it in that country, where the native priests have become expert Vaccinators, and the lower orders are vaccinated as a measure of police.

From Canton, Dr. Alexander Pearson, Surgeon to the Factory of the East India Company, writes that Vaccination is very favourably received there, and is extended throughout the whole Province of Canton. He has sent us a Chinese Treatise on Vaccination, in the original, together with a Translation, by Sir George Staunton.

A second remarkable letter has also been received from the Government of Hayti, dated November 18, 1816.—“Le Roi à Monsieur James Moore, Directeur, &c.”—It expresses that the greatest success has attended Vaccination, with the Lymph supplied from this Board; and it states,—“Que la Vaccine est dans ce moment repandue dans le Royaume, et nous eprouvons déjà les precieux bienfaits qui en resultent; la Petite Vérole semble avoir fui de nos climats.”

It appears, then, that Vaccination is progressive in every part of the World, is approved of by all enlightened men, and encouraged by every Government. The inestimable advantages, however, thus held out, are unfortunately, in some degree, counteracted, even by some Medical Practitioners, who obstinately continue to inoculate, and sanction the exposure of their patients in public. And in some counties where the Medical gentlemen have actively opposed Inoculation, the mischief is widely extended by illiterate and itinerant Inoculators, who travel through the country, and for a trifling profit to themselves, diffuse the Varolious Infection.

Of such persons, repeated information has been transmitted to the Board, who have to regret their inability to inflict on them the punishment they deserve; we have, however, recommended to the parties complaining of such injurious practices, to adopt those legal remedies, which are, by means of the Prosecutions instituted by this Board, now known to exist for their suppression; and we have warned the aggressors that they subject themselves to be indicted for a Criminal Offence.

(Signed)—J. LATHAM, (President of the Royal College of Physicians)—WILLIAM NORRIS, (Master of the Royal College of Surgeons)—ARTHUR DANIEL STONE, GEORGE GILBERT CURREY, A. BAIN, JAMES TATTERSALL, (Censors of the Royal College of Physicians)—JAMES EARLE, P. CHANDLER, (Governors of the Royal College of Surgeons)—By Order of the Board, JAMES HERVEY, M. D. Registrar.

AN APPENDIX to the REPORT, contains the following Declaration :

In consequence of the reported failure of Vaccination in the parish of St. Osyth, (Essex), We, the under-mentioned Medical gentlemen, on the recommendation of the Rev. Archdeacon *Jefferson*, and the Overseers of the same parish, have fully and deliberately, this day, investigated the matter, and beg, for the satisfaction of the Public at large, to make the following Declaration :

We consider that the Small Pox has, in very few instances, supervened to Vaccination; but that in those instances, we are of opinion that Vaccination, most probably, had not been perfectly introduced into the system, owing simply to the nature and progress of the disease not having been at that time thoroughly understood.

In the remainder of the cases we have witnessed, we are of opinion, that although some cutaneous Eruptions had taken place, they were by no means decidedly Varolious, and if any of them did put on that appearance, they were of a mild and transient nature.

We therefore wish to Declare, that we shall feel anxious to continue to prosecute Vaccination, considering it one of the most valuable discoveries to Society.

JAMES MOORE, Esquire, Director of the National Vaccine Establishment, accompanied us during this investigation, and is precisely of the same opinion with us, and is to report the particulars to the Institution upon his return to London.

(Signed) GEORGE ROGERS, (of Mintree).—ROGER NUNN, (of Colchester).—MAURICE MASON, (of St. Osyth).—THOMAS OSMOND, (of Thorpe).—ROBERT MARTIN, (of St. Osyth).—St. Osyth, May 14, 1817.

Mr. Moore, in his Report on these cases states, that,—“The incidents were, in fact, not of a novel description, as examples have before been occasionally communicated to the Board, of some persons who had been Vaccinated according to the original method, being subsequently affected with the Small Pox, though usually in a very mitigated form. But such occurrences are most uncommon among those who have been Vaccinated according to the last improved plan of practice, promulgated by the Board. Some very rare instances of failures in Vaccinations, as exceptions to a general law, may, however, be expected, as long as the Small Pox is prevalent; since it has been fully ascertained that, when the air is strongly impregnated with the infectious vapour of the Small Pox, some of those who have once had this disease, are attacked a second time.”

“Upon the whole, it must be gratifying to the Board to find, that at St. Osyth, though some of the inhabitants had been Vaccinated by ladies, and others by an itinerant Quack, yet none died of Small Pox during this epidemic, except a portion of those who were not Vaccinated.”

AN ACCOUNT OF THE LAND TAX

Now assessed upon the several Counties in *England* and *Wales*, in respect of LAND; and also of the Amount of the same, which has been redeemed in each of the said Counties.

Counties.	Amount of Land Tax assessed on Lands in the Year ended 25th March, 1816.			Amount of Land Tax redeemed to the 25th March, 1816.		
	£.	s.	d.	£.	s.	d.
Bedford . . .	18,835	3	8½	9,591	1	—½
Berks . . .	21,991	15	2	18,261	12	4
Bucks . . .	25,993	19	1½	20,886	4	7½
Cambridge . . .	23,610	3	2½	8,875	17	4½
Chester . . .	19,725	3	10½	7,476	16	8½
Cornwall . . .	19,205	10	3½	11,241	6	2
Cumberland . . .	1,628	4	9	2,083	4	11½
Derby . . .	16,637	3	3	6,762	8	—½
Devon . . .	49,621	4	6½	28,062	1	—
Dorset . . .	22,404	13	5½	9,642	4	9
Durham . . .	5,037	10	11½	5,475	13	10½
Essex . . .	43,418	2	4½	45,353	14	5½
Gloucester . . .	27,081	19	4½	19,497	16	9½
Hereford . . .	13,147	13	1½	6,961	1	10½
Hertford . . .	22,401	4	6	19,375	2	9½
Huntingdon . . .	11,108	15	4½	4,200	8	1½
Kent . . .	38,887	—	3½	40,660	18	9½
Lancaster . . .	11,532	18	11½	7,758	12	11
Leicester . . .	21,636	10	7½	12,600	13	11
Lincoln . . .	52,356	14	5½	18,486	2	—½
Middlesex . . .	156,873	19	3½	72,440	6	10½
Monmouth . . .	6,661	3	11	2,927	15	6½
Norfolk . . .	63,505	2	6	18,493	4	7
Northampton . . .	32,450	—	5½	14,681	16	1½
Northumberland . . .	8,230	2	1	5,198	6	8
Nottingham . . .	17,689	13	11½	9,043	6	9½
Oxford . . .	24,147	4	10½	14,083	17	7½
Rutland . . .	4,271	10	9½	1,191	17	8½
Salop . . .	21,287	11	4½	7,622	12	3½
Somerset . . .	45,740	12	8	24,895	6	8½
Southampton . . .	25,046	10	2½	21,868	8	9½
Isle of Wight . . .	3,831	6	2½	2,042	9	9½
Stafford . . .	16,531	16	6	9,648	4	4½
Suffolk . . .	50,597	1	2½	21,919	5	3½
Surrey . . .	40,062	7	3	24,606	16	3
Sussex . . .	32,126	18	6½	26,378	9	5½
Warwick . . .	24,821	16	5½	14,642	1	4½
Westmorland . . .	1,282	7	7½	1,748	13	8½
Wilts . . .	32,207	6	8½	19,124	4	8
Worcester . . .	20,247	17	4½	12,345	1	7½
York . . .	45,101	10	10½	43,655	4	4
Anglesea . . .	1,088	17	2½	544	10	8½
Brecon . . .	2,058	5	7½	925	12	4½
Cardigan . . .	829	—	7	445	13	7
Carmarthen . . .	2,946	7	9	1,172	14	10½
Carnarvon . . .	1,731	18	9	605	7	10
Denbigh . . .	5,156	19	7½	1,608	1	11½
Flint . . .	1,539	13	10	734	11	—
Glamorgan . . .	5,978	3	10½	1,522	17	7½
Merioneth . . .	1,949	10	3½	483	5	6½
Montgomery . . .	4,796	4	7½	1,056	13	8½
Pembroke . . .	1,568	15	9	1,240	4	11½
Radnor . . .	1,861	7	2½	830	18	9½
Total	£1,170,420	17	5	682,981	6	

Abstract of the Net Produce of the Revenue of Great Britain, in the Years ending 10th Oct. 1816, and 10th Oct. 1817; distinguishing the Quarters:—and also, the Total Produce of the Consolidated Fund, the Annual Duties, and the War Taxes.

	QUARTERS ending				YEAR ending Oct. 10, 1816.
	Jan. 5, 1816.	April 5, 1816.	July 5, 1816.	Oct. 10, 1816.	
Customs	1,128,119	1,394,639	767,846	1,499,288	4,789,892
Excise	4,938,770	4,325,528	4,124,375	4,937,055	18,326,328
Stamps	1,516,378	1,520,536	1,500,414	1,487,447	6,024,775
Post Office	254,000	378,000	353,000	365,000	1,450,000
Assessed Taxes	2,521,343	726,909	2,207,659	714,270	6,170,181
Land Taxes	383,605	133,227	426,503	180,067	1,103,402
Miscellaneous	150,065	72,712	70,554	41,848	335,179
Unappropriated War Duties					
Total Consolidated Fund	10,992,280	8,551,551	9,450,951	9,224,975	38,219,757
Annual Duties to pay off Bills :					
Customs	583,081	39,143	524,691	958,540	2,105,455
Excise	344,520	7,654	90,752	98,641	541,547
Pensions, &c.	16				16
Total Annual Duties	927,617	46,797	613,423	1,057,181	2,647,018
Permanent and Annual Duties	11,919,897	8,598,348	10,066,374	10,282,153	40,866,775
WAR TAXES.					
Customs	769,469	517,659	490,151	31	1,777,310
Excise	1,823,300	1,067,266	1,354,616	1,259,533	5,504,715
Property	2,096,684	4,861,027	2,071,776	2,960,576	11,990,063
Total War Taxes	4,689,453	6,445,952	3,916,543	4,220,140	19,272,088
Total Net Revenue	16,609,550	15,044,300	13,982,917	14,502,296	60,138,863

	QUARTERS ending				YEAR ending Oct. 16, 1817.
	Jan. 5, 1817.	April 5, 1817.	July 5, 1817.	Oct. 10, 1817.	
Customs	1,317,381	1,719,314	831,853	1,880,180	5,748,728
Excise	4,484,440	3,819,211	3,831,360	4,025,209	16,160,220
Stamps	1,461,324	1,492,611	1,589,615	1,688,663	6,222,213
Post Office	330,000	342,000	323,000	354,000	1,349,000
Assessed Taxes	2,134,484	868,104	2,216,806	782,602	6,001,996
Land Taxes	238,132	154,550	464,664	190,502	1,197,848
Miscellaneous	56,085	98,595	62,160	76,799	293,639
Unappropriated War Duties	374,006	1,023,718	20,021	12,124	1,429,879
Total Consolidated Fund	10,545,852	9,518,105	6,339,489	9,010,079	38,413,523
Annual Duties to pay off Bills :					
Customs	870,827	192,932	877,760	1,241,770	3,183,339
Excise	537,097	13,279	83,727	124,584	558,787
Pensions, &c.	4,016				4,016
Total Annual Duties	1,211,940	206,261	961,487	1,366,454	3,746,142
Permanent and Annual Duties	11,757,792	9,724,364	10,300,976	10,376,533	42,159,665
WAR TAXES.					
Customs	525				525
Excise	786,639	809,565	779,647	739,943	3,109,814
Property	1,292,205		472,338	407,072	2,171,615
Total War Taxes	2,073,389	809,565	1,251,985	1,147,015	5,281,954
Total Net Revenue	13,831,181	10,533,929	11,552,961	11,523,548	47,441,619

The Irish and Portuguese payments for the interest on their respective debts, payable in England, are excluded from this statement; and the War Taxes appropriated to the interest of loans charged on them, are not included in the Consolidated Fund, but under the head of War Taxes, to the quarter ended 5th July, 1816, inclusive, from which period certain War Duties of Customs being made perpetual by Act 56 Geo. 3. cap. 29, are included under the head of Consolidated Customs*.

* EXPLANATION.—The following statement will more clearly shew the produce of the Revenue in the quarters ended on the 10th days of October, 1816, and 1817.

	1816.	1817.
CUSTOMS.		
Consolidated	£1,499,283	1,830,180
Annual Duties	958,540	1,241,770
War Duties	31
Total Customs	2,457,859	3,121,950
EXCISE.		
Consolidated	4,937,055	4,025,209
Annual Duties	98,641	124,684
War Taxes	1,259,533	739,943
Total Excise	6,295,229	4,889,836
Stamps	1,487,417	1,688,663
Post Office	363,000	354,000
Assessed Taxes	714,270	782,602
Property Tax	2,960,576	407,072
Land Taxes	180,067	190,502
Miscellaneous	41,848	76,799
Unappropriated War Duties	12,124
	14,502,296	11,523,548
	Oct. 10, 1816.	Oct. 10, 1817.
Amount of Revenue	£14,502,296	11,523,548
Deduct amount of War Duty on Malt	£517,000	
Ditto Property Tax	2,960,576	
	3,477,576	
	11,024,720	
Deduct Arrears of Property Tax and Malt Duty		419,072
		11,104,476
Net Revenue received in the Quarter ending Oct. 10, 1817		11,104,476
Ditto 1816		11,024,720
Increase as compared with 1816		79,756

By this account, then, it appears, that the increase in the Customs in the last quarter, as compared with the corresponding quarter, amounts to £664,091.

The Excise comparison presents a different result; but the cause is not likely to be permanent.

The Stamps in the two last quarters, particularly the last, afford an excess beyond the corresponding quarters.

The Post Office revenue has fallen off, but the last quarter is higher than either of the three preceding quarters.

The Assessed Taxes for the three last quarters exceed the same Taxes in the three corresponding quarters.

The Land Taxes are more productive in each of the four last quarters than in the four corresponding quarters.

The total of the Permanent and Annual Duties for the last four quarters exceeds the total of the four preceding quarters by above 1,200,000*l.* viz.:—

Total of 1816	£40,866,775
1817	42,159,665
Balance in favour of 1817	1,292,890

OFFICES ABOUT TO BE REGULATED, &c.

The total Consolidated Fund for the same period is, for 1816 . . .	£38,219,757
1817 . . .	38,413,523
Leaving an excess in favour of 1817, of . . .	193,766
The total War Taxes for 1816 were	£19,272,088
1817	5,281,954
Against 1817	13,990,134

But this falling-off is occasioned by the repeal of the War Excise Duty on Malt, and the Property Tax. Thus the difference between the whole produce of the Revenue for the year is as follows:—

It was in 1816	£60,138,863
1817	47,441,619

Difference 12,697,244

or 483,895*l.* more than the difference (*viz.* 12,213,349*l.*) between the produce of the War Excise Duty and the Property-tax in 1816 and 1817.

OFFICES ABOUT TO BE REGULATED OR ABOLISHED.

Among the Papers recently printed in pursuance of an order of the House of Commons, are official returns of the total number of persons holding situations or employments in certain offices in England, Scotland, and Ireland, about to be regulated or abolished, specifying the aggregate number to be employed in each office respectively, together with the authority under which they were appointed, and the amount of their respective salaries and emoluments, for the year ending the 5th of January, 1817. From those documents it appears, that the salaries of officers in England and Scotland are inconsiderable, compared with the incomes of clerks, and deputies of clerks, in Ireland. The following items are extracted from the official returns:—

PROTHONOTARY in the Court of Common Pleas:—The Hon. Thos. Knox and the Hon. Vesey Knox, by letters patent under the Great Seal of Ireland;

Amount arising from fees	£12,564 12 10½
Salary	7 10 0

Total a year £12,572 2 10½

DEPUTIES:—George Hill and Richard Hill, £3,812; John Clancy, £3,293. 1*l.* 1*s.* 1*d.*

PROTHONOTARY, CLERK OF THE RULES, &c. in the Court of King's Bench:—The Right Hon. Lord Henry Seymour Conway, and the Right Hon. Lord Robert Seymour Conway, appointed by letters patent under the Great Seal of Ireland;

Amount arising from fees	£10,210 10 11
Ditto as Filacer	698 13 6
Salary	7 10 0

£10,916 14 5

DEPUTIES.—Robert Hamilton, and Rowley Heyland, appointed by Deputation, under the hands and seals of the said patentees.—No salary.

Amount arising from fees	£4,505 5 4
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Net Annual Amount of each 2,252 12 8

Nine principal Clerks from £2,050 down to £500 a-year.

Patent Registrar of the Court of Chancery. Viscount Avonmore, appointed by patent for

life. Net annual emoluments, as far as can be made out £3,483 18 10

Auditor of the Exchequer in England a-year 4,000 0 0

Chief Clerk 1,300 0 0

Warden of the Cinque Ports, net annual salary 2,756 14 0

Clerk of the Parliaments 4,291 7 9

Clerk Assistant 2,900 19 5

Commissary General of Musters 2,286 11 7

Teller of the Exchequer, Marquis Camden 14,535 1 4

Principal Keeper of the Register of Sessions in Scotland 1,911 18 7

This is the only considerable salary in the Scotch offices mentioned in the returns. All the others are under 1,500*l.* a-year.

A List of all the Public (General) Acts passed in the Fifth Session of the Fifth Parliament of the United Kingdom of Great Britain and Ireland.—57 Geo. III. 1817.

IN framing this List, the Editor has arranged the Acts under different heads, according to the nature of the subject to which they relate. By this means, the Reader will be enabled to find any particular Statute he may want with greater facility. The figures placed at the end of each Act, denote the Chapter of that Act in the Statute Book. The whole number of Public General Acts passed during the Session amounted to 132; in addition to which there were also passed 64 Local and Personal Acts, declared public, and to be judicially noticed; 38 Private Acts, printed by the King's Printer, and whereof the printed Copies may be given in evidence; and 64 Private Acts, not printed.

The following are the heads under which the Public General Acts are here arranged:—

Army and Navy.	Husbandry.
Arrests.	Labourers.
Charity and Friendly Societies.	Landlord and Tenant.
Clergy.	Lunatics.
Colchester (Lord.)	Offices.
Colonies.	Paper.
County Rates—Clerks of the Peace.	Poor.
Courts of Law and Equity.	Preservation of the Peace.
Dollars and Tokens.	Prisons.
Dwelling Houses.	Punishments.
East India Company.	Recognizances.
Elections.	Revenue.
Extents in Aid.	Savings Banks.
Fairs.	Seditious Meetings.
Fisheries.	Sheriffs.
Frame-Breaking. (See Punishments.)	Smuggling.
Game.	Trinity.
Grand Juries.	Trade and Commerce.
Hackney Coaches.	Treason.

ARMY AND NAVY.

1. An Act to revive and make perpetual Two Acts, of the Thirty-seventh Year of his present Majesty, the one in the Parliament of *Great Britain*, and the other in the Parliament of *Ireland*, for the better Prevention and Punishment of Attempts to seduce Persons serving in his Majesty's Forces by Sea or Land from their Duty and Allegiance to his Majesty, or to incite them to Mutiny or Disobedience . . . 7
2. An Act for vesting all Estates and Property occupied for the Barrack Service in the Comptroller of the Barrack Department; and for granting certain Powers to the said Comptroller . . . 9
3. An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters . . . 12
4. An Act for the regulating of his Majesty's Royal Marine Forces while on Shore . . . 13
5. An Act for making further Regulations in respect to the Pay of the Officers of the Royal Navy, in certain cases therein mentioned . . . 20
6. An Act to regulate the Interests and Periods of Payment of Navy, Victualling, and Transport Bills . . . 30
7. An Act to reduce the Allowance of Spirits, Tea, and Tobacco for the Use of the Seamen on board certain Ships or Vessels making short Voyages . . . 33
8. An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters . . . 35
9. An Act to repeal Two Acts passed in the Forty-fourth and Fifty-fifth Years of his present Majesty,

- relating to the Office of the Agent-General, and for transferring the Duties of the said Office to the Offices of the Paymaster-General and Secretary at War . . . 41
10. An Act to allow Corps of Yeomanry or Volunteer Cavalry, when assembled for the Suppression of Riots or Tumults, to be quartered and billeted, and Officers on Half Pay to hold certain Commissions in such Corps, and to exempt Members in such Corps from serving the Office of Constable . . . 44
 11. An Act to empower his Majesty to suspend Training, and to regulate the Quotas of the Militia . . . 57
 12. An Act for extending the Provisions of an Act of the Fifty-fourth Year of his present Majesty, for regulating the Payment of Army Prize Money; and for authorizing the Commissioners of *Chelsea Hospital* to suspend the Pensions of such Persons as shall be guilty of Frauds in respect of Prize Money or Pensions . . . 77
 13. An Act for fixing the Rates of Subsistence to be paid to Innkeepers and others on quartering Soldiers . . . 78
 14. An Act to regulate the Administration of Oaths in certain Cases to Officers in his Majesty's Land and Sea Forces . . . 78
 15. An Act to defray the Charge of the Pay, Cloathing, and contingent Expenses of the disembodied Militia in *Great Britain*, and of the Miners of *Cornwall and Devon*; and for granting Allowances in certain cases to Subaltern Officers, Adjutants, Quarter-Masters, Surgeons' Mates, and Serjeant Majors of Militia, until the 25th day of March, 1818. . . 102
 16. An Act for defraying until the 25th day of

June, 1818, the Charge of the Pay and Cloathing of the Militia of *Ireland*; and for making Allowances in certain cases to Subaltern Officers, of the said Militia, during Peace 103

17. An Act to reduce the number of Sergeants, Corporals, and Drummers, in the Militia of *Ireland*, whilst disembodied 104

18. An Act to amend an Act of the 25th year of the reign of his present Majesty, for better regulating the office of Treasurer of his Majesty's Navy, as far as respects the mode of applications for certain services in the Victualling Department 112

19. An Act for authorizing the Executors or Administrators of deceased Navy Agents to receive Prize Money, Bounty Money, and other Allowances of Money upon Orders given to such deceased Agents. 118

20. An Act for regulating Payments to the Treasurer of the Navy, under the heads of Old Stores and Imprests. 121

21. An Act to settle the Share of Prize Money, Droits of Admiralty, and Bounty Money, payable to *Greenwich Hospital*, and for securing to the said Hospital all unclaimed Shares of Vessels found derelict and of Seizures for Breach of Revenue, Colonial, Navigation, and Slave Abduction Laws. 127

22. An Act to repeal, during the continuance of Peace, so much of an Act of the 9th year of his present Majesty, as prohibits the exportation of *Pig and Bar Iron*, and certain *Naval Stores*, unless the Pre-emption thereof be offered to the Commissioners of his Majesty's Navy. 17

ARRESTS.

23. An Act to continue an Act intitled 'An Act farther to extend and render more effectual certain Provisions of an Act passed in the 12th year of the reign of his late Majesty King George the First, intituled 'An Act to prevent frivolous and vexatious Arrests;' and of an Act passed in the 5th year of the reign of his Majesty King George the Second, to explain, amend, and render more effectual the said former Act; and of two Acts passed in the 19th and 43d years of the reign of his present Majesty, extending the Provisions of the said former Acts. 101

CHARITY AND FRIENDLY SOCIETIES.

24. An Act to extend certain Provisions of the Acts of the 36th and 52d years of the reign of his present Majesty to matters of Charity and Friendly Societies 39

CLERGY.

25. An Act to consolidate and amend the Laws relating to Spiritual Persons holding of Farms; and for enforcing the Residence of Spiritual Persons on their Benefices; and for the Support and Maintenance of Stipendiary Curates in England 99

26. An Act to renew the Powers of exonerating Small Livings and Charitable Institutions from the Land Tax, and for making further Provision for the Redemption of the Land Tax 100

COLCHESTER, (LORD.)

27. An Act for settling and securing Annuities on Lord Colchester, and the next Person to whom the title of Lord Colchester shall descend, in consideration of his eminent services. 47

COLONIES.

28. An Act to continue and extend the Provisions of an Act of the 49th year of his present Majesty, for regulating the Trade and Commerce to and from the *Cape of Good Hope*, until the 5th day of July, 1820; and also for regulating the Trade of the Island of *Mauritius*. 1

29. An Act to extend the Privileges of the Trade of *Malta* to the Port of *Gibraltar*. 4

30. An Act to extend the Powers of two Acts, for allowing *British* Plantation Sugar and Coffee, and other articles imported into *Bermuda* in *British* ships, to be exported to *America* in Foreign Vessels, and to permit articles, the produce of *America*, to be imported in the said Island, in Foreign Ships, to certain other articles. 28

31. An Act to extend to *Newfoundland* the Provisions of an Act passed in the 52d year of his present Majesty's reign, for permitting the Exportation of Wares, Goods, and Merchandise from any of his Majesty's Islands in the *West Indies* to any other of the said Islands, and to and from any of the *British* Colonies on the Continent of *America*, and the said Islands and Colonies. 29

32. An Act to revive and continue, until the 25th day of March, 1819, an Act made in the 44th year of his present Majesty, for permitting the Exportation of Salt from the Port of *Nassau*, in the Island of *New Providence*, the Port of *Exuma*, and the Port of *Crooked Island*, in the *Bahama Islands*, in *American* Ships coming in Ballast. 42

33. An Act to regulate the Celebration of Marriages in *Newfoundland*. 51

34. An Act to regulate the Vessels carrying Passengers from the United Kingdom, to certain of his Majesty's Colonies in *North America*. 10

35. An Act to extend several Acts for allowing the Importation and Exportation of certain Goods and Merchandise to *Porto Maria*, in the island of *Jamaica*, and to the Port of *Bridge Town* in the island of *Barbadoes*. 74

36. An Act to allow the Importation of Oranges and Lemons from the *Azores* and the *Madeiras* into the *British* Colonies in *North America*. 69

COUNTY RATES—CLERKS OF THE PEACE.

37. An Act to amend an Act of the last Session of Parliament, for the more easy Assessing of County Rates 94

38. An Act to enable Justices of the Peace to settle the Fees to be taken by the Clerks of the Peace of the respective Counties and other Divisions of *England and Wales*. 91

COURTS OF LAW AND EQUITY.

39. An Act to facilitate the Progress of Business in the Court of *King's Bench* in Westminster Hall. 11

40. An Act to facilitate the hearing and determining of Suits in Equity in his Majesty's Court of *Exchequer* at Westminster 18

DOLLARS AND TOKENS.

41. An Act to prevent the further circulation of Dollars and Tokens, issued by the Governor and Company of the Bank of *England*, for the convenience of the Public 113

42. An Act to prevent the issuing and circulating of Pieces of Copper or other Metal, usually called Tokens 46

DWELLING-HOUSES.

43. An Act for extending the Exemptions from the Duties granted by certain Acts of the 43d and 45th years of his present Majesty's reign, in Dwelling-Houses in *Scotland*; and for altering the manner of claiming and ascertaining the Exemptions to be granted 128

(See also Trade, No. 121.)

EAST INDIA COMPANY.

44. An Act to regulate the Trade to and from the Places within the Limits of the Charter of the East India Company, and certain Possessions of his Majesty in the *Mediterranean* 36

45. An Act to exempt the Territories within the Limits of the East India Company's Charter, from certain of the Navigation Laws 95

46. An Act to authorize the Court of Directors of the East India Company to make extraordinary Allowances, in certain cases, to the Owners of certain Ships in the service of the said Company 120

ELECTIONS.

47. An Act for the better Regulation of Polls, and for making other Provisions touching the Election of Members to serve in Parliament for Places in *Ireland* 131

EXTENTS IN AID.

48. An Act to regulate the issuing of Extents in Aid. 117

FAIRS.

49. An Act for the regulation of levying Tolls at Fairs, Markets, and Ports, in *Ireland* 108

FISHERIES.

50. An Act to continue until the 29th day of September, 1818, and to amend an Act passed in *Ireland* in the 36th year of his present Majesty, for the Improvement and Extension of the Fisheries on the Coasts of *Ireland* 69

(See also Poor.)

GAME.

51. An Act for the Prevention of Persons going by Night for the Destruction of Game; and for repealing an Act, made in the last Session of Parliament, relating to Rogues and Vagabonds 90

GRAND JURIES.

52. An Act to provide for the more deliberate Investigation of Presentments to be made by Grand Juries for Roads and Public Works in *Ireland*, and for accounting for Money raised by such Presentments 107

HACKNEY COACHES.

53. An Act to authorize the driving and keeping a Hackney Coach or Chariot under the same licence 125

HUSBANDRY.

54. An Act to explain and amend an Act of the 53d year of his present Majesty, relating to Tolls on Carriages used in Husbandry, and to remove Doubts as to Exemption of Carriages, not wholly laden with Manure, from payment of Toll 37

LABOURERS.

55. An Act to extend the Provisions of an Act of the 12th year of his late Majesty King *George the First*, and an Act of the 22d year of his late Majesty King *George the Second*, against payment of Labourers in Goods or by Truck, and to secure their Payment in the lawful Money of this Realm, to Labourers employed in the Manufacture of Articles made of Steel, or Steel and Iron combined, and of plated Articles, or of other Articles of Cutlery 115

56. An Act to extend the Provisions of an Act of the 12th year of his late Majesty King *George the First*, and an Act of the 22d year of his late Majesty King *George the Second*, against Payment of Labourers in Goods or by Truck, and to secure their Payment in the lawful Money of this Realm, to Labourers employed in the Collieries, or in the working and getting of Coal, in the United Kingdom of *Great Britain and Ireland*; and for extending the Provisions of the said Acts to *Scotland and Ireland* 122

LANDLORD AND TENANT.

57. An Act to alter an Act passed in the 11th year of the reign of King *George the Second*, for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants 52

58. An Act to regulate the Costs and Distresses levied for Payment of Small Rents. 93

LUNATICS.

59. An Act to provide for the Establishment of Asylums for the Lunatic Poor in *Ireland* 106

OFFICES.

60. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the 25th day of March, 1818; and to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors, to make and file the same on or before the 1st day of Hilary Term, 1818 14

61. An Act for the Continuation of all and every Person or Persons in any and every Office, Place, or Employment, Civil or Military, within the United Kingdom of *Great Britain and Ireland*, Dominion of *Wales*, Town of *Berwick-upon-Tweed*, Isles of *Jersey*, *Guernsey*, *Alderney*, *Sarke*, and *Man*, and also in all and every of his Majesty's Foreign Possessions, Colonies, or Plantations, which he or she shall hold, possess, or exercise during the Pleasure of the Crown, at the time of the death or demise of his present Majesty, until removed or discharged therefrom by the succeeding King or Queen of this Realm 45

62. An Act to regulate certain Offices in the Court of Exchequer in *England* 60
63. An Act to abolish the Offices of the Wardens, Chief Justices, and Justices in Eyre, North and South of *Trent* 61
64. An Act to abolish certain Offices, and to regulate certain other Offices, in *Ireland* 62
65. An Act to regulate the Offices of Clerks of the Signet and Privy Seal 63
66. An Act to abolish certain Offices, and regulate others, in *Scotland* 64
67. An Act to enable his Majesty to recompense the Services of Persons holding, or who have held, certain high and efficient Civil Offices 65
68. An Act to amend an Act of the 22nd year of his present Majesty, for suppressing or regulating certain Offices therein mentioned, so far as relates to the Board of Trade; and for enabling the Vice-President of the Board of Trade to send and receive Letters and Packets free from the Duty of Postage 66
69. An Act to regulate certain Offices, and abolish others, in his Majesty's Mints in *England* and *Scotland* respectively 67
70. An Act to regulate the Offices of his Majesty's Exchequer in *England* and *Ireland* respectively 84
71. An Act to abolish the Subsidy and Alnage of the Old and New Draperies, and of all Woollen Manufactures in *Ireland*; and to authorize the payment out of the Consolidated Fund of an Annual Sum to *John Lord de Blaquiere*, during the continuance of his Interest in the Office of Alnager 109

PAPER.

72. An Act to amend an Act of the 54th year of his present Majesty, to regulate the payment of Drawback on Paper allowed to the Universities in *Scotland*.* 76

POOR.

73. An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in *Great Britain*, in manner therein mentioned 34
74. An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor 124

PRESERVATION OF THE PEACE.

75. An Act to revive and continue for Two Years, and from thence until the end of the then next Session of Parliament, Two Acts made in the 47th and 50th. years of his present Majesty, for the preventing improper persons from having Arms in *Ireland* 21
76. An Act to amend two Acts of the 54th and 55th years of his Majesty's reign, to provide for the

better execution of the Laws in *Ireland*, by appointing superintending Magistrates and additional Constables in Counties in certain cases 22

77. An act to continue an Act made in the 54th year of his present Majesty's reign, intituled 'An Act to provide for the preserving and restoring of Peace in such parts of *Ireland* as may at any time be disturbed by Seditious Persons, or by Persons entering into unlawful Combinations or Conspiracies 50

78. An Act to continue, until the 15th day of June 1818, an Act of the 52d year of his present Majesty, for the more effectual Preservation of the Peace, by enforcing the Duties of Watching and Warding 38

PRISONS.

79. An Act to amend an Act of the 50th year of his present Majesty's reign, for repealing the several Laws relating to Prisons in *Ireland*, and for re-enacting such of the Provisions thereof as have been found usual, with amendments 71

PUNISHMENTS.

80. An Act for the more effectual Punishment of Murders and Manslaughters committed in Places not within his Majesty's Dominions 53
81. An Act to abolish the Punishment of Public Whipping on Female Offenders 75
82. An Act to repeal an Act, passed in the 54th year of his present Majesty, for the Punishment of Persons destroying Stocking or Lace Frames, and Articles in such Frames; and to make, until the 1st day of *August* 1820, other provisions in lieu thereof 126

RECOGNIZANCES.

83. An Act to amend the Laws in respect to forfeited Recognizances in *Ireland* 56

REVENUE.

84. An Act for raising the Sum of Twenty-Four Millions by Exchequer Bills, for the service of the year 1817 2
85. An Act for raising the sum of Eighteen Millions, by Exchequer Bills, for the service of the year 1817 16
86. An Act for raising the sum of Nine Millions, by Exchequer Bills, for the service of the year 1817 80
87. An Act for raising the sum of Three Millions Six Hundred Thousand Pounds *British* Currency, by Treasury Bills in *Ireland*, for the service of the year 1817 81
88. An Act for granting to his Majesty a Sum of Money to be raised by Lotteries 31
89. An Act for continuing to his Majesty certain Duties on Malt, Sugar, Tobacco, and Snuff, in *Great Britain*; and on Pensions, Offices, and Personal Estates, in *England*; and for receiving the contributions of Persons receiving Pensions and holding Offices: for the service of the Year 1817. 5
90. An Act to amend and render more effectual four several Acts passed in the 48th, 49th, 52d, and 56th Years of his present Majesty, for enabling the Commissioners for the Reduction of the National Debt, to grant Life Annuities 26
91. An Act to make further provision for the ad-

* By a return made to the House of Commons in March 1817, it appears, that the sums paid to the Printers of the *Scottish* Universities, as Drawback of Duty on Paper, during the last seven years, were as follow:—*Aberdeen*, 38*l.* 6*s.* 6*d.*—*Edinburgh*, 4,857*l.* 2*s.* 3*d.*—*Glasgow*, 477*l.* 13*s.*—*St. Andrews*, 122*l.* 8*s.* 1*d.*—Total 5,495*l.* 9*s.* 10*d.*

justment of the accounts of the Consolidated Fund of the United Kingdom, and for making good any occasional deficiency which may arise in the said Fund in *Great Britain* or *Ireland* respectively; and to direct the application of Monies by the Commissioners for the reduction of the National Debt . . . 48

92. An Act to permit the Transfer of Capital from certain Public Stocks or Funds in *Great Britain* to certain Public Stocks or Funds in *Ireland* . . . 79

93. An Act to amend an Act, made in the last Session of Parliament, for providing for the charge of certain additions to the Public Debt of *Ireland* . . . 83

94. An Act to continue an Act passed in *Ireland* in the 13th and 14th Years of his present Majesty, respecting certain Annuities, so long as the said Annuities shall be payable . . . 82

95. An Act for letting to Farm the Post Horse Duties, and for better securing and facilitating the recovery of the said Duties . . . 59

96. An Act for applying certain Monies therein mentioned for the service of the Year 1817, and for further appropriating the Supplies granted in this Session of Parliament . . . 132

97. An Act to alter and enlarge the Powers of an Act, passed in the 54th year of his present Majesty, intitled 'An Act for the further improvement of the Land Revenue of the Crown' . . . 24

98. An Act to enable the Commissioners of his Majesty's Woods, Forests, and Land Revenues, to make and maintain a Road from Milbank Row, Westminster, to the Penitentiary . . . 54

99. An Act for ratifying articles of agreement entered into by the Right Honourable *Henry Hall* Viscount *Gage*, and the Commissioners of his Majesty's Woods, Forests, and Land Revenues; and for the better management and improvement of the Land Revenues of the Crown . . . 97

100. An Act for ratifying the Purchase of the Impropriate Rectory of *Saint Marylebone* in the county of *Middlesex* . . . 98

101. An Act for vesting in his Majesty a certain part of the open Commons and Waste Lands within the Manor or Royalty of *Rialton* and *Retraighe* alias *Reterth*, in the Parish of *Saint Columb Major*, in the County of *Cornwall* . . . 129

SAVINGS BANKS.

102. An Act to encourage the Establishment of Banks for Savings in *Ireland* . . . 105

103. An Act to encourage the Establishment of Banks for Savings in *England* . . . 130

SEDITIONOUS MEETINGS.

104. An Act for the more effectually preventing Seditious Meetings and Assemblies . . . 19

SHERIFFS.

105. An Act to amend the Laws relating to Sheriffs in *Ireland* . . . 68

SMUGGLING.

106. An Act to amend two Acts passed in the 45th year of his present Majesty, and in the last Session of Parliament, for the making more effectual provision for the prevention of Smuggling . . . 87

TRINITY.

107. An Act to relieve Persons impugning the doctrine of the Holy Trinity from certain Penalties, in *Ireland* . . . 70

TRADE AND COMMERCE.

(See also Colonies.)

108. An Act to continue, until the 5th day of July 1818, an Act of the 46th year of his present Majesty, for granting an additional Bounty on the Exportation of the *Silk Manufactures* of *Great Britain* . . . 15

109. An Act to allow British Goods to be exported direct from this country to the United States of *America* upon the same terms as when exported to any foreign country . . . 38

110. An Act to continue, until the 5th day of April 1820, an Act of the 52d year of his present Majesty, to regulate the separation of damaged from sound *Coffee*, and to permit dealers to send out any quantity of *Coffee* not exceeding Eight Pounds weight without Permit . . . 8

111. An Act for granting for two years, from the 5th day of July 1817, bounties on Sugar refined otherwise than by *Claying* . . . 43

112. An Act to further continue, until the 25th day of March 1820, an Act of the 7th year of King George the Second, for the free Importation of *Cochineal* and *Indigo* . . . 23

113. An Act to allow the Exportation of *Woollen* or *Bay Yarn* from *Ireland* by Licence obtained there . . . 73

114. An Act for repealing the Duties of Customs on *Buck Wheat* imported into this kingdom, and for granting other duties, until the 25th day of March 1821, in lieu thereof . . . 27

115. An Act to permit, until the 14th day of November 1817, the Importation of *Corn* and other articles in any ship and from any country; to permit such articles which may have been warehoused for Exportation only to be entered for Home Consumption; and for indemnifying all persons who have given Directions for the Importation of *Corn* and other articles, or the taking the same out of Warehouse free of Duty, and who have acted in obedience thereto . . . 85

116. An Act to permit the Importation of *Foreign Cambricks* and *Lawns* into *Ireland* on payment of the like Duties as are chargeable in *Great Britain* . . . 86

117. An Act to permit *Fullers Earth*, *Fulling Clay*, and *Tobacco Pipe Clay*, to be carried Coastwise under certain Restrictions . . . 88

118. An Act for suspending, until the 1st day of August, 1820, the Duties on *Coals* and *Culm* removed Coastwise within the Principality of *Wales*, and granting other Duties in lieu thereof . . . 96

119. An Act to continue, until the 1st day of August, 1818, Two Acts of his present Majesty, allowing the bringing of *Coals*, *Culm*, and *Cinders* to *London* and *Westminster* . . . 114

120. An Act for limiting the time now allowed by Law for Production of the Certificate of due Delivery of Goods removed from one Warehouseing Port in *Great Britain* to another for the purpose of Exportation; for altering the Hours for Shipping Goods in the Port of *London*; and to empower Officers of the Customs and Excise to permit the Removal of Goods from one Bonding Warehouse to another in the same Port . . . 116

121. An Act to explain and amend an Act, made in the 48th year of his present Majesty, for repealing the Duties of Assessed Taxes, and granting new Duties in lieu thereof; and to exempt such *Dwelling-houses* as may be employed for the sole purpose of Trade, or of lodging Goods, Wares, or Merchandise, from the Duties charged by the said Act . . . 25

122. An Act to repeal the Duties of Excise on *Stone Bottles*, and charge other Duties in lieu thereof . . . 32

123. An Act to exempt *British and Irish* Stone Bottles, made and used for the sole purpose of containing Liquid *Blacking*, from the Duties of Excise on Stone Bottles, granted by an Act of this Session of Parliament 119

124. An Act to continue until the end of the next Session of Parliament, Two Acts made in the 54th and 56th years of his present Majesty, for regulating the Trade in *Spirits* between *Great Britain* and *Ireland* reciprocally 72

125. An Act to make further Regulations for the better collecting and securing the Duties upon *Spirits* distilled in *Ireland* 110

126. An Act to authorize the rewarding Officers of the Customs for their services in preventing illicit *Distillation* in *Scotland*, under an Act passed in the last Session of Parliament 40

127. An Act for imposing a Duty of Excise on the Excess of *Spirits* made from Corn in *England*, above the Proportion of Nineteen Gallons of *Spirits*, for every One Hundred Gallons of Wash; and for further securing the Duties on Wort or Wash made for distilling *Spirits* in *England*; and for authorizing the Shipment of Rum for Stores in Casks, containing Sixty Gallons 123

128. An Act to suspend, until the 10th day of October, 1819, a part of the Duties on *Sweets* or *Made Wines* 111

129. An Act for altering and amending the Laws of Excise with respect to *Salt* and *Rock Salt* . . . 49

TREASON.

130. An Act to empower his Majesty to secure and detain such Persons as his Majesty shall suspect are conspiring against his Person and Government 3

131. An Act to continue an Act to empower his Majesty to secure and detain such Persons as his Majesty shall suspect are conspiring against his Person and Government 55

132. An Act to make perpetual certain parts of an Act of the 36th year of his present Majesty, for the Safety and Preservation of his Majesty's Person and Government, against Treasonable and Seditious Practices and Attempts; and for the Safety and Preservation of the Person of his Royal Highness the Prince Regent against Treasonable Practices and Attempts 6

VII. ADDENDA.

I. LUCIEN BUONAPARTE.

— " PARIS, —

" PROTOCOL OF THE CONFERENCE OF THE 18th OF MARCH.

" Present—The Minister of Austria, Duke de Richelieu, Duke of Wellington, Sir Charles Stuart, the Prussian Minister, the Minister of Russia.

" The conference having been opened this day with their Excellencies the Dukes of Richelieu and Wellington, to take into consideration the demand made by Lucien Buonaparte for passports to conduct one of his sons to the United States, and the Austrian Minister having again laid down the three questions proposed at the Protocol of the 2d instant, relative to the same object, it has been agreed—

" 1. That North America having received a great number of mal-contents and French refugees, the presence of Lucien Buonaparte in the United States would be still more dangerous than it is in Europe, where he can be better watched, and that in consequence it is to be desired that the passports he has asked for should be refused.

" 2. That in order to deprive him of all plausible motives for soliciting the said passports, it would be equally desirable to refuse them to his son Charles, whose journey seems to be only a pretext for the plans of the father.

" 3. That the news received by different means, and from different countries, particularly from Naples, leave no doubt of the intrigues and dangerous relations which Lucien Buonaparte keeps up in Italy; and considering that Rome is perhaps of all cities that in which superintendence is the most difficult to be exercised, and is exercised with less severity, and that he may, notwithstanding the refusal of passports, find means of deceiving the vigilance of the Roman Government, and of escaping to proceed to America, it would be desirable that another abode be assigned him than Rome and the Roman States, by the high Allied Powers, and that he should be farther removed from the coasts, in order to render the plans of escape which he may mediate more difficult.

" This opinion being common to all the Members of the Conference, it has been resolved to consign it in the Protocol of the day, in order that it may be made known to the four Courts, and may produce a determination on their part upon this subject.

(Signed) " VINCENT. RICHELIEU. WELLINGTON. C. STUART. GOLTZ. POZZO DI BORGOH."

II. BILL TO SUSPEND THE HABEAS CORPUS ACT.

PROTEST.

ON THE MOTION THAT THE CONSIDERATION OF THE BILL BE PUT OFF FOR THREE MONTHS BEING
NEGATIVED.—See page 416.

DISSENTIENT,—Because we concur entirely in the reasons stated in the Protest entered against the second reading of the said Bill on the 24th February last, and because the delay that has taken place since the Bill has been hurried through this House, contrary to its established Forms and Standing Orders (in consequence of which unbecoming haste the amendments have been found necessary), has confirmed and increased our conviction that this measure, which necessity alone can justify, is without any such justification.

CLIFTON. AUGUSTUS FREDERICK. VASSALL HOLLAND. SOMERSET.

III. RIGHT OF MAGISTRATES TO VISIT STATE PRISONERS.

In a note, page 1450, it is stated, that this question had been practically settled by his Majesty's Justices of the Peace of the County of Berks. It appears, however, that the Keeper of the County Gaol at Reading has again refused to admit one of the Magistrates into certain parts of the Gaol, in consequence of which the Magistrates have passed the following Resolutions on the subject:—

" BERKSHIRE, TO WIT.—At the General Quarter Sessions of the peace, of our Sovereign Lord the King, holden at Abingdon, on Tuesday, the 14th day of October, 1817;

" CHARLES DUNDAS, Esq. in the Chair:

" The following letter to the Chairman was read:—

" SIR,—In pursuance of the provisions of the 31st of Geo. 3, c. 46, I beg leave to report to the Court of Quarter Sessions, that in spite of the provisions of that act, and the assurance given to this Court at a former sitting, Mr. Eaststaff, the Governor of the Bridewell and Penitentiary house, at Reading, and Gaoler of the County Gaol, has again, viz. on Monday the 6th instant, refused to admit me into certain parts of the Bridewell and Penitentiary-house, or County Gaol, or to visit certain prisoners therein confined, I trust the Court will take effectual measures to prevent the future recurrence of this abuse.

" I am, Sir, your faithful humble servant,

" FORKSTONE,

" Justice of the Peace for the County of Berks."

" Coleshill-house, Oct. 13, 1817."

" This Court, upon hearing the statement of Lord Viscount Folkestone, resolved,

" 1st. That George Ernest Eaststaff, in disobeying the order of the last sessions, and in refusing to admit into certain parts of the Bridewell or Penitentiary-house, or County Gaol, a Justice of the Peace for the county, when required so to do, has been guilty of a breach of his duty.

" 2d. That the said G. E. Eaststaff be suspended from his office of Governor of the Bridewell and Penitentiary-house, till after the indictment found against him for the said offence shall have been tried at law.

" 3d. That during such suspension he be not allowed to reside in the Bridewell and Penitentiary-house, nor receive any salary or emolument as Governor of the same.

" 4th. That the Clerk of the Peace do forthwith inform the High Sheriff that the said G. E. Eaststaff has been so suspended.

" 5th. That John Walker, the present keeper of the Bridewell at Abingdon, be appointed to fill the office of Governor of the Bridewell and Penitentiary-house at Reading, during the time that the said G. E. Eaststaff shall be suspended from his office.

" 6th. That the said John Walker be informed, that the Act of Parliament, 31 G. 3. c. 46, requires him to admit any Justice of the Peace for this County to enter into and examine the same, whenever he thinks fit, though the said Justice be not a visitor; and he be required to give assurances to this Court that he will act accordingly.

" 7th. That the Clerk of the Peace do inform the High Sheriff of the appointment of John Walker to be Governor, *pro tempore*, of the Bridewell and Penitentiary-house at Reading.

" 8th. That William Mattison, turnkey of the Abingdon Bridewell, be appointed keeper of the said Bridewell, at Abingdon, during the absence of John Walker.

" 9th. That G. E. Eaststaff have three weeks from this day allowed him to reconduct the prisoners to Reading, and to remove from his lodgings in the Bridewell and Penitentiary-house there."

IV. TRIALS FOR HIGH TREASON AT DERBY.

In a note, page 1671, it is stated, that a Special Commission had been issued for the trial of the persons concerned in riotous proceedings in Derbyshire. The Court, consisting of the Chief Baron RICHARDS, Mr. Justice DALLAS, Mr. Justice ABBOT, and Mr. Justice HOLROYD, assembled at Derby on the 15th of October, and thirty-five persons having been arraigned on the same indictment, the Attorney General proceeded to try them separately. *Jeremiah Brandreth* was put to the Bar. The evidence against him proved, that he and about twenty others met openly, and in the presence of constables, at the White Horse, in Pentridge, on the 8th of June: he said there was no good to be done except by an overthrow of Government, and it was settled that they were to assemble the next night, at dusk, and proceed to Nottingham Forest to meet a large party there, and to take the town. Brandreth was called the Nottingham Captain: he told them all the country would rise at the same time, and repeated these verses—

" Every man his skill must try,
He must turn out, and not deny;
No bloody soldier must he dread,
He must turn out, and fight for bread;
The time is come, you plainly see,
When Government opposed must be."

He said, he wanted a barrel of gunpowder to teach the men how to make cartridges; there were plenty of churches on the road, and they could get lead from them. *George Weightman* was to go to Nottingham to see how matters went on: money was collected in the room for his journey: each man subscribed sixpence. On the night of the 9th of June, Brandreth and his party, armed with guns and pikes, went to several houses in Pentridge, and demanded men and arms. Mrs. Hepworth told them, she would not part with either, upon which Brandreth fired in at a broken window, and shot Robert Walters, a servant, who died soon after of his wounds. The party, then about 60 strong, proceeded to Mr. Booth's, and took a pony out of the yard, which *George Weightman* mounted, and rode to Nottingham. The cry was, " Nottingham, roast beef, and a fresh Government." The party, under the command of the prisoner, marched forward on the road to Ripley, compelling others to join them, assigning as a reason for their movements, that " they wanted a bigger loaf, and the times altered." They then proceeded to Codner, stopped at a public-house, and roused the family. *Samuel Hunt*, *Joseph Turner*, and *Edward Turner*, then came up with 40 or 50 men. The prisoner gave orders to the landlord to make out his bill of the refreshment they had had, which amounted to 28s., and stated that he would see him paid. At this house *Bacon* made a speech, and said, " that Government had robbed and plundered them of every thing—that this was the last shift—and they must fight or starve." They then marched on to a farm-yard at a little distance; thence they went on towards Nottingham, being joined in their way by 60 or 70 more from Swanwick, and stopped at Langley mill, where they were met by *George Weightman* on Booth's pony. Prisoner then went up and asked him how all things were going on at Nottingham. He answered that all was going on well; the town had been taken; the soldiers would not leave their barracks, and therefore that the party should march onwards. When they arrived at Eastwood, *James Barnes* said, that it would soon be over; for that by a letter he had seen yesterday, the key of the Tower of London would be given up to the Hampden Club party, if they were not already. At Eastwood the men were much disordered, and Brandreth desired them to fall again into their ranks: some refused; others afterwards threw away their arms, and deserted; and, finally, the party was much reduced in number.

[Several pikes with spear-heads, of rough workmanship, and about 84lb. weight of bullets were produced in Court. The bullets were partly in a stocking, and partly in a bag.]

These facts were attested by *Anthony Martin*, and *Shirley Asbury*, two special constables, who spoke to the conversation at the public-house in Pentridge; and by a great many witnesses, whose houses were attacked in the route from Pentridge to Nottingham.

LAUNCELOT ROLLESTON, *Esq. a Magistrate of the County of Nottingham*, being examined, deposed as follows :—“ In consequence of the alarm excited on the 9th of June last, he attended at the town of Nottingham : he found it in a very agitated state ; groups of people were collected in various places, and there was a general apprehension in the town. On the morning of the 10th, he went on the road towards Eastwood on horseback. At a village within a mile of Eastwood, the people were very much alarmed, and most of them out of their houses. The military were in their barracks. Witness proceeded till he came within a quarter of a mile of Eastwood ; he then met a considerable body of men armed with pikes. He returned to Nottingham—gave information of what he had seen to two magistrates, Mr. Munday and Mr. Kirby ; and procuring eighteen dragoons, commanded by Captain Phillips, proceeded with them towards Eastwood again. When they had got to Kimberley, about two miles short of Eastwood and four from Nottingham, the people told them that the mob, hearing of the approach of the soldiery, had dispersed. They proceeded on the road, and found a great number of pikes and guns which had been thrown away. Within a mile of Eastwood witness saw a party retreating on the left, and he and a dragoon followed them. Captain Phillips went on after the general body. Those whom witness went after were thirty or forty in number : he secured two or three ; they had thrown away their arms. He then followed Captain Phillips. They came up to the main body at Langley mill. They were at that time dispersed, and the dragoons were pursuing them in all directions. Thirty were taken and brought to Nottingham. Witness afterwards pursued and took Edward Moore. After this, peace and quietness were restored to the town of Nottingham.”

Captain PHILLIPS, *of the 15th Hussars*, examined.—“ On Monday, the 9th of June last, he was stationed with a detachment of his regiment, at Nottingham Barracks. Towards the evening there appeared bustle and disturbance in the streets. About ten, a detachment of military was sent for ; on their arrival the crowd dispersed. The military were on the alert all night.—About half-past 6 in the morning witness was called on by Mr. Munday and Mr. Rolleston, and went with a detachment of his corps towards Eastwood. When they got near Langley, they saw about sixty men armed. As witness and his party came up, he saw a man holding out his arm as if desirous of forming a line ; but the mob paid no attention to him ; they fled in all directions, throwing away their arms. On the way back, witness met the High Sheriff and the yeomanry coming in pursuit of the rebels.”

This was the case on the part of the prosecution.—The only witness called for the prisoner was John Hazard, overseer of the town of Welford. He stated, that he knew the prisoner. He was a frame-worker : he and his family were poor people, and had had relief from the parish.

The counsel for the prisoner contended, that there was no circumstance, but that of his conduct at the Pentridge public-house on the Sunday morning, which at all applied to the proof of a treasonable design. The prisoner was stated to have talked about rising and marching to Nottingham, and to have exhibited a map, on which the route was pointed out, to a few starving labourers, in a public place, and on the most public day of the week. This was the whole of the direct evidence to affect the prisoner with being party to a traitorous conspiracy. No attempt was made to shew who were the other conspirators. Beef and ale, not the overthrow of the Constitution, appeared to have been in the contemplation of these men. The learned gentlemen expressed their deep regret, that the prisoner had been first selected for trial upon this heavy charge, connected as his particular case was with a most painful occurrence. If the parties had been guilty of riot, and of theft, let them be tried for misdemeanour and felony, not on the statute of Edward the Third. Upon the letter of that statute, by which alone this question of treason must be determined, they submitted, with confidence, that the Jury were bound to acquit the prisoner of this charge.

The CHIEF BARON summed up the evidence, and explained the law in reference to the case. He remarked, that the atrocious murder which took place was not treason ; but it was for the Jury to say what was the object of such conduct. Was it for a general and public, or a private and individual purpose ? That there was an insurrection was clear. It was equally clear that the persons assembled were armed. There was, then, force and violence. It was declared from time to time, that there could be no good without an overturn of the Government, &c. If the jury believed this evidence, they were bound to find the prisoner guilty.

The Jury retired, and in 20 minutes returned with a verdict—*Guilty of High Treason.*

William Turner, Isaac Ludlam the elder, and George Weightman, were then severally tried, and found *Guilty*. The last prisoner was strongly recommended to mercy, on account of his youth, and the humanity which he had evinced.

Thirty-five persons were originally brought up for trial. Of these, twelve were discharged, the Attorney-General having declined to prosecute, and the Jury having in consequence found them *Not Guilty*.

The Counsel for the remaining nineteen prisoners then proposed to the Attorney-General, that they would withdraw their plea of *Not Guilty*, if mercy should be extended to them. This proposition was acceded to. Judgment of death was then passed upon the whole of the prisoners ; but it is understood that the nineteen who pleaded guilty will certainly have their sentence commuted, and that *Weightman* will not be executed.

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